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House Bill 4249 (Substitute H-4 as passed by the House)
Sponsor: Representative Michele Hoytenga
House Committee: Communications and Technology
Ways and Means
Senate Committee: Energy and Technology

Date Completed: 6-4-19

CONTENT

The bill would amend the Emergency 9-1-1 Services Enabling Act to do the following:

- **Require a multiline telephone system (MLTS) operator to ensure that an MLTS could route 9-1-1 calls to the 9-1-1 network, and that the calls were answered by a primary public safety answering point (PSAP) in a manner specified under the bill.**
- **For a single building, require an MLTS operator to identify the location of each communications device and additional information, as applicable.**
- **For separate buildings, require an MLTS operator to identify the location of each communication device and other information, depending on the size of the workspace and other parameters.**
- **Prescribe the information that an MLTS operator must identify for each communications device at houses of worship, depending on the number of buildings and the number of devices.**
- **Prescribe the information that an MLTS operator must identify for each communications device at a farm that met certain parameters.**
- **Specify that an MLTS operator would be exempt from specific location identification requirements if a building maintained, on a 24-hour basis, an alternative method of notification and adequate means of responding to emergencies.**
- **Require an MLTS operator in violation of the Act after December 31, 2020, to provide the Michigan Public Service Commission and the Emergency 9-1-1 Service Committee with information on the failure to meet the deadline and a plan to remedy the failure, and authorize the Commission to assess a fine for a violation.**

The bill would repeal Section 405 of the Act, which requires the Commission to consult with and consider the recommendations of the Emergency 9-1-1 Service Committee in the promulgation of rules to require each service user with an MLTS to install no later than December 31, 2019, the necessary equipment and software to provide location information of a 9-1-1 call. In addition, the bill would rescind Rule 484.901 to Rule 484.906 of the Michigan Administrative Code, which specify the responsibilities of MLTS operators and exemptions, as well as penalties for a violation.

Routing of 9-1-1 Calls; MLTS

The bill would require an MLTS operator to ensure that the MLTS was capable of routing 9-1-1 calls to the 9-1-1 network, and that they were answered by a primary PSAP in a manner that resulted in accurate automatic location identifier (ALI) and automatic number identification (ANI) that could be verified in the 9-1-1 location database to include the specific location of the communications device.

"Multiline telephone system" or "MLTS" would mean a system comprised of common control unit or units, telephone sets with unique telephone numbers, and control hardware and software. "Multiline telephone system operator" or "MLTS operator" would mean a service user who owned, leased, or rented from a third party, and operated an MLTS. "Specific location" would mean a room or unit number, or room name, or equivalent unique designation of a portion of a structure or building to which a 9-1-1 emergency response team could be dispatched, and the caller quickly located, that is not more than 7,000 square feet.

"Communications device" would mean a device that was integrated into the design and operation of the multiline telephone system and by using the multiline telephone system was capable of accessing, connecting with, or interfacing with a 9-1-1 system, exclusively through the numerals 9-1-1, by dialing, initializing, or otherwise activating the 9-1-1 system through the numerals 9-1-1 by means of a local telephone, cellular telephone, wireless communications device, interconnected voice over the internet device, or any other means.

Single Buildings

The bill provides that, for a single building having its own street address and containing a work space of more than 7,000 square feet, all located on a single floor and on a single contiguous property, the MLTS operator would have to identify the specific location of each communications device, including the street address. An MLTS operator would be exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020, if both of the following apply:

- The building contained less than 20,000 square feet of work space.
- The building contained fewer than 20 communications devices.

"Work space" would mean the physical building area where work is normally performed, measured by net square footage, including offices; production, warehouse, and shop floors; storage area; hallways; conference rooms; break rooms; and other common areas. Work space would not include wall thickness; shafts; heating, ventilating, or air conditioning equipment spaces, or similar areas where employees normally do not have access.

For a single building having its own street address and containing a work space of more than 7,000 square feet on multiple floors and on a single contiguous property, the MLTS operator would have to identify the specific location of each communications device including the street address and building floor.

Separate Buildings; One MLTS

The bill specifies that, for separate buildings using one MLTS and containing a total work space of more than 7,000 square feet on multiple floors and on a single contiguous property having a common public street address, the MLTS operator would have to identify the specific location of each communications device in each building, including the street address, building floor, and any unique building identifier, if applicable.

For separate buildings using one MLTS and containing a total work space of more than 7000 square feet, all located on a single floor and on a single contiguous property and having a common public street address, the MLTS operator would have to identify the specific location of each communications device in each building, in addition to the street address and any unique building identifiers, if applicable. An MLTS operator would be exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020, if both of the following applied:

- The building contained less than 20,000 square feet of work space.
- The building contained fewer than 20 communications devices.

