

CHAPTER 403

911 EMERGENCY TELECOMMUNICATIONS
SYSTEMS

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403.01 911 EMERGENCY TELECOMMUNICATIONS SYSTEM REQUIRED.

Subdivision 1. **General requirement.** Each county shall operate and maintain a 911 emergency telecommunications system.

Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the Federal Communications Commission, must be the primary emergency telephone number within the system. A public safety agency may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for nonemergency telephone calls.

Subd. 2. **Multijurisdictional system.** The 911 systems may be multijurisdictional and regional in character provided that design and implementation are preceded by cooperative planning on a county-by-county basis with local public safety agencies.

Subd. 3. **Wire line requirements.** Every owner and operator of a wire line telecommunications system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 4. **Wireless requirements.** Every owner and operator of a wireless telecommunications system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 5. **Pay phone requirements.** Every pay phone owner and operator shall permit dialing of the 911 number without coin and without charge to the caller.

Subd. 6. **Multistation or PBX system.** Every owner and operator of a multistation or private branch exchange (PBX) telecommunications system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 7. **Contractual requirement.** (a) The state, together with the county or other governmental agencies operating public safety answering points, shall contract with the appropriate wire line telecommunications service providers for the operation, maintenance, enhancement, and expansion of the 911 system.

(b) The state shall contract with the appropriate wireless telecommunications service providers for maintaining, enhancing, and expanding the 911 system.

(c) The contract language or subsequent amendments to the contract must include a description of the services to be furnished by wireless and wire line telecommunications service providers to the county or other governmental agencies operating public safety answering points, as well as compensation based on the effective tariff or price list approved by the public utilities commission. The contract language or subsequent amendments must include the terms of compensation based on the effective tariff or price list filed with the public utilities commission or the prices agreed to by the parties.

(d) The contract language or subsequent amendments to contracts between the parties must contain a provision for resolving disputes.

History: 1977 c 311 s 1; 2002 c 372 s 1

403.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [Renumbered subd 16]

Subd. 3. [Renumbered subd 14]

Subd. 4. [Renumbered subd 18]

Subd. 5. [Renumbered subd 19]

Subd. 6. [Renumbered subd 17]

Subd. 7. **Automatic location identification.** "Automatic location identification" means the process of electronically identifying and displaying on a special viewing screen the name of the subscriber and the location, where available, of the calling telephone number to a person answering a 911 emergency call.

Subd. 8. [Renumbered subd 15]

Subd. 9. [Renumbered subd 13]

Subd. 10. **Commissioner.** "Commissioner" means the commissioner of administration.

Subd. 11. [Renumbered subd 20]

Subd. 12. [Renumbered subd 21]

Subd. 13. **Enhanced 911 service.** "Enhanced 911 service" means the use of selective routing, automatic location identification, or local location identification as part of local 911 service.

Subd. 14. **Governmental agency.** "Governmental agency" means any unit of local government or special purpose district located in whole or in part within this state that provides or has authority to provide fire-fighting, police, ambulance, medical, or other emergency services.

Subd. 15. **Local location identification.** "Local location identification" means the process of locating the origin of calls to a 911 system by means of a periodically updated database located and maintained at the public safety answering point.

Subd. 16. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 17. **911 service.** "911 service" means a telecommunications service that automatically connects a person dialing the digits 911 to an established public safety answering point. 911 service includes:

(1) equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point;

(2) equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point; and

(3) provision of automatic location identification if the public safety answering point has the capability of providing that service.

Subd. 18. **Public safety agency.** "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 19. **Public safety answering point.** "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 20. **Wire line telecommunications service provider.** "Wire line telecommunications service provider" means a person, firm, association, corporation, or other legal entity, however organized, or combination of them, authorized by state or federal regulatory agencies to furnish telecommunications service, including local service, over wire line facilities.

Subd. 21. **Wireless telecommunications service provider.** "Wireless telecommunications service provider" means a provider of commercial mobile radio services, as that term is defined in United States Code, title 47, section 332, subsection (d), including all

broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, that offers real time, two-way voice service interconnected with the public switched telephone network and that is doing business in the state of Minnesota.

History: 1977 c 311 s 2; 1987 c 56 s 1,2; 1990 c 543 s 1; 1994 c 616 s 6; 1995 c 149 s 1; 1997 c 202 art 3 s 18,19; 3Sp1997 c 3 s 1; 2002 c 372 s 2-6

403.03 911 SERVICES TO BE PROVIDED.

