
SENATE BILL 6412

State of Washington 53rd Legislature 1994 Regular Session

By Senators Sutherland, Ludwig, Hochstatter and Vognild

Read first time 01/21/94. 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 the
9 name and address, or other location information associated with the
10 calling party's telephone number, is forwarded to a public safety
11 answering point for display, and may include additional requirements
12 pursuant to rules adopted under RCW 43.63A.320(5).

13 "Automatic number identification" means a system that allows for
14 the automatic display of the seven-digit number used to place a 911
15 call, or a different seven-digit number associated with the location of
16 the caller to which a return call can be made from the public switched
17 network.

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

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

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

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

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

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

33 "Water company" includes every corporation, company, association,
34 joint stock association, partnership and person, their lessees,
35 trustees or receivers appointed by any court whatsoever, and every city
36 or town owning, controlling, operating, or managing any water system
37 for hire within this state: PROVIDED, That for purposes of commission
38 jurisdiction it shall not include any water system serving less than
39 one hundred customers where the average annual gross revenue per

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

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

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

32 "Local exchange company" means a telecommunications company
33 providing local exchange telecommunications service.

34 "Department" means the department of health.

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

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

1 By January 1, 1996, any owner of a private telecommunications
2 system that provides service to residential customers shall assure that
3 the telecommunications system is connected to the public switched
4 network such that calls to 911 result in automatic location
5 identification for each residential unit in a format that is compatible
6 with the existing or planned county enhanced 911 system.

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

9 By January 1, 1996, any school district with a private
10 telecommunications system shall assure that the telecommunications
11 system is connected to the public switched network such that calls to
12 911 result in automatic location identification for each telephone in
13 a format that is compatible with the existing or planned county
14 enhanced 911 system.

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

17 By January 1, 1996, any provider of private shared
18 telecommunications services to multiple business users from a single
19 system shall assure that such a system is connected to the public
20 switched network such that calls to 911 result in automatic location
21 identification for each telephone in a format that is compatible with
22 the existing or planned county enhanced 911 system. This section shall
23 apply only to providers of service to businesses containing a physical
24 area exceeding twenty-five thousand square feet, or businesses on more
25 than one floor of a building, or businesses in multiple buildings.

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

28 No city or town shall enact or enforce an ordinance or regulation
29 mandating automatic number identification or automatic location
30 identification for a private telecommunications system or for a
31 provider of private shared telecommunications services.

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

34 No code city shall enact or enforce an ordinance or regulation
35 mandating automatic number identification or automatic location

1 identification for a private telecommunications system or for a
2 provider of private shared telecommunications services.

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

5 No county shall enact or enforce an ordinance or regulation
6 mandating automatic number identification or automatic location
7 identification for a private telecommunications system or for a
8 provider of private shared telecommunications services.

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

11 The state enhanced 911 coordination office may develop and
12 implement public education materials regarding the capability of
13 specific equipment used as part of a private telecommunications system
14 or in the provision of private shared telecommunications services to
15 forward automatic location identification and automatic number
16 identification.

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

19 The state enhanced 911 coordination office and the enhanced 911
20 advisory committee may participate in efforts to set uniform national
21 standards for automatic number identification and automatic location
22 identification data transmission for private telecommunications systems
23 and private shared telecommunications services. If the enhanced 911
24 advisory committee determines that such uniform national standards have
25 not been developed by January 1, 1996, the enhanced 911 advisory
26 committee may begin efforts to develop and recommend data transmission
27 standards to the legislature.

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

30 The department of labor and industries shall adopt rules that
31 require owners of private telecommunications systems and providers of
32 private shared telecommunications services to advise users of the
33 dialing procedures necessary to access 911 emergency service and advise
34 users of the extent to which automatic location information is
35 transmitted when using 911 emergency service. Such rules shall provide

1 for advising users on at least an annual basis, and may include the use
2 of designated adhesive labels for telephone sets.

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

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

- 10 (1) Adopt a state fire protection master plan;
- 11 (2) Monitor fire protection in the state and develop objectives and
12 priorities to improve fire protection for the state's citizens;
- 13 (3) Establish and promote state arson control programs and ensure
14 development of local arson control programs;
- 15 (4) Provide representation for local fire protection services to
16 the governor in state-level fire protection planning matters such as,
17 but not limited to, hazardous materials;
- 18 (5) Recommend to the director of community, trade, and economic
19 development rules on minimum data requirements of automatic location
20 identification for the purposes of enhanced 911 emergency service;
- 21 (6) Seek and solicit grants, gifts, bequests, devices, and matching
22 funds for use in furthering the objectives and duties of the board, and
23 establish procedures for administering them;
- 24 ~~((+6+))~~ (7) Promote mutual aid and disaster planning for fire
25 services in this state;
- 26 ~~((+7+))~~ (8) Assure the dissemination of information concerning the
27 amount of fire damage including that damage caused by arson, and its
28 causes and prevention;
- 29 ~~((+8+))~~ (9) Submit annually a report to the governor containing a
30 statement of its official acts pursuant to this chapter, and make such
31 studies, reports, and recommendations to the governor and the
32 legislature as are requested;
- 33 ~~((+9+))~~ (10) Adopt a state fire training and education master plan;
- 34 ~~((+10+))~~ (11) Develop and adopt a master plan for the construction,
35 equipping, maintaining, and operation of necessary fire service
36 training and education facilities, but the authority to construct,
37 equip, and maintain such facilities is subject to chapter 43.19 RCW;

1 (~~(11)~~) (12) Develop and adopt a master plan for the purchase,
2 lease, or other acquisition of real estate necessary to establish and
3 operate fire service training and education facilities in a manner
4 provided by law;

5 (~~(12)~~) (13) Adopt standards for state-wide fire service training
6 and education courses including courses in arson detection and
7 investigation for personnel of fire, police, and prosecutor's
8 departments;

9 (~~(13)~~) (14) Assure the administration of any legislation enacted
10 by the legislature in pursuance of the aims and purposes of any acts of
11 Congress insofar as the provisions thereof may apply;

12 (~~(14)~~) (15) Cooperate with the common schools, community
13 colleges, institutions of higher education, and any department or
14 division of the state, or of any county or municipal corporation in
15 establishing and maintaining instruction in fire service training and
16 education in accordance with any act of Congress and legislation
17 enacted by the legislature in pursuance thereof and in establishing,
18 building, and operating training and education facilities.

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

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

27 NEW SECTION. **Sec. 14.** Section 12 of this act shall take effect
28 July 1, 1994.

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