HB414
217281-6
By Representatives Oliver, Hurst, Lipscomb, Sorrells, Smith, Robertson, Wood (D), Fincher, Isbell, Dismukes, Marques and Stringer
RFD: Public Safety and Homeland Security
First Read: 24-FEB-22
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-98-1.

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

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

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

"(2+ (3) CMRS. Commercial mobile radio service under
Sections 3(27) and 332(d) of the Federal Telecommunications
Act of 1996, 47 U.S.C. § 151 et seq., and Omnibus Budget
Stat. 312. The term includes the term wireless and service
provider by any wireless real time two-way voice communication
device, including radio-telephone communications used in
cellular telephone service, personal communication service, or
the functional or competitive equivalent of a radio-telephone
communications line used in cellular telephone service, a
personal communication service, or a network radio access
line. The term does not include service whose customers do not
have access to 911 or to an enhanced 911-like service, to a
communications channel suitable only for data transmission, to
a wireless roaming service or other non-local radio access
line service, or to a private telecommunications system.
"(3) (4) CMRS CONNECTION. Each mobile telephone number assigned to a CMRS subscriber with a place of primary use in Alabama.

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

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

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

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

"(8) PUBLIC SAFETY AGENCY (9) EMERGENCY SERVICE PROVIDER. An agency of the State of Alabama, or a functional division of a political subdivision thereof, that provides fire fighting, rescue, natural or man-caused disaster, or major emergency response, public safety telecommunication and dispatch, law enforcement, ambulance, or emergency medical services. The term also includes private ambulance services.
"(10) ENHANCED 911, E-911, or E-911 SYSTEM. An emergency telephone system that directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, that provides the capability for automatic number identification, and the features that the Federal Communications Commission may require in the future. Such system may include lines, facilities, and equipment necessary for answering, transferring, and dispatching public emergency telephone calls originated by persons within the service area who dial 911, but does not include dial tone first which may be made available by the service provider based on the ability to recover the costs associated with its implementation and, to the extent required by law, consistent with tariffs with and approved by the Alabama Public Service Commission.


"(12) FIRST RESPONDER. An individual who rapidly receives and responds to emergency situations to protect life and property. The term includes law enforcement officers, fire fighters, rescue squads, emergency medical service providers, public safety telecommunicators, and any other emergency management providers responding to an emergency situation.
"(10) (13) OTHER ORIGINATING SERVICE PROVIDER. An entity other than a voice communication service provider that delivers real-time communication between a person needing assistance and an E-911 system.

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

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

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

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

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

"(17) PUBLIC SAFETY TELECOMMUNICATOR. A person employed by a public safety answering point or emergency service provider as a public safety dispatcher or 911 operator whose duties and responsibilities include both of the following:
"a. Answering, receiving, transferring, and dispatching functions related to 911 calls and texts.

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

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

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

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

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

"(10) (22) VOICE COMMUNICATIONS SERVICE. Any of the following:

  "a. The transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used.

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

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

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

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

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

"§11-98-4.1.

"(a) There is created a statewide 911 Board. The board shall be comprised of 13 members that shall reflect the
rational, gender, geographic, urban/rural, and economic
diversity of the state. All appointing authorities shall
coordinate their appointments so that diversity of gender,
race, and geographical areas is reflective of the makeup of
this state to assure the board membership is inclusive and
reflects the racial, gender, geographic, urban, rural, and
economic diversity of the state. The 911 Board shall be
created effective July 1, 2012, and until the effective date
of the statewide 911 charge pursuant to Section 11-98-5, with
cooperation of the CMRS Board, shall plan for the
implementation of the statewide 911 charge and the
distribution of the revenues as provided herein. The
reasonable administrative expenses incurred by the 911 Board
prior to the implementation of the statewide 911 charge may be
deducted from the existing CMRS Fund. Upon the effective date
of the new statewide 911 charge, the 911 Board shall replace
and supersede the CMRS Board formerly created pursuant to this
chapter, and the CMRS Fund shall be incorporated into, and
considered part of, the 911 Fund.

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

"(1) Seven members recommended by the Alabama
Association of 911 Districts, one from each of the seven
congressional districts, with each district representative
recommended selected by vote of the Alabama Association of 911 Districts members from that congressional district. The initial appointments shall include the three district representatives on the CMRS Board who shall serve through March 31, 2014, and a member from the first, third, fifth, and seventh congressional districts as provided herein. Following the March 31, 2014, expiration of the terms of the district representatives drawn from the CMRS Board, the Governor shall appoint a member recommended by the Association of 911 Districts from each of the second, fourth, and sixth congressional districts, it being the intent of this section that each of the seven district representatives on the board be from a different congressional district, as such districts exist on May 8, 2012.

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

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

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

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

"(d) For all terms expiring after June 1, 2014, the governmental entities or industry groups identified in subsection (b) shall recommend at least two different persons for each board position for which they are charged with making a recommendation, with the Governor appointing a member from among such recommended candidates. For all terms expiring after July 1, 2015, appointments made by the Governor shall be subject to confirmation by the Senate as provided in this subsection. Appointments made at times when the Senate is not in session shall be effective immediately ad interim and shall serve until the Senate acts on the appointment as provided herein. Any appointment made while the Senate is not in session shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature. In the event the Senate fails or refuses to act
on the appointment, the person whose name was submitted shall continue to serve until action is taken on the appointment by the Senate.