Services available through a 911 system shall include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

History: 1977 c 311 s 3

403.04 [Repealed, 2002 c 372 s 21]

403.05 911 SYSTEM OPERATION AND MAINTENANCE.

Subdivision 1. **Operate and maintain.** Each county or any other governmental agency shall operate and maintain its 911 system to meet the requirements of governmental agencies whose services are available through the 911 system and to permit future expansion or enhancement of the system. Each county or any other governmental agency shall ensure that a 911 emergency call made with a wireless access device is automatically connected to and answered by the appropriate public safety answering point.

Subd. 2. **Rule requirements for 911 system plans.** Each county or any other governmental agency shall maintain and update its 911 system plans as required under Minnesota Rules, chapter 1215.

Subd. 3. **Agreements for service.** Each county and any other governmental agency shall contract with the state and wire line telecommunications service providers for the recurring and nonrecurring costs associated with operating and maintaining 911 emergency communications systems.

History: 1977 c 311 s 5; 2002 c 372 s 7

403.06 DEPARTMENT DUTIES.

Subdivision 1. **Duties.** (a) The department of administration shall coordinate the maintenance of 911 systems. The department shall aid counties in the formulation of concepts, methods, and procedures which will improve the operation and maintenance of 911 systems. The department shall establish procedures for determining and evaluating requests for variations from the established design standards. The department shall respond to requests by wireless or wire line telecommunications service providers or by counties or other governmental agencies for system agreements, contracts, and tariff language promptly and no later than within 45 days of the request unless otherwise mutually agreed to by the parties.

(b) The department shall prepare a biennial budget for maintaining the 911 system. The department shall prepare an annual report to the legislature detailing the expenditures for maintaining the 911 system, the 911 fees collected, the balance of the 911 fund, and the 911-related administrative expenses of the department. The department is authorized to expend funds that have been appropriated to pay for the maintenance, enhancements, and expansion of the 911 system.

Subd. 2. **Waiver.** Any county, other governmental agency, wireless telecommunications service provider, or wire line telecommunications service provider may petition the department of administration for a waiver of all or portions of the requirements. A waiver may be granted upon a demonstration by the petitioner that the requirement is economically infeasible.

History: 1977 c 311 s 6; 2002 c 372 s 8

403.07 STANDARDS ESTABLISHED; DATA PRIVACY.

Subdivision 1. **Rules.** The department of administration shall establish and adopt in accordance with chapter 14, rules for the administration of this chapter and for the development of 911 systems in the state including:

(1) design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven-county metropolitan area; and

(2) a procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. **Design standards.** The metropolitan 911 board shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the department of administration for incorporation into the rules adopted pursuant to this section.

Subd. 3. **Database.** In 911 systems that have been approved by the department of administration for a local location identification database, each wire line telecommunications service provider shall provide current customer names, service addresses, and telephone numbers to each public safety answering point within the 911 system and shall update the information according to a schedule prescribed by the county 911 plan. Information provided under this subdivision must be provided in accordance with the transactional record disclosure requirements of the federal Electronic Communications Privacy Act of 1986, United States Code, title 18, section 2703, subsection (c), paragraph (1), subparagraph (B)(iv).

Subd. 4. **Use of furnished information.** Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only for identifying the location or identity, or both, of a person calling a 911 public safety answering point. The information furnished under subdivision 3 may not be used or disclosed by 911 system agencies, their agents, or their employees for any other purpose except under a court order.

Subd. 5. **Liability.** (a) A wire line telecommunications service provider, its employees, or its agents are not liable to any person who uses enhanced 911 telecommunications service for release of subscriber information required under this chapter to any public safety answering point.

(b) A wire line telecommunications service provider is not liable to any person for the good faith release to emergency communications personnel of information not in the public record, including, but not limited to, nonpublished or nonlisted telephone numbers.

(c) A wire line telecommunications service provider, its employees, or its agents are not liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 telecommunications service, except for willful or wanton misconduct.

History: 1977 c 311 s 7; 1982 c 424 s 130; 1990 c 543 s 2,3; 1991 c 319 s 21; 1994 c 618 art 1 s 38; 1995 c 149 s 2; 2002 c 372 s 9

403.08 WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER.

Subdivision 1. [Repealed by amendment, 2002 c 372 s 10]

Subd. 2. [Repealed by amendment, 2002 c 372 s 10]

Subd. 3. [Repealed by amendment, 2002 c 372 s 10]

Subd. 4. [Repealed by amendment, 2002 c 372 s 10]

Subd. 5. [Repealed by amendment, 2002 c 372 s 10]

Subd. 6. [Repealed by amendment, 2002 c 372 s 10]

Subd. 7. **Duties.** Each wireless telecommunications service provider shall cooperate in planning and implementing integration with enhanced 911 systems operating in their service territories to meet Federal Communications Commission-enhanced 911 standards. By August 1, 1997, each 911 emergency telecommunications service provider

operating enhanced 911 systems, in cooperation with each involved wireless telecommunications service provider, shall develop and provide to the commissioner good-faith estimates of installation and recurring expenses to integrate wireless 911 service into the enhanced 911 networks to meet Federal Communications Commission phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties and affected public safety agency representatives in developing a statewide design and plan for implementation.

