

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 612

Introduced by Wayne, 13; McDonnell, 5; Vargas, 7.

Read first time January 18, 2017

Committee:

1 A BILL FOR AN ACT relating to telecommunications; to amend section
2 75-109.01, Revised Statutes Cumulative Supplement, 2016; to require
3 direct access to 911 emergency service from certain telephone
4 systems that use Internet protocol-enabled services; to provide for
5 Public Service Commission jurisdiction; and to repeal the original
6 section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Notwithstanding any other provision of law, a
2 telecommunications company or other business that owns or controls a
3 telephone system or an equivalent system that uses Internet protocol-
4 enabled service and provides outbound dialing capacity or access shall
5 configure the telephone system or equivalent system to allow a person
6 initiating a 911 call on the system to directly access 911 service by
7 dialing the digits 911 without an additional code, digit, prefix,
8 postfix, or trunk-access code.

9 (2) A telecommunications company or other business that provides
10 residential or business facilities, owns or controls a telephone system
11 or an equivalent system that uses Internet protocol-enabled service, and
12 provides outbound dialing capacity or access shall configure the
13 telephone system or equivalent system to provide a notification to a
14 central location on the site of the residential or business facility when
15 a person within the residential or business facility dials 911 if the
16 system is able to be configured to provide the notification without an
17 improvement to the system's hardware. This subsection does not require a
18 telecommunications company or other business to have a person available
19 at the central location to receive a notification.

20 (3) The Public Service Commission shall grant a one-year waiver of
21 the requirements under this section to such telecommunications company or
22 other business if:

23 (a) The requirements would be unduly and unreasonably cost
24 prohibitive for a telecommunications company or other business to comply
25 with; and

26 (b) The telecommunications company or other business provides an
27 affidavit not later than September 1 of each year stating:

28 (i) The manufacturer and model number of the telephone system or
29 equivalent system that needs to be reprogrammed or replaced;

30 (ii) That the telecommunications company or other business made a
31 good faith attempt to reprogram or replace the system; and

1 (iii) If the telephone system or equivalent system does not comply
2 with subsection (1) of this section, that the telecommunications company
3 or other business agrees to place an instructional sticker immediately
4 adjacent to each telephone that is accessed using the noncompliant system
5 indicating that during the waiver period the telephone is unable to
6 directly dial 911 and providing instructions for accessing 911 in case of
7 an emergency. The instructional sticker must be printed in at least
8 sixteen-point boldface type in a contrasting color using a font that is
9 easily readable.

10 (4) The commission may adopt and promulgate rules and regulations to
11 implement this section.

12 Sec. 2. Section 75-109.01, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 75-109.01 Except as otherwise specifically provided by law, the
15 Public Service Commission shall have jurisdiction, as prescribed, over
16 the following subjects:

17 (1) Common carriers, generally, pursuant to sections 75-101 to
18 75-158;

19 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
20 Act and sections 89-1,104 to 89-1,108;

21 (3) Manufactured homes and recreational vehicles pursuant to the
22 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

23 (4) Modular housing units pursuant to the Nebraska Uniform Standards
24 for Modular Housing Units Act;

25 (5) Motor carrier registration and safety pursuant to sections
26 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

27 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
28 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
29 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
30 the provisions of the Major Oil Pipeline Siting Act, the provisions of
31 the Major Oil Pipeline Siting Act control;

1 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
2 74-1323, and 75-401 to 75-430;

3 (8) Telecommunications carriers pursuant to the Automatic Dialing-
4 Announcing Devices Act, the Emergency Telephone Communications Systems
5 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
6 Regulation Act, the Nebraska Telecommunications Regulation Act, the
7 Nebraska Telecommunications Universal Service Fund Act, the
8 Telecommunications Relay System Act, the Telephone Consumer Slamming
9 Prevention Act, and sections 86-574 to 86-580 and section 1 of this act;

10 (9) Transmission lines and rights-of-way pursuant to sections 70-301
11 and 75-702 to 75-724;

12 (10) Water service pursuant to the Water Service Regulation Act; and

13 (11) Jurisdictional utilities governed by the State Natural Gas
14 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
15 provisions of the State Natural Gas Regulation Act, the provisions of the
16 State Natural Gas Regulation Act control.

17 Sec. 3. Original section 75-109.01, Revised Statutes Cumulative
18 Supplement, 2016, is repealed.