

**(b) User parity**

A person using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9-1-1 service that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service.

**(c) PSAP parity**

In matters related to 9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 9-1-1 communications that are not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service.

**(d) Basis for enactment**

This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

(Pub. L. 106-81, §4, Oct. 26, 1999, 113 Stat. 1288; Pub. L. 110-283, title II, §201(a), July 23, 2008, 122 Stat. 2624.)

## CODIFICATION

Section was enacted as part of the Wireless Communications and Public Safety Act of 1999, and not as part of the Communications Act of 1934 which comprises this chapter.

## AMENDMENTS

2008—Pub. L. 110-283, §201(a)(1), substituted “Service provider parity of protection” for “Parity of protection for provision or use of wireless service” in section catchline.

Subsec. (a). Pub. L. 110-283, §201(a)(2), substituted “wireless carrier, IP-enabled voice service provider, or other emergency communications provider, and their officers” for “wireless carrier, and its officers” and “emergency calls, emergency services, or other emergency communications services” for “emergency calls or emergency services”.

Subsec. (b). Pub. L. 110-283, §201(a)(3), substituted “using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall” for “using wireless 9-1-1 service shall” and “that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service” for “that is not wireless”.

Subsec. (c). Pub. L. 110-283, §201(a)(4), substituted “9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP” for “wireless 9-1-1 communications, a PSAP” and “that are not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service” for “that are not wireless”.

**§ 615a-1. Duty to provide 9-1-1 and enhanced 9-1-1 service****(a) Duties**

It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

**(b) Parity for IP-enabled voice service providers**

An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

**(c) Regulations**

The Commission—

(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (3) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 and enhanced 9-1-1 service and access; and

(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

**(d) Delegation of enforcement to State commissions**

The Commission may delegate authority to enforce the regulations issued under subsection

(c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

**(e) Implementation**

**(1) Limitation**

Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

**(2) Enforcement**

The Commission shall enforce this section as if this section was a part of the Communications Act of 1934 [47 U.S.C. 151 et seq.]. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

**(f) State authority over fees**

**(1) Authority**

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) [43 U.S.C. 1601 et seq.]<sup>1</sup> for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

**(2) Fee accountability report**

To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the

amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

**(g) Availability of PSAP information**

The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9-1-1 and enhanced 9-1-1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

**(h) Development of standards**

The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

- (1) defining geographic coverage areas for public safety answering points;
- (2) defining network diversity requirements for delivery of IP-enabled 9-1-1 and enhanced 9-1-1 calls;
- (3) call-handling in the event of call overflow or network outages;
- (4) public safety answering point certification and testing requirements;
- (5) validation procedures for inputting and updating location information in relevant databases; and
- (6) the format for delivering address information to public safety answering points.

**(i) Rule of construction**

Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9-1-1 or enhanced 9-1-1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008.

(Pub. L. 106-81, § 6, as added Pub. L. 110-283, title I, § 101(2), July 23, 2008, 122 Stat. 2620; amended Pub. L. 110-368, § 1(a), Oct. 8, 2008, 122 Stat. 4027.)

REFERENCES IN TEXT

The date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, referred to in subsecs. (a), (c)(1), (f)(2), and (i), is the date of enactment of Pub. L. 110-283, which was approved July 23, 2008.

The New and Emerging Technologies 911 Improvement Act of 2008 and such Act, referred to in subsecs. (c)(1), (f)(1), and (i), is Pub. L. 110-283, July 23, 2008, 122 Stat. 2620, also known as the NET 911 Improvement Act of 2008, which enacted this section and amended sections 222, 615a, 615b, and 942 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 609 of this title and Tables.

<sup>1</sup> So in original. A comma probably should appear.

The Communications Act of 1934, referred to in subsecs. (e)(2) and (f)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

This Act, referred to in subsec. (f)(1), is Pub. L. 106-81, Oct. 26, 1999, 113 Stat. 1286, known as the Wireless Communications and Public Safety Act of 1999, which enacted sections 615 to 615b of this title, amended sections 222 and 251 of this title, and enacted provisions set out as notes under sections 609 and 615 of this title. For complete classification of this Act to the Code, see Short Title of 1999 Amendments note set out under section 609 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (f)(1), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### CODIFICATION

Section was enacted as part of the Wireless Communications and Public Safety Act of 1999, and not as part of the Communications Act of 1934 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 6 of Pub. L. 106-81 was renumbered section 7 and is classified to section 615b of this title.

#### AMENDMENTS

2008—Subsec. (c)(1)(C). Pub. L. 110-368 substituted “paragraph (3)” for “paragraph (2)”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-368, §1(b), Oct. 8, 2008, 122 Stat. 4027, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of July 23, 2008, immediately after the enactment of the NET 911 Improvement Act of 2008 (Public Law 110-283) [approved July 23, 2008].”

### § 615b. Definitions

As used in this Act:

#### (1) Secretary

The term “Secretary” means the Secretary of Transportation.

#### (2) State

The term “State” means any of the several States, the District of Columbia, or any territory or possession of the United States.

#### (3) Public safety answering point; PSAP

The term “public safety answering point” or “PSAP” means a facility that has been designated to receive 9-1-1 calls and route them to emergency service personnel.

#### (4) Wireless carrier

The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9-1-1 service.

#### (5) Enhanced wireless 9-1-1 service

The term “enhanced wireless 9-1-1 service” means any enhanced 9-1-1 service so designated by the Federal Communications Commission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems” (CC Docket No. 94-102; RM-8143), or any successor proceeding.

#### (6) Wireless 9-1-1 service

The term “wireless 9-1-1 service” means any 9-1-1 service provided by a wireless carrier, including enhanced wireless 9-1-1 service.

#### (7) Emergency dispatch providers

The term “emergency dispatch providers” shall include governmental and nongovernmental providers of emergency dispatch services.

#### (8)<sup>1</sup> IP-enabled voice service

The term “IP-enabled voice service” has the meaning given the term “interconnected VoIP service” by section 9.3 of the Federal Communications Commission’s regulations (47 CFR 9.3).

#### (8)<sup>1</sup> Other emergency communications service

The term “other emergency communications service” means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.

#### (9) Other emergency communications service provider

The term “other emergency communications service provider” means—

(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 [47 U.S.C. 151 et seq.] to provide other emergency communications services; or

(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9-1-1 service governing authority to provide other emergency communications services.

#### (10) Enhanced 9-1-1 service

The term “enhanced 9-1-1 service” means the delivery of 9-1-1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission’s regulations (47 C.F.R. 9.3) as of July 23, 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9-1-1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.

(Pub. L. 106-81, §7, formerly §6, Oct. 26, 1999, 113 Stat. 1289; renumbered §7 and amended Pub. L. 110-283, title I, §101(1), (3), title II, §201(b), July 23, 2008, 122 Stat. 2620, 2623, 2624.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 106-81, Oct. 26, 1999, 113 Stat. 1286, known as the Wireless Communications and Public Safety Act of 1999, which enacted sec-

<sup>1</sup> So in original. Two pars. (8) have been enacted.