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HOUSE BILL 1153

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Casada, Kessler, Hankins, Kremen, Sheldon, Chandler, L. Thomas, Basich, Mitchell and Patterson

Read first time 01/16/95. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to 911 compatibility with private  
2 telecommunications systems and private shared telecommunications  
3 services; amending RCW 80.04.010 and 43.63A.320; adding new sections to  
4 chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding  
5 a new section to chapter 35.21 RCW; adding a new section to chapter  
6 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new  
7 sections to chapter 38.52 RCW; adding a new section to chapter 43.22  
8 RCW; creating a new section; and providing an effective date.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature finds that citizens of the  
11 state increasingly rely on the dependability of enhanced 911, a system  
12 that allows the person answering an emergency call to immediately  
13 determine the location of the emergency without the need of the caller  
14 to speak. The legislature further finds that in some cases, calls made  
15 from telephones connected to private telephone systems may not be  
16 precisely located by the answerer, eliminating some of the benefit of  
17 enhanced 911, and that this condition could additionally imperil  
18 citizens calling from these locations in an emergency. The legislature  
19 also finds that until national standards have been developed to address

1 this condition, information-forwarding requirements should be mandated  
2 for only those settings with the most risk, including schools,  
3 residences, and some business settings.

4 **Sec. 2.** RCW 80.04.010 and 1991 c 100 s 1 are each amended to read  
5 as follows:

6 As used in this title, unless specifically defined otherwise or  
7 unless the context indicates otherwise:

8 "Automatic location identification" means a system by which  
9 information about a caller's location, including the seven-digit number  
10 used to place a 911 call or a different seven-digit number to which a  
11 return call can be made from the public switched network, is forwarded  
12 to a public safety answering point for display.

13 "Automatic number identification" means a system that allows for  
14 the automatic display of the seven-digit or ten-digit number used to  
15 place a 911 call.

16 "Commission" means the utilities and transportation commission.

17 "Commissioner" means one of the members of such commission.

18 "Competitive telecommunications company" means a telecommunications  
19 company which has been classified as such by the commission pursuant to  
20 RCW 80.36.320.

21 "Competitive telecommunications service" means a service which has  
22 been classified as such by the commission pursuant to RCW 80.36.330.

23 "Corporation" includes a corporation, company, association or joint  
24 stock association.

25 "Person" includes an individual, a firm or partnership.

26 "Gas plant" includes all real estate, fixtures and personal  
27 property, owned, leased, controlled, used or to be used for or in  
28 connection with the transmission, distribution, sale or furnishing of  
29 natural gas, or the manufacture, transmission, distribution, sale or  
30 furnishing of other type gas, for light, heat or power.

31 "Gas company" includes every corporation, company, association,  
32 joint stock association, partnership and person, their lessees,  
33 trustees or receiver appointed by any court whatsoever, and every city  
34 or town, owning, controlling, operating or managing any gas plant  
35 within this state.

36 "Electric plant" includes all real estate, fixtures and personal  
37 property operated, owned, used or to be used for or in connection with  
38 or to facilitate the generation, transmission, distribution, sale or

1 furnishing of electricity for light, heat, or power for hire; and any  
2 conduits, ducts or other devices, materials, apparatus or property for  
3 containing, holding or carrying conductors used or to be used for the  
4 transmission of electricity for light, heat or power.

5 "Electrical company" includes any corporation, company,  
6 association, joint stock association, partnership and person, their  
7 lessees, trustees or receivers appointed by any court whatsoever (other  
8 than a railroad or street railroad company generating electricity  
9 solely for railroad or street railroad purposes or for the use of its  
10 tenants and not for sale to others), and every city or town owning,  
11 operating or managing any electric plant for hire within this state.  
12 "Electrical company" does not include a company or person employing a  
13 cogeneration facility solely for the generation of electricity for its  
14 own use or the use of its tenants or for sale to an electrical company,  
15 state or local public agency, municipal corporation, or quasi municipal  
16 corporation engaged in the sale or distribution of electrical energy,  
17 but not for sale to others, unless such company or person is otherwise  
18 an electrical company.

19 "LATA" means a local access transport area as defined by the  
20 commission in conformance with applicable federal law.

