

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4123

BY DELEGATES MAYNARD, STAGGERS, EVANS,

HIGGINBOTHAM, LAVENDER-BOWE, WALKER, CAPUTO, S.

BROWN, ESTEP-BURTON AND SWARTZMILLER

[Passed March 7, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §24-6-2 and §24-6-5 of said code, all relating to emergency
3 telecommunication; defining terms; requiring each county answering point be operated
4 constantly by an emergency telecommunicator; permitting directors of county emergency
5 phone systems to obtain mobile phone emergency lines and enter into service provider
6 contracts; establishing payment of emergency mobile phone contracts; and requiring a
7 report.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

1 As used in this article:

2 “Board” means the West Virginia Disaster Recovery Board created by this article;

3 “Code” means the Code of West Virginia, 1931, as amended;

4 “Community facilities” means a specific work, or improvement within this state or a specific
5 item of equipment or tangible personal property owned or operated by any political subdivision or
6 nonprofit corporation and used within this state to provide any essential service to the general
7 public;

8 “Disaster” means the occurrence or imminent threat of widespread or severe damage,
9 injury, or loss of life or property resulting from any natural or terrorist or man-made cause,
10 including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil
11 spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation
12 or other public calamity requiring emergency action;

13 “Disaster recovery activities” means activities undertaken prior to, during or following a
14 disaster to provide, or to participate in the provision of, emergency services, temporary housing,
15 residential housing, essential business activities, and community facilities;

16 “Emergency services” means the preparation for and the carrying out of all emergency
17 functions, other than functions for which military forces are primarily responsible, to protect,
18 respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and
19 damage resulting from disasters or other event caused by flooding, terrorism, enemy attack,
20 sabotage, or other natural or other man-made causes. These functions include, without limitation,
21 firefighting services, police services, medical and health services, communications, emergency
22 telecommunications, radiological, chemical, and other special weapons defense, evacuation of
23 persons from stricken areas, emergency welfare services, emergency transportation, existing or
24 properly assigned functions of plant protection, temporary restoration of public utility services and
25 other functions related to the health, safety, and welfare of the citizens of this state, together with
26 all other activities necessary or incidental to the preparation for and carrying out of these functions.
27 Disaster includes the imminent threat of disaster as well as its occurrence and any power or
28 authority exercisable on account of a disaster that may be exercised during the period when there
29 is an imminent threat;

30 “Essential business activities” means a specific work or improvement within this state or a
31 specific item of equipment or tangible personal property used within this state by any person to
32 provide any essential goods or service determined by the authority to be necessary for recovery
33 from a disaster;

34 “Local organization for emergency services” means an organization created in accordance
35 with the provisions of this article by state or local authority to perform local emergency services
36 function;

37 “Mobile support unit” means an organization for emergency services created in
38 accordance with the provisions of this article by state or local authority to be dispatched by the
39 Governor to supplement local organizations for emergency services in a stricken area;

40 “Person” means any individual, corporation, voluntary organization or entity, partnership,
41 firm, or other association, organization, or entity organized or existing under the laws of this or
42 any other state or country;

43 “Political subdivision” means any county or municipal corporation in this state;

44 “Recovery fund” means the West Virginia Disaster Recovery Trust Fund created by this
45 article;

46 “Residential housing” means a specific work or improvement within this state undertaken
47 primarily to provide dwelling accommodations, including the acquisition, construction or
48 rehabilitation of land, buildings and improvements thereto, for residential housing, including, but
49 not limited to, facilities for temporary housing and emergency housing, and any other nonhousing
50 facilities that are incidental or appurtenant thereto;

51 “Secretary” means the Secretary of the West Virginia Department of Military Affairs and
52 Public Safety; and

53 “Temporary housing” means a specific work or improvement within this state undertaken
54 primarily to provide dwelling accommodations, including the acquisition, construction or
55 rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or
56 housing for victims of a disaster and such other nonhousing facilities that are incidental or
57 appurtenant thereto.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-2. Definitions.

1 As used in this article, unless the context clearly requires a different meaning:

2 “Commercial mobile radio service provider” or “CMRS provider” means cellular licensees,
3 broadband personal communications services (PCS) licensees and specialized mobile radio
4 (SMR) providers, as those terms are defined by the Federal Communications Commission, which
5 offer on a post-paid or prepaid basis or via a combination of those two methods, real-time, two-
6 way switched voice service that is interconnected with the public switched network and includes
7 resellers of any commercial mobile radio service.

