
SUBSTITUTE SENATE BILL 5089

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senators Loveland, Finkbeiner and Sutherland)

Read first time 01/25/95.

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 49.17
8 RCW; creating a new section; providing an effective date; and declaring
9 an emergency.

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

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

1 also finds that until national standards have been developed to address
2 this condition, information-forwarding requirements should be mandated
3 for only those settings with the most risk, including schools,
4 residences, and some business settings.

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

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

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

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

18 "Commission" means the utilities and transportation commission.

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

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

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

25 "Corporation" includes a corporation, company, association or joint
26 stock association.

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

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

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

1 "Electric plant" includes all real estate, fixtures and personal
2 property operated, owned, used or to be used for or in connection with
3 or to facilitate the generation, transmission, distribution, sale or
4 furnishing of electricity for light, heat, or power for hire; and any
5 conduits, ducts or other devices, materials, apparatus or property for
6 containing, holding or carrying conductors used or to be used for the
7 transmission of electricity for light, heat or power.

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

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

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

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

1 "Private switch automatic location identification service" means a
2 service that enables automatic location identification to be provided
3 to a public safety answering point for 911 calls originating from
4 station lines served by a private switch system.

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

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

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

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

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

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

37 "Water company" includes every corporation, company, association,
38 joint stock association, partnership and person, their lessees,
39 trustees or receivers appointed by any court whatsoever, and every city

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

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

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

36 "Local exchange company" means a telecommunications company
37 providing local exchange telecommunications service.

38 "Department" means the department of health.

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

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

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

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

17 By January 1, 1996, or one year after enhanced 911 service becomes
18 available or a private switch automatic location identification service
19 approved by the Washington utilities and transportation commission is
20 available from the serving local exchange telecommunications company,
21 whichever is later, all common and public schools located in counties
22 that provide enhanced 911 service shall provide persons using school
23 facilities direct access to telephones that are connected to the public
24 switched network such that calls to 911 result in automatic location
25 identification for each telephone in a format that is compatible with
26 the existing and planned county enhanced 911 system during all times
27 that the facility is in use. Any school district acquiring a private
28 telecommunications system that allows connection to the public switched
29 network after January 1, 1996, shall assure that the telecommunications
30 system is connected to the public switched network such that calls to
31 911 result in automatic location identification for each telephone in
32 a format that is compatible with the existing or planned county
33 enhanced 911 system.

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

1 By January 1, 1996, or one year after enhanced 911 service becomes
2 available or a private switch automatic location identification service
3 approved by the Washington utilities and transportation commission is
4 available from the serving local exchange telecommunications company,
5 whichever is later, any commercial shared services provider of private
6 shared telecommunications services for hire or resale to the general
7 public to multiple unaffiliated business users from a single system
8 shall assure that such a system is connected to the public switched
9 network such that calls to 911 result in automatic location
10 identification for each telephone in a format that is compatible with
11 the existing or planned county enhanced 911 system. This section shall
12 apply only to providers of service to businesses containing a physical
13 area exceeding twenty-five thousand square feet, or businesses on more
14 than one floor of a building, or businesses in multiple buildings.

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

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

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

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

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

29 No county may enact or enforce an ordinance or regulation mandating
30 automatic number identification or automatic location identification
31 for a private telecommunications system or for a provider of private
32 shared telecommunications services.

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

1 The state enhanced 911 coordination office may develop and
2 implement public education materials regarding the capability of
3 specific equipment used as part of a private telecommunications system
4 or in the provision of private shared telecommunications services to
5 forward automatic location identification and automatic number
6 identification.

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

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

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 49.17 RCW
19 to read as follows:

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

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

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

36 (1) Adopt a state fire protection master plan;

1 (2) Monitor fire protection in the state and develop objectives and
2 priorities to improve fire protection for the state's citizens;

3 (3) Establish and promote state arson control programs and ensure
4 development of local arson control programs;

5 (4) Provide representation for local fire protection services to
6 the governor in state-level fire protection planning matters such as,
7 but not limited to, hazardous materials;

8 (5) Recommend to the director of community, trade, and economic
9 development rules on minimum information requirements of automatic
10 location identification for the purposes of enhanced 911 emergency
11 service;

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

15 (~~(6)~~) (7) Promote mutual aid and disaster planning for fire
16 services in this state;

17 (~~(7)~~) (8) Assure the dissemination of information concerning the
18 amount of fire damage including that damage caused by arson, and its
19 causes and prevention;

20 (~~(8)~~) (9) Submit annually a report to the governor containing a
21 statement of its official acts pursuant to this chapter, and make such
22 studies, reports, and recommendations to the governor and the
23 legislature as are requested;

24 (~~(9)~~) (10) Adopt a state fire training and education master plan;

25 (~~(10)~~) (11) Develop and adopt a master plan for the construction,
26 equipping, maintaining, and operation of necessary fire service
27 training and education facilities, but the authority to construct,
28 equip, and maintain such facilities is subject to chapter 43.19 RCW;

29 (~~(11)~~) (12) Develop and adopt a master plan for the purchase,
30 lease, or other acquisition of real estate necessary to establish and
31 operate fire service training and education facilities in a manner
32 provided by law;

33 (~~(12)~~) (13) Adopt standards for state-wide fire service training
34 and education courses including courses in arson detection and
35 investigation for personnel of fire, police, and prosecutor's
36 departments;

37 (~~(13)~~) (14) Assure the administration of any legislation enacted
38 by the legislature in pursuance of the aims and purposes of any acts of
39 Congress insofar as the provisions thereof may apply;

1 (~~(14)~~) (15) Cooperate with the common schools, community
2 colleges, institutions of higher education, and any department or
3 division of the state, or of any county or municipal corporation in
4 establishing and maintaining instruction in fire service training and
5 education in accordance with any act of Congress and legislation
6 enacted by the legislature in pursuance thereof and in establishing,
7 building, and operating training and education facilities.

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

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

16 NEW SECTION. **Sec. 14.** Section 12 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and shall take effect July 1, 1995.

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