21 "Private telecommunications system" means a telecommunications  
22 system controlled by a person or entity for the sole and exclusive use  
23 of such person, entity, or affiliate thereof, including the provision  
24 of private shared telecommunications services by such person or entity.  
25 "Private telecommunications system" does not include a system offered  
26 for hire, sale, or resale to the general public.

27 "Private shared telecommunications services" includes the provision  
28 of telecommunications and information management services and equipment  
29 within a user group located in discrete private premises in building  
30 complexes, campuses, or high-rise buildings, by a commercial shared  
31 services provider or by a user association, through privately owned  
32 customer premises equipment and associated data processing and  
33 information management services and includes the provision of  
34 connections to the facilities of a local exchange and to interexchange  
35 telecommunications companies.

36 "Private switch automatic location identification service" means a  
37 service that enables either (1) automatic number identification or (2)  
38 automatic number identification and automatic location identification  
39 to be provided to a public safety answering point by 911 calls

1 originating from station lines served by a private switch system that  
2 are directly accessible to and from the public switched network.

3 "Radio communications service company" includes every corporation,  
4 company, association, joint stock association, partnership, and person,  
5 their lessees, trustees, or receivers appointed by any court, and every  
6 city or town making available facilities to provide radio  
7 communications service, radio paging, or cellular communications  
8 service for hire, sale, or resale.

9 "Telecommunications company" includes every corporation, company,  
10 association, joint stock association, partnership and person, their  
11 lessees, trustees or receivers appointed by any court whatsoever, and  
12 every city or town owning, operating or managing any facilities used to  
13 provide telecommunications for hire, sale, or resale to the general  
14 public within this state.

15 "Noncompetitive telecommunications service" means any service which  
16 has not been classified as competitive by the commission.

17 "Facilities" means lines, conduits, ducts, poles, wires, cables,  
18 cross-arms, receivers, transmitters, instruments, machines, appliances,  
19 instrumentalities and all devices, real estate, easements, apparatus,  
20 property and routes used, operated, owned or controlled by any  
21 telecommunications company to facilitate the provision of  
22 telecommunications service.

23 "Telecommunications" is the transmission of information by wire,  
24 radio, optical cable, electromagnetic, or other similar means. As used  
25 in this definition, "information" means knowledge or intelligence  
26 represented by any form of writing, signs, signals, pictures, sounds,  
27 or any other symbols.

28 "Water system" includes all real estate, easements, fixtures,  
29 personal property, dams, dikes, head gates, weirs, canals, reservoirs,  
30 flumes or other structures or appliances operated, owned, used or to be  
31 used for or in connection with or to facilitate the supply, storage,  
32 distribution, sale, furnishing, diversion, carriage, apportionment or  
33 measurement of water for power, irrigation, reclamation, manufacturing,  
34 municipal, domestic or other beneficial uses for hire.

35 "Water company" includes every corporation, company, association,  
36 joint stock association, partnership and person, their lessees,  
37 trustees or receivers appointed by any court whatsoever, and every city  
38 or town owning, controlling, operating, or managing any water system  
39 for hire within this state: PROVIDED, That for purposes of commission

1 jurisdiction it shall not include any water system serving less than  
2 one hundred customers where the average annual gross revenue per  
3 customer does not exceed three hundred dollars per year, which revenue  
4 figure may be increased annually by the commission by rule adopted  
5 pursuant to chapter 34.05 RCW to reflect the rate of inflation as  
6 determined by the implicit price deflator of the United States  
7 department of commerce: AND PROVIDED FURTHER, That such measurement of  
8 customers or revenues shall include all portions of water companies  
9 having common ownership or control, regardless of location or corporate  
10 designation. "Control" as used herein shall be defined by the  
11 commission by rule and shall not include management by a satellite  
12 agency as defined in chapter 70.116 RCW if the satellite agency is not  
13 an owner of the water company. "Water company" also includes, for  
14 auditing purposes only, nonmunicipal water systems which are referred  
15 to the commission pursuant to an administrative order from the  
16 department, or the city or county as provided in RCW 80.04.110.  
17 However, water companies exempt from commission regulation shall be  
18 subject to the provisions of chapter 19.86 RCW. A water company cannot  
19 be removed from regulation except with the approval of the commission.  
20 Water companies subject to regulation may petition the commission for  
21 removal from regulation if the number of customers falls below one  
22 hundred or the average annual revenue per customer falls below three  
23 hundred dollars. The commission is authorized to maintain continued  
24 regulation if it finds that the public interest so requires.

