

CHAPTER 331

H.B. No. 1972

AN ACT

1
2 relating to the provision of 9-1-1 services; providing criminal
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 771.001(6), Health and Safety Code, is
6 amended to read as follows:

7 (6) "9-1-1 service" means a communications
8 [~~telecommunications~~] service that connects users [~~provides the~~
9 ~~user of the public telephone system the ability~~] to [~~reach~~] a public
10 safety answering point through a [~~by dialing the digits~~] 9-1-1
11 system.

12 SECTION 2. The heading to Section 771.053, Health and
13 Safety Code, is amended to read as follows:

14 Sec. 771.053. STATEWIDE LIMITATION ON LIABILITY OF SERVICE
15 PROVIDERS AND CERTAIN PUBLIC OFFICERS.

16 SECTION 3. Section 771.053, Health and Safety Code, is
17 amended by amending Subsection (a) and adding Subsection (c) to
18 read as follows:

19 (a) A service provider of communications
20 [~~telecommunications~~] service involved in providing 9-1-1 service,
21 a manufacturer of equipment used in providing 9-1-1 service, a
22 developer of software used in providing 9-1-1 service, a third
23 party or other entity involved in providing 9-1-1 service, or an
24 officer, director, or employee of the [a] service provider,

1 manufacturer, developer, third party, or other entity involved in
2 providing 9-1-1 service is not liable for any claim, damage, or loss
3 arising from the provision of 9-1-1 service unless the act or
4 omission proximately causing the claim, damage, or loss constitutes
5 gross negligence, recklessness, or intentional misconduct.

6 (c) This section shall be interpreted to provide protection
7 relating to confidentiality and immunity and protection from
8 liability with at least the same scope and to at least the same
9 extent as described by federal law, including 47 U.S.C. Section
10 615a and 47 U.S.C. Section 1472.

11 SECTION 4. Section 771.061, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 771.061. STATEWIDE CONFIDENTIALITY OF INFORMATION.

14 (a) Information that a service provider of communications
15 [~~telecommunications~~] service is required to furnish to a
16 governmental entity, including a regional planning commission,
17 emergency communications district, or public safety answering
18 point, in providing 9-1-1 service or that a service provider, third
19 party, or other entity voluntarily furnishes at the request of a
20 governmental entity in providing [computerized] 9-1-1 service is
21 confidential and is not available for public inspection.
22 Information that is contained in an address database maintained by
23 a governmental entity or a third party used in providing
24 [~~computerized~~] 9-1-1 service is confidential and is not available
25 for public inspection. The service provider or third party is not
26 liable to any person who uses a [~~computerized~~] 9-1-1 service for the
27 release of information furnished by the service provider or third

1 party in providing [~~computerized~~] 9-1-1 service, unless the act or
2 omission proximately causing the claim, damage, or loss constitutes
3 gross negligence, recklessness, or intentional misconduct.

4 (b) Information that a service provider [~~of~~
5 ~~telecommunications service~~] furnishes to the commission or an
6 emergency communication district to verify or audit emergency
7 service fees or surcharge remittances and that includes access line
8 or market share information of an individual service provider is
9 confidential and not available for public inspection.

10 (c) This section shall be interpreted to provide protection
11 relating to confidentiality and immunity and protection from
12 liability with at least the same scope and to at least the same
13 extent as described by federal law, including 47 U.S.C. Section
14 615a and 47 U.S.C. Section 1472.

15 SECTION 5. Section 772.001(6), Health and Safety Code, is
16 amended to read as follows:

17 (6) "9-1-1 service" means a communications
18 [~~telecommunications~~] service that connects users [~~through which~~
19 ~~the user of a public telephone system has the ability~~] to [~~reach~~] a
20 public safety answering point through a 9-1-1 system [~~by dialing~~
21 ~~the digits 9-1-1~~].

22 SECTION 6. Sections 42.061(a), (b), and (c), Penal Code,
23 are amended to read as follows:

24 (a) In this section "9-1-1 service" and "public safety
25 answering point" or "PSAP" have the meanings assigned by Section
26 771.001 [~~772.001~~], Health and Safety Code.

