

BILL ANALYSIS

C.S.H.B. 1997
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that it is common practice in many businesses and hotels with multiline telephone systems to require a user to first dial a digit to access an outside line. The parties contend that this requirement may contribute to preventable tragedies, citing a recent murder case in which the young daughter of the victim made multiple attempts to call 9-1-1 from a hotel room but could not get through to help because she did not know to first dial "9." C.S.H.B. 1997 seeks to simplify access to emergency services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on State Emergency Communications in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1997 amends the Health and Safety Code to require a business service user that provides telecommunications service, owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access to configure the telephone system or equivalent system to allow a person initiating a 9-1-1 call on the system to directly access 9-1-1 service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code.

C.S.H.B. 1997 requires a business service user that provides telecommunications service, provides residential or business facilities, owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access to configure the telephone system or equivalent system to provide a notification to a central location on the site of the residential or business facility when a person within the residential or business facility dials 9-1-1 if the system is able to be configured to provide the notification without an improvement to the system's hardware. The bill establishes that the requirement to so configure the system does not require a business service user to have a person available at the central location to receive a notification.

C.S.H.B. 1997 requires the Commission on State Emergency Communications or the applicable emergency communication district to grant a one-year waiver of the bill's requirements to a business service user if the requirements would be unduly and unreasonably cost prohibitive for a business service user to comply with and if the business service user provides an affidavit not later than September 1 of each year stating the manufacturer and model number of the telephone system or equivalent system that needs to be reprogrammed or replaced, that the business service user made a good faith attempt to reprogram or replace the system, and, if the telephone system or equivalent system does not comply with the requirement to allow direct access to 9-1-1 service, that the business service user agrees to place an instructional sticker, indicating that the

telephone is unable to directly dial 9-1-1 and providing instructions for accessing 9-1-1 in case of an emergency, immediately adjacent to each telephone that is accessed using the noncompliant system. The bill requires the instructional sticker to be printed in at least 16-point boldface type in a contrasting color using a font that is easily readable.

C.S.H.B. 1997 authorizes the commission to adopt rules to implement the bill's requirements for areas that are governed by a regional plan and authorizes an emergency communication district to adopt those rules. The bill requires the commission, an emergency communication district, or a home-rule municipality that independently operates a 9-1-1 system, on the request of a business service user, to provide assistance to a business service user that is within the applicable governmental entity's jurisdiction in complying with the bill's requirements. The bill's provisions apply to the extent the provisions are not inconsistent with or preempted by federal law. The bill requires a business service user to comply with the bill's provisions not later than September 1, 2016.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1997 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. This Act shall be known as Kari's Law.

SECTION 2. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 771A to read as follows:

CHAPTER 771A. ACCESS TO EMERGENCY COMMUNICATIONS SERVICES IN GENERAL

Sec. 771A.001. DIRECT ACCESS TO 9-1-1 SERVICE REQUIRED. (a) In this chapter:

(1) "Business service user" means a user of business service that provides telecommunications service, including 9-1-1 service, to end users through a publicly or privately owned telephone switch.

(2) "Commission" means the Commission on State Emergency Communications.

(3) "Emergency communication district" means:

(A) a public agency or group of public agencies acting jointly that provided 9-1-1 service before September 1, 1987, or that

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 771A to read as follows:

CHAPTER 771A. ACCESS TO EMERGENCY COMMUNICATIONS SERVICES IN GENERAL

Sec. 771A.001. DIRECT ACCESS TO 9-1-1 SERVICE REQUIRED. (a) In this chapter:

(1) "9-1-1 service" means a communications service that connects users to a public safety answering point through a 9-1-1 system.

(2) "Business service user" means a user of business service that provides telecommunications service, including 9-1-1 service, to end users through a publicly or privately owned or controlled telephone switch.

(3) "Commission" means the Commission on State Emergency Communications.

(4) "Emergency communication district" means:

(A) a public agency or group of public agencies acting jointly that provided 9-1-1 service before September 1, 1987, or that

had voted or contracted before that date to provide that service; or
(B) a district created under Subchapter B, C, D, F, or G, Chapter 772.

