

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 404
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10176-LM-42

Short Title: Immunity for 911 Dispatchers. (Public)

Sponsors: Representative Zachary.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL
3 PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS
4 ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF
5 WANTON OR WILLFUL MISCONDUCT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 143B-1413 reads as rewritten:

8 "**§ 143B-1413. Limitation of liability.**

9 (a) Except in cases of wanton or willful misconduct, a ~~communications service~~
10 ~~provider, and a 911 system provider or provider, next generation 911 system provider, PSAP,~~
11 ~~regional PSAP,~~ and their employees, directors, officers, vendors, and agents are not liable for
12 any damages in a civil action resulting from death or injury to any person or from damage to
13 property incurred by any person in connection with developing, adopting, implementing,
14 maintaining, or operating the 911 ~~system-system, including call taking, dispatching, radio~~
15 ~~operations, data terminal operations, or any combination of these call taking functions in a PSAP,~~
16 or in complying with emergency-related information requests from State or local government
17 officials. This section does not apply to actions arising out of the operation or ownership of a
18 motor ~~vehicle-vehicle by an employee or agent of a 911 system provider, next generation 911~~
19 ~~system provider, PSAP, or regional PSAP.~~ The acts and omissions described in this section
20 include, but are not limited to, the following:

- 21 (1) The release of subscriber information related to emergency calls or emergency
22 services.
- 23 (2) The use or provision of 911 service, E911 service, or next generation 911
24 service.
- 25 (3) Other matters related to 911 service, E911 service, or next generation 911
26 service.
- 27 (4) Text-to-911 service.

28 (b) ~~In any civil action by a user of 911 services or next generation 911 services arising~~
29 ~~from an act or an omission by a PSAP, and the officers, directors, employees, vendors, agents,~~
30 ~~and authorizing government entity of the PSAP, in the performance of any lawful and prescribed~~
31 ~~actions pertaining to their assigned job duties as a telecommunicator. The telecommunicator, the~~
32 ~~plaintiff's burden of proof shall be by clear and convincing evidence."~~

33 **SECTION 2.** This act is effective when it becomes law and applies to causes of
34 action filed on or after that date.