8 “County answering point” means a facility to which enhanced emergency telephone
9 system calls for a county are initially routed for response and where county personnel respond to
10 specific requests for emergency service by directly dispatching the appropriate emergency
11 service provider, relaying a message to the appropriate provider or transferring the call to the
12 appropriate provider.

13 “Emergency services organization” means the organization established under article five,
14 chapter fifteen of this code.

15 “Emergency service provider” means any emergency services organization or public
16 safety unit.

17 “Emergency telecommunicator” means a professional telecommunicator meeting the
18 training requirements set forth in §24-6-5 and is a first responder tasked with the gathering of
19 information related to medical emergencies, the provision of assistance and instructions by voice,
20 prior to the arrival of emergency medical services (EMS), and the dispatching and support of EMS
21 resources responding to an emergency call.

22 “Emergency telephone system” means a telephone system which through normal
23 telephone service facilities automatically connects a person dialing the primary emergency
24 telephone number to an established public agency answering point, but does not include an
25 enhanced emergency telephone system.

26 “Enhanced emergency telephone system” means a telephone system which automatically
27 connects the person dialing the primary emergency number to the county answering point and in

28 which the telephone network system automatically provides to personnel receiving the call,
29 immediately on answering the call, information on the location and the telephone number from
30 which the call is being made and, upon direction from the personnel receiving the call, routes or
31 dispatches the call by telephone, radio or any other appropriate means of communication to
32 emergency service providers that serve the location from which the call is made.

33 “Prepaid wireless calling service” means prepaid wireless calling service as defined in
34 section two, article fifteen, chapter eleven of this code.

35 “Public agency” means the state and any municipality, county, public district or public
36 authority which provides or has authority to provide firefighting, police, ambulance, medical,
37 rescue or other emergency services.

38 “Public safety unit” means a functional division of a public agency which provides
39 firefighting, police, medical, rescue or other emergency services.

40 “Telephone company” means any public utility and any CMRS provider which is engaged
41 in the provision of telephone service whether primarily by means of wire or wireless facilities.

42 “Comprehensive plan” means a plan pertaining to the installing, modifying or replacing of
43 telephone switching equipment; a telephone utility's response in a timely manner to requests for
44 emergency telephone service by a public agency; a telephone utility's responsibility to report to
45 the Public Service Commission; charges and tariffs for the services and facilities provided by a
46 telephone utility; and access to an emergency telephone system by emergency service
47 organizations.

48 “Technical and operational standards” means those standards of telephone equipment
49 and processes necessary for the implementation of the comprehensive plan as defined in
50 subdivision (11) of this subsection.

§24-6-5. Enhanced emergency telephone system requirements.

1 (a) An enhanced emergency telephone system, at a minimum, shall provide that:

2 (1) All the territory in the county, including every municipal corporation in the county, which
3 is served by telephone company central office equipment that will permit such a system to be
4 established shall be included in the system: *Provided*, That if a portion of the county or a portion
5 of a municipal corporation within the county is already being served by an enhanced emergency
6 telephone system, that portion of the county or municipality may be excluded from the county
7 enhanced emergency telephone system;

8 (2) Every emergency service provider that provides emergency service within the territory
9 of a county participate in the system;

10 (3) Each county answering point be operated constantly by an emergency
11 telecommunicator;

12 (4) Each emergency service provider participating in the system maintain a telephone
13 number in addition to the one provided in the system; and

14 (5) If the county answering point personnel reasonably determine that a call is not an
15 emergency, the personnel provide the caller with the number of the appropriate emergency
16 service provider.

17 (b) To the extent possible, enhanced emergency telephone systems shall be centralized.

18 (c) In developing an enhanced emergency telephone system, a county commission or the
19 West Virginia State Police shall seek the advice of both the telephone companies providing local
20 exchange service within the county and the local emergency providers.

21 (d) As a condition of employment, a person employed as the director of an emergency
22 dispatch center who dispatches emergency calls or supervises the dispatching of emergency call
23 takers is subject to an investigation of his or her character and background. This investigation
24 shall include, at a minimum, a criminal background check conducted by the State Police at its
25 expense. A felony conviction shall preclude a person from holding any of these positions.