25 "Cogeneration facility" means any machinery, equipment, structure,  
26 process, or property, or any part thereof, installed or acquired for  
27 the primary purpose of the sequential generation of electrical or  
28 mechanical power and useful heat from the same primary energy source or  
29 fuel.

30 "Public service company" includes every gas company, electrical  
31 company, telecommunications company, and water company. Ownership or  
32 operation of a cogeneration facility does not, by itself, make a  
33 company or person a public service company.

34 "Local exchange company" means a telecommunications company  
35 providing local exchange telecommunications service.

36 "Department" means the department of health.

37 The term "service" is used in this title in its broadest and most  
38 inclusive sense.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 80.36 RCW  
2 to read as follows:

3        By January 1, 1996, or one year after enhanced 911 service becomes  
4 available or a private switch automatic location identification service  
5 approved by the Washington utilities and transportation commission is  
6 available from the serving local exchange telecommunications company,  
7 whichever is later, any private shared telecommunications services  
8 provider that provides service to residential customers shall assure  
9 that the telecommunications system is connected to the public switched  
10 network such that calls to 911 result in automatic location  
11 identification for each residential unit in a format that is compatible  
12 with the existing or planned county enhanced 911 system.

13        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 28A.150  
14 RCW to read as follows:

15        By January 1, 1996, or one year after enhanced 911 service becomes  
16 available or a private switch automatic location identification service  
17 approved by the Washington utilities and transportation commission is  
18 available from the serving local exchange telecommunications company,  
19 whichever is later, all common and public schools located in counties  
20 that provide enhanced 911 service shall provide persons using school  
21 facilities direct access to telephones that are connected to the public  
22 switched network such that calls to 911 result in automatic location  
23 identification for each telephone in a format that is compatible with  
24 the existing and planned county enhanced 911 system.    Any school  
25 district acquiring a private telecommunications system that allows  
26 connection to the public switched network after January 1, 1996, shall  
27 assure that the telecommunications system is connected to the public  
28 switched network such that calls to 911 result in automatic location  
29 identification for each telephone in a format that is compatible with  
30 the existing or planned county enhanced 911 system.

31        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 80.36 RCW  
32 to read as follows:

33        By January 1, 1996, or one year after enhanced 911 service becomes  
34 available or a private switch automatic location identification service  
35 approved by the Washington utilities and transportation commission is  
36 available from the serving local exchange telecommunications company,  
37 whichever is later, any commercial shared services provider of private

1 shared telecommunications services to multiple unaffiliated business  
2 users from a single system shall assure that such a system is connected  
3 to the public switched network such that calls to 911 result in  
4 automatic location identification for each telephone in a format that  
5 is compatible with the existing or planned county enhanced 911 system.  
6 This section shall apply only to providers of service to businesses  
7 containing a physical area exceeding twenty-five thousand square feet,  
8 or businesses on more than one floor of a building, or businesses in  
9 multiple buildings.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW  
11 to read as follows:

12 No city or town may enact or enforce an ordinance or regulation  
13 mandating automatic number identification or automatic location  
14 identification for a private telecommunications system or for a  
15 provider of private shared telecommunications services.

16 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.21 RCW  
17 to read as follows:

18 No code city may enact or enforce an ordinance or regulation  
19 mandating automatic number identification or automatic location  
20 identification for a private telecommunications system or for a  
21 provider of private shared telecommunications services.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.32 RCW  
23 to read as follows:

24 No county may enact or enforce an ordinance or regulation mandating  
25 automatic number identification or automatic location identification  
26 for a private telecommunications system or for a provider of private  
27 shared telecommunications services.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.52 RCW  
29 to read as follows:

30 The state enhanced 911 coordination office may develop and  
31 implement public education materials regarding the capability of  
32 specific equipment used as part of a private telecommunications system  
33 or in the provision of private shared telecommunications services to  
34 forward automatic location identification and automatic number  
35 identification.