Subd. 8. **Schedule.** Planning shall be completed by October 1, 1997, for the metropolitan area and shall be completed by December 1, 1997, for the areas outside of the metropolitan area.

Subd. 9. **Scope.** Planning considerations must include cost, degree of integration into existing 911 systems, the retention of existing 911 infrastructure, and the potential implications of phase 2 of the Federal Communications Commission wireless enhanced 911 standards.

Subd. 10. **Plan integration.** Counties shall incorporate the statewide design when modifying county 911 plans to provide for integrating wireless 911 service into existing county 911 systems. The commissioner shall contract with the involved wireless service providers and 911 service providers to integrate cellular and other wireless services into existing 911 systems where feasible.

Subd. 11. **Liability.** (a) No wireless enhanced 911 emergency telecommunications service provider, its employees, or its agents are liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 wireless service, except for willful or wanton misconduct.

(b) No wireless carrier, its employees, or its agents are liable to any person who uses enhanced 911 wireless service for release of subscriber information required under this chapter to any public safety answering point.

Subd. 12. **Notification of subscriber.** A provider of wireless telecommunications services shall notify its subscribers at the time of initial subscription and four times per year thereafter that a 911 emergency call made from a wireless telephone is not always answered by a local public safety answering point but may be routed to a state patrol dispatcher and that, accordingly, the caller must provide specific information regarding the caller's location.

History: 1977 c 311 s 8; 1980 c 614 s 123; 1997 c 202 art 3 s 20 ; 2002 c 372 s 10

403.09 ENFORCEMENT.

Subdivision 1. **Department authority.** At the request of the department of administration, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of this chapter.

Subd. 2. **Commission authority.** At the request of the public utilities commission, the attorney general may commence proceedings before the district court pursuant to section 237.27, against any wire line telecommunications service provider that refuses to comply with this chapter.

Subd. 3. **Dispute resolution.** Disputes between parties must be resolved pursuant to section 403.01, subdivision 7, paragraph (d).

History: 1977 c 311 s 9; 1980 c 614 s 123; 1995 c 149 s 3; 2002 c 372 s 11

403.10 COOPERATIVE AGREEMENT.

Subdivision 1. **Authority.** All public agencies and counties that are part of different 911 systems but share common boundary lines may enter into cooperative agreements to provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. **Notice to public safety agency.** Public safety agencies with jurisdictional responsibilities shall in all cases be notified by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

History: 1977 c 311 s 10; 2002 c 372 s 12

403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.

Subdivision 1. **Emergency telecommunications service fee.** (a) Each customer of a wireless or wire line telecommunications service provider that furnishes service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telecommunications service program. Recurring charges by a wire line telecommunications service provider for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of administration if the wire line telecommunications service provider is included in an approved 911 plan and the charges are made pursuant to tariff, price list, or contract. The commissioner of administration shall transfer an amount equal to two cents a month from the fee assessed under this section on wireless telecommunications services to the commissioner of public safety for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner of administration to provide financial assistance to counties for the improvement of local emergency telecommunications services. The improvements may include providing access to 911 service for telecommunications service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the department.

(c) The fee may not be less than eight cents nor more than 33 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of finance, the commissioner of administration shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. For fiscal year 2003, the commissioner of administration shall provide a minimum of 35 days' notice of each fee change. The fee must be the same for all customers.

(d) The fee must be collected by each wireless or wire line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services as provided in paragraph (a).

(e) This subdivision does not apply to customers of interexchange carriers.

(f) The installation and recurring charges for integrating wireless 911 calls into enhanced 911 systems must be paid by the commissioner if the 911 service provider is

included in the statewide design plan and the charges are made pursuant to tariff, price list, or contract.