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

"(1) To develop and publish a 911 Annual Report. In fulfilling this duty, the 911 Board shall monitor trends in voice communications service technology and in enhanced 911 service technology, investigate, and incorporate Geographical Information Systems (GIS) mapping and other resources into the report, and include recommended strategies for the efficient and effective delivery of enhanced 911 service. In addition, the board shall study the rates charged for 911 services and make adjustments to the rates as provided in this chapter; recommend any statutory changes necessary to ensure the most efficient and effective delivery of 911 services in Alabama over both the long- and short-term; and provide a copy of its 911 Annual Report to members of the boards of the districts in the state through the Alabama Association of 911 Districts.

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

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

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

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

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

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

"(8) To administer the deployment and operation of a statewide 911 voice and data system that utilizes emerging communication technologies that are capable of connecting to a 911 system and delivering 911 and emergency information to districts. The board shall use its available revenue to pay obligations under the contracts and agreements for a statewide 911 voice and data system.

"(9) To establish a certification program to train and certify public safety telecommunicators employed by a primary PSAP receiving 911 calls, including establishing minimum core competency topics and minimum number of training hours, deciding whether a written examination is required, and
any necessary certification requirements, to the extent funds
are available to cover all costs for the training established
by the board. The board may establish rules for enforcement of
those PSAPs that fail to participate in the certification
program. Notwithstanding the foregoing, the training and
certification requirements of this section shall not apply to
any public safety telecommunicator employed by the state or an
agency or department thereof.

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

"(9) (11) (10) To adopt rules in accordance with the
Administrative Procedure Act to implement this chapter; to
establish the statewide 911 charge; and, in response to
technological changes, apply, collect, and remit the statewide
911 charge, without duplication, to the active service
connections of other originating service providers that are
technically capable of accessing a 911 system, subject to the
provisions applicable to voice communications service
providers under this chapter.

"(10) (12) (11) To take other necessary and proper
action to implement this chapter.

"§11-98-11.

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

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

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

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

"(4) Referral method, which is a telephone service which, upon the receipt of a telephone request for emergency services, provides the requesting party with the telephone number or other contact information of the appropriate public safety agency emergency service provider or other provider of emergency services.
"(b)(1) The board of commissioners of the each district shall select the method or methods which it determines to be the most feasible for the county or municipality.

"(2) In addition to the method selected under subdivision (1), the board of commissioners of each district shall select one or more reasonable alternative methods to respond to emergency calls in the district in the event the primary method under subdivision (1) fails or is otherwise rendered temporarily unavailable. The reasonable alternative method authorized under this subdivision may include a method not specifically enumerated under subsection (a).

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

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

Section 2. (a) Beginning on the effective date of this act, a person may not perform the duties of a public safety telecommunicator, as defined in Section 11-90-1, Code of Alabama 1975, unless the person is certified by the statewide-911 Board.

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

(1) Complete the minimum basic training requirements established by the board pursuant to Section 11-90-4.1, Code of Alabama 1975.

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

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

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

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

On or after the effective date of this act, an individual performing the duties of a public safety
telecommunicator, as defined in Section 11-98-1, Code of
Alabama 1975, and employed by a primary PSAP receiving 911
calls, shall be certified under rules established by the
Statewide 911 Board. Individuals hired on or after the
effective date of this act shall have 180 days to be enrolled
in the certification process, but shall be allowed to perform
the duties of a public safety telecommunicator without
certification until the expiration of the 180-day period. Any
individual performing the duties of public safety
telecommunicator for a primary PSAP receiving 911 calls on or
before June 30, 2022, shall not be required to complete the
coursework to be certified under rules established by the
board.

Section 3. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
HB414

Mac McCarty

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 15-MAR-22, as amended.

Jeff Woodard
Clerk

Senate 06-APR-22 Amended and Passed

House 07-APR-22 Concurred in Senate Amendment

APPROVED 4-14-2022
TIME 8:45 AM

Kay Ivey
GOVERNOR

Alabama Secretary Of State
Act Num....: 2022-387
Bill Num...: H-414

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Recvd 04/14/22 11:13amKCW
I HEREBY CERTIFY THAT THE
RESOLUTION AS REQUIRED IN
SECTION C OF ACT NO. 81-889
WAS ADOPTED AND IS ATTACHED
TO THE BILL, H.B. 414
YEAS 101 NAYS 0
JEFF WOODARD, Clerk

This Bill was referred to the Standing
Committee of the Senate on
Judiciary
and was acted upon by such Committee in
session and is by order of the Committee
returned thence with a favorable report
w/amend(s) [] w/sub [] by a vote of
yes 10 nays 0 abstain
this 30th day of March 2022
Chairperson

I HEREBY CERTIFY THAT THE
NOTICE & PROOF IS ATTACHED
TO THE BILL, H.B.
AS REQUIRED IN THE GENERAL
ACTS OF ALABAMA, 1975 ACT NO.
919.
JEFF WOODARD, Clerk

I hereby certify that the Resolution as
required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
HB __________
YEAS __________ NAYS __________
PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)