26 (e) As a condition of continued employment, persons employed to dispatch emergency
27 calls in county emergency dispatch centers shall successfully complete:

28 (1) A 40-hour nationally recognized training course for dispatchers within one year of the
29 date of their employment;

30 (2) A nationally recognized training course in emergency cardiovascular care for
31 telephonic cardiopulmonary resuscitation selected by the medical director of an emergency
32 medical dispatch center. This training course shall incorporate protocols for out-of-hospital cardiac
33 arrest and compression-only cardiopulmonary resuscitation and continuing education, as
34 appropriate. The training requirements of this subdivision are effective not later than July 1, 2020.
35 Persons employed subsequent to July 1, 2019, shall complete the training within one year of the
36 date of employment; and

37 (3) An additional nationally recognized emergency medical dispatch course or an
38 emergency medical dispatch course approved by the Office of Emergency Medical Services
39 within one year of the date of employment.

40 (f) The director of each county emergency dispatch center shall develop policies and
41 procedures to establish a protocol for dispatching emergency medical calls implementing a
42 nationally recognized emergency medical dispatch program, or an emergency medical dispatch
43 program approved by the Office of Emergency Medical Services. If a county emergency dispatch
44 center uses a one-button transfer system, it may continue to use this system if the county
45 emergency dispatch center establishes policies and procedures requiring the agency to whom
46 the call is transferred to remain on the call until a first responder arrives.

47 (g) Each county or municipality shall appoint for each answering point an enhanced
48 emergency telephone system advisory board consisting of at least six members to monitor the
49 operation of the system. The board shall be appointed by the county or municipality and shall
50 include at least one member from affected:

51 (1) Fire service providers;

52 (2) Law-enforcement providers;

53 (3) Emergency medical providers;

54 (4) Emergency services providers participating in the system; and

55 (5) Counties or municipalities.

56 (6) The director of the county or municipal enhanced telephone system shall serve as an
57 ex officio member of the advisory board.

58 (h) All appointments to the advisory board shall be for terms of three years, except that an
59 appointment to fill a vacancy shall be for the unexpired term. All members shall serve without
60 compensation. The board shall adopt any policies, rules, and regulations necessary for its own
61 guidance. The board shall meet monthly or quarterly. The board may make recommendations to
62 the county or municipality concerning the operation of the system.

63 (i) The establishment of multijurisdictional or regional systems, or multijurisdictional or
64 regional agreements for the establishment of enhanced emergency telephone systems, and any
65 system established pursuant to this article may include the territory of more than one public
66 agency, or may include only a portion of the territory of a public agency.

67 (j) All public safety answering points that answer calls for emergency medical conditions
68 shall, in the appropriate circumstances, provide telephonic assistance in administering
69 cardiopulmonary resuscitation directly or transfer calls to a call center to provide assistance in
70 administering telephonic cardiopulmonary resuscitation.

71 (k) The director of the county or municipal enhanced telephone system shall have the
72 authority to enter into mobile-phone contracts with service providers for the purpose of obtaining
73 a mobile-phone emergency line for the county or municipality. The director must solicit bids for
74 mobile-phone contracts from mobile-phone service providers in this state. The director may award
75 the contract to the lowest responsible bidder, or designate in writing, why any other bidder other
76 than the lowest responsible bidder was awarded a contract. The director may obtain as many
77 lines as reasonably needed for emergencies where landlines are unavailable to serve the county
78 or municipality. The director and phone service provider should collaborate to obtain the following:

79 (1) The emergency mobile-phone number may be the county prefix and end in 0911, as
80 feasible for the phone service provider;

81 (2) The emergency mobile-phone service provider should permit roll-over service to allow
82 multiple callers to dial into the amount of lines purchased; and

83 (3) The emergency mobile-phone service provider should provide the lowest possible cost.

84 Nothing in this subsection shall be construed to prohibit or discourage in any way the
85 establishment of multijurisdictional or regional systems, or multijurisdictional or regional
86 agreements for the establishment of emergency mobile-telephone systems. This section shall be
87 effective July 1, 2020.

88 (l) Emergency mobile-phone contracts entered into pursuant to subsection (j) of this
89 section may be paid from funds received by the Public Service Commission relating to 911 fees
90 remitted to the county or by other county funds. A report of the funds expended for subsection (j)
91 of this section shall be presented to the interim Joint Committee on Government Organization no
92 later than November 30, 2020, to ensure the fiscal responsibility and efficacy of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor