

BILL ANALYSIS

S.B. 788
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that it is common practice in many businesses and hotels with multiline telephone systems to require a user to first dial a digit to access an outside line. The parties contend that this requirement may contribute to preventable tragedies, citing a recent murder case in which the young daughter of the victim made multiple attempts to call 9-1-1 from a hotel room but could not get through to help because she did not know to first dial "9." S.B. 788 seeks to simplify access to emergency services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on State Emergency Communications in SECTION 2 of this bill.

ANALYSIS

S.B. 788 amends the Health and Safety Code to require a business service user that provides telecommunications service, owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access to configure the telephone system or equivalent system to allow a person initiating a 9-1-1 call on the system to directly access 9-1-1 service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code.

S.B. 788 requires a business service user that provides telecommunications service, provides residential or business facilities, owns or controls a telephone system or an equivalent system that uses Internet Protocol enabled service, and provides outbound dialing capacity or access to configure the telephone system or equivalent system to provide a notification to a central location on the site of the residential or business facility when a person within the residential or business facility dials 9-1-1 if the system is able to be configured to provide the notification without an improvement to the system's hardware. The bill establishes that the requirement to so configure the system does not require a business service user to have a person available at the central location to receive a notification.

S.B. 788 requires the Commission on State Emergency Communications or the applicable emergency communication district to grant a one-year waiver of the bill's requirements to a business service user if the requirements would be unduly and unreasonably cost prohibitive for a business service user to comply with and if the business service user provides an affidavit not later than September 1 of each year stating the manufacturer and model number of the telephone system or equivalent system that needs to be reprogrammed or replaced, that the business service user made a good faith attempt to reprogram or replace the system, and, if the telephone system or equivalent system does not comply with the requirement to allow direct access to 9-1-1 service, that the business service user agrees to place an instructional sticker immediately

adjacent to each telephone that is accessed using the noncompliant system indicating that during the waiver period the telephone is unable to directly dial 9-1-1 and providing instructions for accessing 9-1-1 in case of an emergency. The bill requires the instructional sticker to be printed in at least 16-point boldface type in a contrasting color using a font that is easily readable.

S.B. 788 authorizes the commission to adopt rules to implement the bill's requirements for areas that are governed by a regional plan and authorizes an emergency communication district to adopt those rules. The bill requires the commission, an emergency communication district, or a home-rule municipality that independently operates a 9-1-1 system, on the request of a business service user, to provide assistance to a business service user that is within the applicable governmental entity's jurisdiction in complying with the bill's requirements. The bill's provisions apply to the extent the provisions are not inconsistent with or preempted by federal law. The bill requires a business service user to comply with the bill's provisions not later than September 1, 2016.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.