Subd. 2. [Repealed, 2002 c 372 s 21]

Subd. 3. **Method of payment.** (a) Any wireless or wire line telecommunications service provider incurring reimbursable costs under subdivision 1 shall submit an invoice itemizing rate elements by county or service area to the commissioner of administration for 911 services furnished under tariff, price list, or contract. Any wireless or wire line telecommunications service provider is eligible to receive payment for 911 services rendered according to the terms and conditions specified in the contract. Competitive local exchange carriers holding certificates of authority from the public utilities commission are eligible to receive payment for recurring 911 services provided after July 1, 2001. The commissioner shall pay the invoice within 30 days following receipt of the invoice unless the commissioner notifies the service provider that the commissioner disputes the invoice.

(b) The commissioner of administration shall estimate the amount required to reimburse wireless and wire line telecommunications service providers for the state's obligations under subdivision 1 and the governor shall include the estimated amount in the biennial budget request.

Subd. 3a. **Timely certification.** A certification must be submitted to the commissioner of administration no later than two years after commencing a new or additional eligible 911 service. Any wireless or wire line telecommunications service provider incurring reimbursable costs under this section at any time before January 1, 2003, may certify those costs for payment to the commissioner of administration according to this section for a period of 90 days after January 1, 2003. During this period, the commissioner of administration shall reimburse any wireless or wire line telecommunications service provider for approved, certified costs without regard to any contrary provision of this subdivision.

Subd. 3b. **Certification.** All wireless and wire line telecommunications service providers shall submit a self-certification form signed by an officer of the company to the department with invoices for payment of an initial or changed service described in the service provider's 911 contract. The self-certification shall affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. All certifications are subject to verification and audit.

Subd. 3c. **Audit.** If the commissioner of administration determines that an audit is necessary to document the certification described in subdivision 3b, the wireless or wire line telecommunications service provider must contract with an independent certified public accountant to conduct the audit. The audit must be conducted according to generally accepted accounting principles. The wireless or wire line telecommunications service provider is responsible for any costs associated with the audit.

Subd. 4. **Local recurring costs.** Recurring costs of telecommunications equipment and services at public safety answering points must be borne by the local governmental agency operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services not otherwise addressed under section 403.11 or 403.113 must be borne by the governmental agency requesting the elective service.

Subd. 5. **Tariff notification.** Wire line telecommunications service providers or wireless telecommunications service providers holding eligible telecommunications carrier status shall give notice to the department of administration and any other affected governmental agency of tariff or price list changes related to 911 service at the same time that the filing is made with the public utilities commission.

History: 1977 c 311 s 11; 1978 c 680 s 1; 1980 c 614 s 123,147; 1Sp1985 c 13 s 330; 1987 c 404 s 174; 1989 c 335 art 4 s 85; 1990 c 543 s 4; 1994 c 616 s 7,8; 1994 c 634 art 1 s 22; 1995 c 265 art 2 s 29; 1997 c 202 art 3 s 21; 1Sp2001 c 10 art 2 s 78; 2002 c 372 s 13-19; 2002 c 401 art 1 s 3

403.113 ENHANCED 911 SERVICE COSTS; FEE.

Subdivision 1. **Fee.** (a) Each customer receiving service from a wireless or wire line telecommunications service provider is assessed a fee to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (c).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of the department of administration, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee and inform wireless and wire line telecommunications service providers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Subd. 2. **Distribution of money.** (a) After payment of the costs of the department of administration to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties, and after October 1, 1997, to all qualified counties, existing ten public safety answering points operated by the Minnesota state patrol, and each governmental entity operating the individual public safety answering points serving the metropolitan airports commission, the Red Lake Indian Reservation, and the University of Minnesota police department; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city or other governmental entity as described in paragraph (a), clause (1), shall deposit money received under this subdivision in an interest-bearing fund or account separate from the governmental entity's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) A county or city or other governmental entity as described in paragraph (a), clause (1), is not qualified to share in the distribution of money for enhanced 911 service if it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for database provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; pay for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and the equipment necessary within the public safety answering point for community alert systems and to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. **Audits.** Each county and city or other governmental entity as described in subdivision 2, paragraph (a), clause (1), shall conduct an annual audit on the use of funds distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner of administration.

Subd. 5. [Repealed, 2002 c 372 s 21]

History: 1994 c 616 s 9; 1997 c 202 art 3 s 22-25; 2002 c 372 s 20

403.12 Subdivision 1. [Repealed, 2002 c 372 s 21]

Subd. 2. [Repealed, 1Sp1986 c 3 art 1 s 51]

Subd. 3. [Repealed, 1Sp1986 c 3 art 1 s 51]

403.13 [Repealed, 2002 c 372 s 21]

403.14 [Repealed, 2002 c 372 s 21]