

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 404
Committee Substitute Favorable 4/28/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H404-PCS10515-TU-17

Short Title: Immunity for 911 Dispatchers.

(Public)

Sponsors:

Referred to:

March 25, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS AND EMPLOYEES OF LAW ENFORCEMENT AGENCIES ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF WANTON OR WILLFUL MISCONDUCT.

The General Assembly of North Carolina enacts:

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

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

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

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

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



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