For separate buildings using one MLTS and containing a total work space of more than 7,000 square feet on single floors on separate properties having different street addresses, the MLTS operator would have to identify the specific location of each communications device in each building, including the street address and any unique building identifier, if applicable. An MLTS operator would be exempt from providing the specific location of each communication device until the installation of a new MLTS after January 1, 2020, if both of the following applied:

- The building contained less than 20,000 square feet of work space.
- The building contained fewer than 20 communications devices.

For separate buildings, using one MLTS, containing a total work space of more than 7,000 square feet on multiple floors on separate properties having different addresses, the MLTS operator would have to identify the specific location of each communications device in each building, including the street address and any unique building identifier, if applicable.

Houses of Worship

Under the bill, a house of worship (as described by Section 7s of the General Property Tax Act) with a single building having its own street address with less than 20 communications devices, the MLTS operator would have to identify, at a minimum, the street address. An MLTS operator would be exempt from providing the specific location of each communications device until the installation of a new MLTS purchased after January 1, 2020. Under Section 7s of the General Property Tax Act, houses of public worship include buildings or other facilities owned by a religious society and used predominantly for religious services or for teaching the religious truths and beliefs of the society.

For a house of worship with multiple buildings, using one MLTS, all located on a single contiguous property and having a common public street address with less than 20 communications devices, the MLTS operator would have to identify, at a minimum, the street address and a unique building identifier. An MLTS operator would be exempt from providing the specific location of each communications device until the installation of a new MLTS purchased after January 1, 2020.

For a house of worship with multiple buildings, using one MLTS, on separate properties having disparate street addresses, with less than 20 communications devices, the MLTS operator would have to identify, at a minimum, the specific street address of the caller's location and a unique building identifier, if applicable. An MLTS operator would be exempt from providing the specific location of each communications device until the installation of a new MLTS purchased after January 1, 2020.

The exemptions described above would not extend to a school controlled by the house of worship at the same address, or one of its addresses, as applicable.

Farms

Under the bill, farm would mean that term as defined in Section 2 of the Michigan Right to Farm Act: [the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.]

For a farm, as that term is defined under Section 2 of the Michigan Right to Farm Act, with less than 20 communications devices located within one building, the MLTS operator would have to identify the specific location of each communications device, including the street address. An MLTS operator would be exempt from providing the specific location of each communications device until the installment of a new MLTS after January 1, 2020. For the bill's purposes a farm would not include a farm producing or selling any product or crop that was unable to be sold in interstate commerce. (Under the Right to Farm Act, "farm" means [the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.])

Exemptions and Violations

An MLTS operator would be exempt from specific location identification requirements under the bill if the building maintained, on a 24-hour basis, an alternative method of notification and adequate means of signaling and responding to emergencies including a communication system that provided the specific location of 9-1-1 calls from within the building or the building was serviced with its own appropriate medical, fire, and security personnel.

"Alternative methods of notification" would mean that an internal system exists that will locate the communications device used to make a 9-1-1 call and initiate an emergency response.

An MLTS operator not serviced by enhanced 9-1-1 service would be exempt until enhanced 9-1-1 was available. "Enhanced 9-1-1" or "E9-1-1" would mean an advanced form of 9-1-1 service that transmits the caller's telephone number to the PSAP, for cross-referencing with an address database to determine the caller's location, which is relayed to a video monitor for the emergency dispatcher to direct public safety personnel responding to the emergency.

The bill specifies that an MLTS operator in violation of the Emergency 9-1-1 Service Enabling Act after December 31, 2020, would have to provide the Commission and the Committee information on the failure to meet the deadline and within 60 days after the violation provide a plan to remedy the failure within six months. An MLTS operator in violation of the Act after December 31, 2020 could be assessed a fine by the Commission from \$500 to \$5,000 per offense. An MLTS operator with 50 or fewer employees could be assessed a fine by the Commission of up to \$500 per offense.

MCL 484.1413

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill could have a minor positive fiscal impact on State government and a minor negative fiscal impact on some local governments. The Michigan Public Service Commission could charge an operator a fine of between \$500 and \$5,000 per offense if the operator had more than fifty employees, or a fine of up to \$500 if it had fifty or fewer employees. Fine revenue would be deposited into the General Fund. Local units would be affected to the extent that they were required to pay to upgrade phone systems to comply with the bill's requirements.

The magnitude of the impact would depend on the number of buildings affected and the amount of equipment upgraded.

Fiscal Analyst: Elizabeth Raczowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.