1        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 38.52 RCW  
2 to read as follows:

3        The state enhanced 911 coordination office and the enhanced 911  
4 advisory committee may participate in efforts to set uniform national  
5 standards for automatic number identification and automatic location  
6 identification data transmission for private telecommunications systems  
7 and private shared telecommunications services.    The enhanced 911  
8 advisory committee shall report to the legislature by January 1, 1996,  
9 the progress of such standards development and shall make  
10 recommendations on steps to be taken if such standards have not been  
11 adopted.

12        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 43.22 RCW  
13 to read as follows:

14        The department of labor and industries shall adopt rules to  
15 implement the requirements of sections 3, 4, and 5 of this act and that  
16 require owners of private telecommunications systems and providers of  
17 private shared telecommunications services to advise users of the  
18 dialing procedures necessary to access 911 emergency service and of the  
19 extent to which automatic location information is transmitted when  
20 using 911 emergency service.    The rules shall provide for advising  
21 users on at least an annual basis and may include the use of designated  
22 adhesive labels for telephone sets.

23        **Sec. 12.**    RCW 43.63A.320 and 1993 c 280 s 69 are each amended to  
24 read as follows:

25        Except for matters relating to the statutory duties of the director  
26 of community, trade, and economic development which are to be carried  
27 out through the director of fire protection, the board shall have the  
28 responsibility of developing a comprehensive state policy regarding  
29 fire protection services.    In carrying out its duties, the board shall:

- 30        (1) Adopt a state fire protection master plan;
- 31        (2) Monitor fire protection in the state and develop objectives and  
32 priorities to improve fire protection for the state's citizens;
- 33        (3) Establish and promote state arson control programs and ensure  
34 development of local arson control programs;
- 35        (4) Provide representation for local fire protection services to  
36 the governor in state-level fire protection planning matters such as,  
37 but not limited to, hazardous materials;

1       (5) Recommend to the director of community, trade, and economic  
2 development rules on minimum location information requirements of  
3 automatic location identification for the purposes of enhanced 911  
4 emergency service;

5       (6) Seek and solicit grants, gifts, bequests, devices, and matching  
6 funds for use in furthering the objectives and duties of the board, and  
7 establish procedures for administering them;

8       (~~(6)~~) (7) Promote mutual aid and disaster planning for fire  
9 services in this state;

10       (~~(7)~~) (8) Assure the dissemination of information concerning the  
11 amount of fire damage including that damage caused by arson, and its  
12 causes and prevention;

13       (~~(8)~~) (9) Submit annually a report to the governor containing a  
14 statement of its official acts pursuant to this chapter, and make such  
15 studies, reports, and recommendations to the governor and the  
16 legislature as are requested;

17       (~~(9)~~) (10) Adopt a state fire training and education master plan;

18       (~~(10)~~) (11) Develop and adopt a master plan for the construction,  
19 equipping, maintaining, and operation of necessary fire service  
20 training and education facilities, but the authority to construct,  
21 equip, and maintain such facilities is subject to chapter 43.19 RCW;

22       (~~(11)~~) (12) Develop and adopt a master plan for the purchase,  
23 lease, or other acquisition of real estate necessary to establish and  
24 operate fire service training and education facilities in a manner  
25 provided by law;

26       (~~(12)~~) (13) Adopt standards for state-wide fire service training  
27 and education courses including courses in arson detection and  
28 investigation for personnel of fire, police, and prosecutor's  
29 departments;

30       (~~(13)~~) (14) Assure the administration of any legislation enacted  
31 by the legislature in pursuance of the aims and purposes of any acts of  
32 Congress insofar as the provisions thereof may apply;

33       (~~(14)~~) (15) Cooperate with the common schools, community  
34 colleges, institutions of higher education, and any department or  
35 division of the state, or of any county or municipal corporation in  
36 establishing and maintaining instruction in fire service training and  
37 education in accordance with any act of Congress and legislation  
38 enacted by the legislature in pursuance thereof and in establishing,  
39 building, and operating training and education facilities.

1 This section does not apply to forest fire service personnel and  
2 programs. Industrial fire departments and private fire investigators  
3 may participate in training and education programs under this chapter  
4 for a reasonable fee established by rule.

5 NEW SECTION. **Sec. 13.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 14.** Section 12 of this act shall take effect  
10 July 1, 1995.

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