

**Senate Bill No. 571**

(By Senator Maynard)

\_\_\_\_\_  
[Introduced February 23, 2015; referred to the Committee on Government Organization.]  
\_\_\_\_\_

A BILL to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-4 of said code, all relating to requiring all "911" calls to be put on a log call sheet for verification.

*Be it enacted by the Legislature of West Virginia:*

That §7-1-3cc of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend and reenact §24-6-4 of said code, all to read as follows:

**CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

**§7-1-3cc. Authority of county commissions to establish enhanced emergency telephone systems, technical and operational standards for emergency communications centers and standards for education and training of emergency communications systems personnel; standards for alarm systems; fee upon consumers of telephone service for the systems and for roadway conversion systems; authority to contract with the telephone companies for billing of fee.**

1           (a) In addition to possessing the authority to establish an emergency telephone system  
2 pursuant to section four, article six, chapter twenty-four of this code, a county commission or the  
3 county commissions of two or more counties may, instead, establish an enhanced emergency  
4 telephone system or convert an existing system to an enhanced emergency system. The  
5 establishment of such a system shall be subject to the provisions of article six of said chapter. The  
6 county commission may adopt rules after receiving recommendations from the West Virginia  
7 Enhanced 911 Council concerning the operation of all county emergency communications centers  
8 or emergency telephone systems centers in the state, including, but not limited to, recommendations  
9 for:

10           (1) Minimum standards for emergency telephone systems and emergency communications  
11 centers;

12           (2) Minimum standards for equipment used in any center receiving telephone calls of an  
13 emergency nature and dispatching emergency service providers in response to that call and which  
14 receives 911 moneys or has basic 911 service funded through its county commission; and

15           (3) Minimum standards for education and training of all personnel in emergency  
16 communications centers.

17           (b) A county commission may impose a fee upon consumers of local exchange service within  
18 that county for an enhanced emergency telephone system and associated electronic equipment and  
19 for the conversion of all rural routes to city-type addressing as provided in section three of this  
20 article. The fee revenues may only be used solely and directly for the capital, installation,  
21 administration, operation and maintenance costs of the enhanced emergency telephone system and  
22 of the conversion to city-type addressing and including the reasonable costs associated with

1 establishing, equipping, furnishing, operating or maintaining a county answering point. Effective  
2 on July 1, 2006, all county enhanced emergency telephone system fees that are in effect as of July  
3 1, 2006, and as such may later be modified by action of a county commission, shall be imposed upon  
4 in-state subscribers to voice over Internet protocol (VoIP) service, as VoIP service is defined by the  
5 Federal Communications Commission of the United States. A nonbusiness VoIP service subscriber  
6 shall be considered in-state if the primary residence of the subscriber is located within West Virginia.  
7 A business subscriber shall be considered in-state if the site at which the service is primarily used  
8 is located within West Virginia. The Public Service Commission may, as it deems appropriate and  
9 in accordance with the requirements of due process, issue and enforce orders, as well as adopt and  
10 enforce rules, dealing with matters concerning the imposition of county enhanced emergency  
11 telephone system fees upon VoIP service subscribers.

12 (c) A county commission may contract with the telephone company or companies providing  
13 local exchange service within the county for the telephone company or companies to act as the  
14 billing agent or agents of the county commission for the billing of the fee imposed pursuant to  
15 subsection (b) of this section. The cost for the billing agent services may be included as a recurring  
16 maintenance cost of the enhanced emergency telephone system.

17 Where a county commission has contracted with a telephone company to act as its billing  
18 agent for enhanced emergency telephone system fees, all competing local exchange telephone  
19 companies with customers in that county shall bill the enhanced emergency telephone system fees  
20 to its respective customers located in that county and shall remit the fee. It may deduct its respective  
21 costs for billing in the same manner as the acting billing agent for the enhanced emergency telephone  
22 system fee.

1 (d) A county commission of any county with an emergency communications center or  
2 emergency telephone system may establish standards for alarm systems, including security, fire and  
3 medical alarms.

4 (e) A county commission of any county with an emergency communications center or  
5 emergency telephone system shall also include an emergency call log sheet where all calls are  
6 entered on that log sheet for verification.

7 ~~(e)~~ (f) The books and records of all county answering points that benefit from the imposition  
8 of the local exchange service fees shall be subject to annual examination by the State Auditor's  
9 office.

10 **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

11 **ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

12 **§24-6-4. Creation of emergency telephone systems.**

13 (a) Upon the adoption by the Public Service Commission of a comprehensive plan, the public  
14 agency may establish, consistent with the comprehensive plan, an emergency telephone system  
15 within its jurisdiction. Nothing contained in this section shall be construed to prohibit or discourage  
16 in any way the establishment of multijurisdiction or regional systems, and any emergency telephone  
17 system established pursuant to this article may include the territory of more than one public agency,  
18 or may include only a portion of the territory of a public agency. To the extent feasible, emergency  
19 telephone systems shall be centralized.

20 (b) Every emergency telephone system shall provide access to emergency services  
21 organizations, police, fire fighting and emergency medical and ambulance services and may provide  
22 access to other emergency services. The system may also provide access to private ambulance

1 services. The emergency telephone system shall provide the necessary mechanical equipment at the  
2 established public agency answering point to allow deaf persons access to the system. In those areas  
3 in which a public safety unit of the state provides emergency services, the system shall provide  
4 access to the public safety unit.

5 (c) Every emergency telephone system shall also include an emergency call log sheet where  
6 all calls are entered on that log sheet for verification.

7 ~~(c)~~ (d) The primary emergency telephone number to the extent possible shall be uniform  
8 throughout the state.

9 ~~(d)~~ (e) Insofar as it is consistent with applicable federal law and federal communications  
10 commission regulations and orders, a telephone company in the normal course of replacing or  
11 making major modifications to its switching equipment shall include the capability of providing for  
12 the emergency telephone system and shall bear all costs related to including that capability. All  
13 charges for other services and facilities provided by the telephone company, including the provision  
14 of distribution facilities and station equipment, shall be paid for by the public agency or public safety  
15 unit in accordance with the applicable tariff rates then in effect for those services and facilities.  
16 Other costs pursuant to the emergency telephone system shall be allocated as determined by the  
17 applicable comprehensive plan of the Public Service Commission.

18 ~~(e)~~ (f) All coin-operated telephones within the state shall be of a design that will permit a  
19 caller to initiate, without first having to insert a coin (dial tone first or post-pay systems), local calls  
20 to the long distance and directory assistance operators, calls to the emergency telephone number  
21 answering point, if one has been established in his or her local calling area, and to other numbers for  
22 services as the telephone company may from time to time make available to the public.

NOTE: The purpose of this bill is to require all "911" calls to be put on a log call sheet for verification.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.