

Metcalf - chair

Succeeded By
O 2491

*Bradley
Reeder*

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON METCALF)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone systems by
2 providing an exemption to public access of an electronic
3 recording of a 911 telephone call, and by providing for a
4 limitation on causes of action related to the provision of 911
5 services.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 22.7, Code Supplement 2001, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 43. An electronic recording of the voice
4 of a caller making a 911 emergency telephone call to a public
5 safety answering point as defined in section 34A.2.

6 Sec. 2. Section 34A.7, subsection 6, Code 2001, is amended
7 by striking the subsection.

8 Sec. 3. NEW SECTION. 34A.15A LIMITATION OF ACTIONS
9 RELATED TO PROVISION OF 911 SERVICES.

10 A claim or cause of action does not exist based upon or
11 arising out of an act or omission in connection with a land-
12 line or wireless provider's participation in an E911 service
13 plan or provision of 911 or local exchange access service, or
14 an act or omission of a person employed by a public safety
15 answering point communications facility, the E911
16 administrator appointed pursuant to this chapter, or a person
17 who is a member of a joint E911 service board or E911
18 communications council, when participating in or administering
19 911 service, unless the act or omission is determined to be
20 willful and wanton negligence.

21 EXPLANATION

22 This bill relates to enhanced 911 emergency telephone
23 systems.

24 The bill exempts an electronic recording of the voice of a
25 caller making a 911 emergency telephone call to a public
26 safety answering point from public record access pursuant to
27 Code section 22.7.

28 The bill exempts from liability telephone companies and
29 wireless providers, employees of a public safety answering
30 point communications facility, the state E911 administrator,
31 and persons who are members of a joint 911 service board or
32 E911 communications council, when participating in or
33 administering a 911 service, unless the act or omission is
34 determined to be willful and wanton negligence.

35

FEB 21 2002
Place On Calendar

3/20/02 Rereferred To: State Gov.

HOUSE FILE 2491
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 683)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone systems by
2 providing an exemption to public access of an electronic
3 recording of a 911 telephone call, and by providing for a
4 limitation on causes of action related to the provision of 911
5 services.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HT 2491

1 Section 1. Section 22.7, Code Supplement 2001, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 43. An electronic recording of the voice
4 of a caller making a 911 emergency telephone call to a public
5 safety answering point as defined in section 34A.2.

6 Sec. 2. Section 34A.7, subsection 6, Code 2001, is amended
7 by striking the subsection.

8 Sec. 3. NEW SECTION. 34A.15A LIMITATION OF ACTIONS
9 RELATED TO PROVISION OF 911 SERVICES.

10 A claim or cause of action does not exist based upon or
11 arising out of an act or omission in connection with a land-
12 line or wireless provider's participation in an E911 service
13 plan or provision of 911 or local exchange access service, or
14 an act or omission of a person employed by a public safety
15 answering point communications facility, the E911
16 administrator appointed pursuant to this chapter, or a person
17 who is a member of a joint E911 service board or E911
18 communications council, when participating in or administering
19 911 service, unless the act or omission is determined to be
20 willful and wanton negligence.

21 EXPLANATION

22 This bill relates to enhanced 911 emergency telephone
23 systems.

24 The bill exempts an electronic recording of the voice of a
25 caller making a 911 emergency telephone call to a public
26 safety answering point from public record access pursuant to
27 Code section 22.7.

28 The bill exempts from liability telephone companies and
29 wireless providers, employees of a public safety answering
30 point communications facility, the state E911 administrator,
31 and persons who are members of a joint 911 service board or
32 E911 communications council, when participating in or
33 administering a 911 service, unless the act or omission is
34 determined to be willful and wanton negligence.

35

HOUSE FILE 2491

H-8101

1 Amend House File 2491 as follows:

2 1. Page 1, by inserting after line 5 the
3 following:

4 "Sec. ____ Section 34A.7, subsection 2, Code 2001,
5 is amended to read as follows:

6 2. SURCHARGE COLLECTED BY PROVIDERS.

7 a. The surcharge shall be collected as part of the
8 access line service provider's periodic billing to a
9 subscriber. In compensation for the costs of billing
10 and collection, the provider may retain one percent of
11 the gross surcharges collected. If the compensation
12 is insufficient to fully recover a provider's costs
13 for billing and collection of the surcharge, the
14 deficiency shall be included in the provider's costs
15 for ratemaking purposes to the extent it is reasonable
16 and just under section 476.6. The surcharge shall be
17 remitted to the E911 service operating authority for
18 deposit into the E911 service fund quarterly by the
19 provider. The total amount for multiple exchanges may
20 be combined. Upon request, a provider shall submit a
21 report to the E911 service operating authority that
22 shall include all of the following information:

23 (1) The exchange from which each surcharge is
24 collected.

25 (2) The number of lines to which the surcharge was
26 applied for the quarter.

27 (3) The number of refusals to pay the surcharge in
28 each exchange, if applicable.

29 (4) The number of write-offs applied in each
30 exchange, if applicable.

31 (5) The number of lines exempt from the surcharge
32 in each exchange.

33 (6) The amount of the one percent administration
34 fee retained by the telecommunications company.

35 b. A provider is not liable for an uncollected
36 surcharge for which the provider has billed a
37 subscriber but not been paid. The surcharge shall
38 appear as a single line item on a subscriber's
39 periodic billing entitled, "E911 emergency telephone
40 service surcharge". The E911 service surcharge is not
41 subject to sales or use tax."

42 2. Title page, line 3, by inserting after the
43 word "call," the following: "by requiring E911
44 surcharges remitted by a provider to be reported in a
45 standard format,".

46 3. By renumbering as necessary.

By CARROLL of Poweshiek

H-8101 FILED FEBRUARY 26, 2002

HOUSE FILE 2491

H-8120

1 Amend House File 2491 as follows:

2 1. Page 1, by striking lines 3 through 5 and
3 inserting the following:

4 "NEW SUBSECTION. 43. a. An electronic recording
5 of a 911 emergency telephone call and the information
6 contained in the 911 recording. This subsection shall
7 not apply to an officer or employee of a law
8 enforcement agency or an employee of a state or
9 federal agency or political subdivision in the
10 performance of the employee's official duties, or
11 where the recording or the information contained in
12 the recording is necessary for the immediate safety of
13 a person or in response to an emergency situation.

14 b. Notwithstanding paragraph "a", personal
15 information identifying a person in any manner may be
16 released to a requestor only with the express written
17 consent of the person whose personal information is
18 requested."

19 2. By renumbering as necessary.

By METCALF of Polk

H-8120 FILED FEBRUARY 27, 2002