GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 404
Committee Substitute Favorable 4/28/21
Senate Judiciary Committee Substitute Adopted 6/29/21
Proposed Conference Committee Substitute H404-PCCS10537-TU-1

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 GROSS NEGLIGENCE OR
WANTON OR WILLFUL MISCONDUCT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-1413, as amended by S.L. 2021-88, reads as rewritten:

"§ 143B-1413. Limitation of liability.

(a) Except in cases of gross negligence or wanton or willful misconduct, a
communications service provider, 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 excess
of any applicable insurance coverage, which coverage shall not be excluded from such applicable
coverage, 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
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 plaintiff’s burden of proof is by clear and convincing evidence."

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