27 (b) A person commits an offense if the person makes a

1 [~~telephone~~] call to a 9-1-1 service, or requests 9-1-1 service
2 using an electronic communications device, when there is not an
3 emergency and knowingly or intentionally:

4 (1) remains silent; or

5 (2) makes abusive or harassing statements to a PSAP
6 employee.

7 (c) A person commits an offense if the person knowingly
8 permits an electronic communications device, including a
9 telephone, under the person's control to be used by another person
10 in a manner described in Subsection (b).

11 SECTION 7. The heading to Section 42.062, Penal Code, is
12 amended to read as follows:

13 Sec. 42.062. INTERFERENCE WITH EMERGENCY REQUEST FOR
14 ASSISTANCE [~~TELEPHONE CALL~~].

15 SECTION 8. Sections 42.062(a), (b), and (d), Penal Code,
16 are amended to read as follows:

17 (a) An individual commits an offense if the individual
18 knowingly prevents or interferes with another individual's ability
19 to place an emergency [~~telephone~~] call or to request assistance,
20 including a request for assistance using an electronic
21 communications device, in an emergency from a law enforcement
22 agency, medical facility, or other agency or entity the primary
23 purpose of which is to provide for the safety of individuals.

24 (b) An individual commits an offense if the individual
25 recklessly renders unusable an electronic communications device,
26 including a telephone, that would otherwise be used by another
27 individual to place an emergency [~~telephone~~] call or to request

1 assistance in an emergency from a law enforcement agency, medical
2 facility, or other agency or entity the primary purpose of which is
3 to provide for the safety of individuals.

4 (d) In this section, "emergency" means a condition or
5 circumstance in which any individual is or is reasonably believed
6 by the individual making a [~~telephone~~] call or requesting
7 assistance to be in fear of imminent assault or in which property is
8 or is reasonably believed by the individual making the [~~telephone~~]
9 call or requesting assistance to be in imminent danger of damage or
10 destruction.

11 SECTION 9. Section 772.401, Health and Safety Code, is
12 repealed.

13 SECTION 10. Subchapter C, Chapter 171, Health and Safety
14 Code, is amended by adding Section 771.0512 to read as follows:

15 Sec. 771.0512. OBLIGATIONS OR REQUIREMENTS CONCERNING
16 VOICE OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR
17 COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE. Defining "9-1-1
18 service" as a communications service and other amendments effective
19 September 1, 2013, do not expand or change the authority or
20 jurisdiction of a public agency or the commission over commercial
21 mobile service or wireline service including Voice over Internet
22 Protocol service or Internet Protocol enabled service or expand the
23 authority of a public agency or the commission to assess 911 fees.
24 Nothing in this chapter affects Section 52.002(d), Utilities Code.
25 In this section, "Voice over Internet Protocol service," "Internet
26 Protocol enabled service," and "commercial mobile service" have the
27 meanings assigned by Sections 51.002 and 51.003, Utilities Code.

1 SECTION 11. Subchapter A, Chapter 772, Health and Safety
2 Code, is amended by adding Section 772.003 to read as follows:

3 Sec. 772.003. OBLIGATIONS OR REQUIREMENTS CONCERNING VOICE
4 OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR
5 COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE. Defining "9-1-1
6 service" as a communications service and other amendments effective
7 September 1, 2013, do not expand or change the authority or
8 jurisdiction of a public agency or the commission over commercial
9 mobile service or wireline service including Voice over Internet
10 Protocol service or Internet Protocol enabled service or expand the
11 authority of a public agency or the commission to assess 911 fees.
12 Nothing in this chapter affects Section 52.002(d), Utilities Code.
13 In this section, "Voice over Internet Protocol service," "Internet
14 Protocol enabled service," and "commercial mobile service" have the
15 meanings assigned by Sections 51.002 and 51.003, Utilities Code.

16 SECTION 12. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 13. This Act takes effect September 1, 2013.

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 1972 was passed by the House on April 24, 2013, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1972 was passed by the Senate on May 15, 2013, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

APPROVED: 14 JUNE '13

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:02 O'CLOCK

JUN 14 2013

[Signature]
Secretary of State