
SENATE BILL 5089

State of Washington

54th Legislature

1995 Regular Session

By Senators Loveland, Finkbeiner and Sutherland

Read first time 01/10/95. Referred to Committee on Energy,
Telecommunications & 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 during all times
25 that the facility is in use. Any school district acquiring a private
26 telecommunications system that allows connection to the public switched
27 network after January 1, 1996, shall assure that the telecommunications
28 system is connected to the public switched network such that calls to
29 911 result in automatic location identification for each telephone in
30 a format that is compatible with the existing or planned county
31 enhanced 911 system.

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

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

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

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

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

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

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

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

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

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

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

1 forward automatic location identification and automatic number
2 identification.

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

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

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

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

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

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

- 32 (1) Adopt a state fire protection master plan;
- 33 (2) Monitor fire protection in the state and develop objectives and
34 priorities to improve fire protection for the state's citizens;
- 35 (3) Establish and promote state arson control programs and ensure
36 development of local arson control programs;

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

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

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

11 (~~(6)~~) (7) Promote mutual aid and disaster planning for fire
12 services in this state;

13 (~~(7)~~) (8) Assure the dissemination of information concerning the
14 amount of fire damage including that damage caused by arson, and its
15 causes and prevention;

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

20 (~~(9)~~) (10) Adopt a state fire training and education master plan;

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

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

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

33 (~~(13)~~) (14) Assure the administration of any legislation enacted
34 by the legislature in pursuance of the aims and purposes of any acts of
35 Congress insofar as the provisions thereof may apply;

36 (~~(14)~~) (15) Cooperate with the common schools, community
37 colleges, institutions of higher education, and any department or
38 division of the state, or of any county or municipal corporation in
39 establishing and maintaining instruction in fire service training and

1 education in accordance with any act of Congress and legislation
2 enacted by the legislature in pursuance thereof and in establishing,
3 building, and operating training and education facilities.

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

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

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

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