



Reprinted
April 9, 1999

ENGROSSED HOUSE BILL No. 1428

DIGEST OF HB 1428 (Updated April 8, 1999 1:53 pm - DI 94)

Citations Affected: IC 36-8.

Synopsis: Computerized telephone emergency warnings. Allows a county or municipality to use the 911 funds in excess of the funds necessary to pay the expenses of the 911 telephone system for a computerized telephone warning system that warns residents of an emergency situation by placing a telephone call to service users. Provides that customer data provided to a county or municipality for the purpose of implementing or updating an enhanced emergency telephone system may only be used to identify the telephone location or service user and may not be used or disclosed for any other purpose.
(Continued next page)

Effective: July 1, 1999.

Duncan, Bottorff, Yount, Mahern
(SENATE SPONSORS — SKILLMAN, JACKMAN, NUGENT, CRAYCRAFT)

January 12, 1999, read first time and referred to Committee on Commerce and Economic Development.
February 25, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, ordered engrossed. Engrossed.
March 2, 1999, read third time, passed. Yeas 96, nays 0.
SENATE ACTION
March 8, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
April 5, 1999, amended, reported favorably — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

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Provides that a person who uses or discloses customer data in violation of the law commits a Class A misdemeanor. Requires that in providing 911 database information to a county or municipality, a service supplier shall provide for each service user in the county or municipality: (1) the telephone number service address; (2) the class of the service; and (3) a designation of listed, nonlisted, or unpublished. Requires the service supplier to provide 911 database information to a county or municipality on a quarterly basis. Allows the service supplier to charge a reasonable fee to the political subdivision for the administrative costs of providing the 911 database information.

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April 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-16-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
3 chapter, "enhanced emergency telephone system" means a telephone
4 system that utilizes the three digit number 911 to send automatic
5 number identification and automatic location identification for
6 reporting police, fire, medical, or other emergency situations. **The term**
7 **also includes a telephone system that provides service users in the**
8 **unit with a telephone warning of an emergency situation through**
9 **a computerized warning system that uses 911 database information**
10 **and technology if the emergency telephone fund of the telephone**
11 **system's political subdivision contains sufficient funds to pay all the**
12 **expenses of the 911 telephone system.**

13 SECTION 2. IC 36-8-16-16 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) Service
15 suppliers shall provide upon request the necessary customer data to

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1 implement an enhanced emergency telephone system. **Customer data**
 2 **provided to a county or municipality for the purpose of**
 3 **implementing or updating an enhanced emergency telephone**
 4 **system may be used only to identify the telephone location or**
 5 **service user, or both, and may not be used or disclosed by the**
 6 **county or municipality, or its agents or employees, for any other**
 7 **purpose unless the data is used or disclosed under a court order. A**
 8 **person who violates this subsection commits a Class A**
 9 **misdemeanor.**

10 **(b) In providing 911 database information under section 2(2) of**
 11 **this chapter, the service supplier shall provide:**

12 **(1) the telephone number service address;**

13 **(2) the class of service; and**

14 **(3) a designation of listed, unlisted, or nonpublished;**

15 **for each service user in the county or municipality. The service**
 16 **supplier shall provide this 911 database information to the county**
 17 **or municipality on a quarterly basis. The service supplier may**
 18 **charge a reasonable fee to the political subdivision for the**
 19 **administrative costs of providing the 911 database information.**
 20 **The service supplier may not be held liable in an action arising**
 21 **under this section.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 36-8-16-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) Service suppliers shall provide upon request the necessary customer data to implement an enhanced emergency telephone system. **Customer data provided to a county or municipality for the purpose of implementing or updating an enhanced emergency telephone system may be used only to identify the telephone location or service user, or both, and may not be used or disclosed by the county or municipality, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who violates this subsection commits a Class A misdemeanor.**

(b) In providing 911 database information under section 2(2) of this chapter, the service supplier shall provide:

- (1) the telephone number service address;**
- (2) the class of service; and**
- (3) a designation of listed, unlisted, or nonpublished;**

for each service user in the county or municipality. The service supplier shall provide this 911 database information to the county or municipality on a quarterly basis. The service supplier may charge a reasonable fee for the administrative costs of providing the 911 database information. The service supplier may not be held liable in an action arising under this section."

and when so amended that said bill do pass.

(Reference is to HB 1428 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 9, nays 0.



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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1428, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 16, after "fee" insert "**to the political subdivision**".
and when so amended that said bill do pass.

(Reference is to HB 1428 as printed February 26, 1999.)

MEEKS R, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1428 be amended to read as follows:

Page 1, line 4, delete "does either or both of the following".

Page 1, line 5, delete "(1) Utilizes" and insert "utilizes".

Page 1, line 8, delete "(2) Provides" and insert "**The term also includes a telephone system that provides**".

Page 1, line 10, after "technology" insert "**if the emergency telephone fund of the telephone system's political subdivision contains sufficient funds to pay all the expenses of the 911 telephone system.**".

Page 1, run in lines 4 through 10.

(Reference is to EHB 1428 as printed April 6, 1999.)

SKILLMAN

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