(4) "Internet Protocol enabled service" has the meaning assigned by Section 51.002, Utilities Code.

(5) "Telephone system" includes a multiline telephone system.

(b) This section applies to the extent the section is not inconsistent with or preempted by federal law.

(c) Notwithstanding any other law, a business service user that provides residential or business facilities, owns or leases a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access shall configure the system to allow a person initiating a 9-1-1 call on the system to access 9-1-1 service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code.

No equivalent provision.

No equivalent provision.

had voted or contracted before that date to provide that service; or
(B) a district created under Subchapter B, C, D, F, or G, Chapter 772.

(5) "Internet Protocol enabled service" has the meaning assigned by Section 51.002, Utilities Code.

(6) "Telephone system" includes a multiline telephone system.

(b) This section applies to the extent the section is not inconsistent with or preempted by federal law.

(c) Notwithstanding any other law, a business service user that owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service and provides outbound dialing capacity or access shall configure the telephone system or equivalent system to allow a person initiating a 9-1-1 call on the system to directly access 9-1-1 service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code.

(d) A business service user that provides residential or business facilities, owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access shall configure the telephone system or equivalent system to provide a notification to a central location on the site of the residential or business facility when a person within the residential or business facility dials 9-1-1 if the system is able to be configured to provide the notification without an improvement to the system's hardware. This subsection does not require a business service user to have a person available at the central location to receive a notification.

(e) The commission or the applicable emergency communication district shall grant a one-year waiver of the requirements under this section to a business service user if:

(1) the requirements would be unduly and unreasonably cost prohibitive for a business service user to comply with; and

(2) the business service user provides an affidavit not later than September 1 of each year stating:

(A) the manufacturer and model number of the telephone system or equivalent system

No equivalent provision.

(d) The commission may adopt rules to implement this section for areas that are governed by a regional plan, and an emergency communication district may adopt those rules in accordance with Section 771.062.

(e) On the request of the business service user, the commission, an emergency communication district, or a home-rule municipality that independently operates a 9-1-1 system shall provide assistance to a business service user that is within the applicable governmental entity's jurisdiction in complying with this section.

Sec. 771A.002. 9-1-1 ADDRESS INFORMATION FOR CERTAIN BUSINESS SERVICE USERS. A business service user described by Section 771A.001(c) must furnish 9-1-1 address information for each line of the multiline telephone system to the applicable governmental entity that operates a 9-1-1 system. The 9-1-1 address information must indicate the room number or similar designation of a portion of the structure or building for each line of the multiline telephone system.

SECTION 3. A business service user, as defined by Section 771A.001(a), Health and Safety Code, as added by this Act, shall comply with Sections 771A.001 and 771A.002, Health and Safety Code, as added by this Act, not later than September 1, 2016.

that needs to be reprogrammed or replaced;
(B) that the business service user made a good faith attempt to reprogram or replace the system; and
(C) if the telephone system or equivalent system does not comply with Subsection (c), that the business service user agrees to place an instructional sticker, indicating that the telephone is unable to directly dial 9-1-1 and providing instructions for accessing 9-1-1 in case of an emergency, immediately adjacent to each telephone that is accessed using the noncompliant system.

(f) The instructional sticker described by Subsection (e)(2)(C) must be printed in at least 16-point boldface type in a contrasting color using a font that is easily readable.

(g) The commission may adopt rules to implement this section for areas that are governed by a regional plan, and an emergency communication district may adopt those rules in accordance with Section 771.062.

(h) On the request of the business service user, the commission, an emergency communication district, or a home-rule municipality that independently operates a 9-1-1 system shall provide assistance to a business service user that is within the applicable governmental entity's jurisdiction in complying with this section.

No equivalent provision.

SECTION 3. A business service user, as defined by Section 771A.001(a), Health and Safety Code, as added by this Act, shall comply with Section 771A.001, Health and Safety Code, as added by this Act, not later than September 1, 2016.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.