

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2296
(Senators Walen, Luick, Enget)
(Representatives Fegley, Vigesaa)

AN ACT to amend and reenact section 57-40.6-01 of the North Dakota Century Code, relating to emergency services communications systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-40.6-01 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "911 system" means a set of networks, software applications, databases, call answering components, and operations and management procedures required to provide 911 services.
2. "911 system service provider" means an entity that provides the systems and support necessary to enable 911 calling for one or more public safety answering points in a specific geographic area. A 911 system service provider may provide the systems and support for either enhanced 911 or next generation 9-1-1.
3. "Assessed communications service" means a software service, communication connection, cable or broadband transport facilities, or a combination of these facilities, between a billed retail end user and a service provider's network that provides the end user, upon contacting 911, access to a public safety answering point through a permissible interconnection to the dedicated 911 network. The term includes telephone exchange access service, wireless service, and voice over internet protocol service.
4. "Automated notification system" means that portion of a telecommunications system that provides rapid notice of emergency situations to the public.
5. "Commissioner" means the state tax commissioner.
6. "Communication connection" means a telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation.
7. "Consumer" means a person who purchases prepaid wireless service in a retail transaction.
8. "Emergency services communication system" means a comprehensive statewide or countywide system, which provides rapid public access for coordinated dispatching of public safety services. The system includes a 911 system or radio system.
9. "FCC order" means federal communications commission order 94-102 [961 Federal Register 40348] and any other FCC order that affects the provision of wireless enhanced 911 service.
10. "First responder" means an individual trained to provide assistance during an emergency, including a firefighter as defined under section 18-11-03, law enforcement officer as defined under section 12.1-01-04, emergency medical services personnel as defined under section 23-27-02, and public safety telecommunicators.

11. "Prepaid wireless emergency 911 fee" means the fee that is required to be collected by a seller from a consumer in the amount established under section 57-40.6-14.
- ~~41-12.~~ "Prepaid wireless service" means any telecommunications service that provides the right to use a mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which are paid for in advance and sold in predetermined units or dollars which decline with use in a known amount.
- ~~42-13.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.
- ~~43-14.~~ "Public safety answering point" or "PSAP" means a communications facility or combination of facilities which first receives 911 calls from persons in a 911 service area and which, as appropriate, may directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.
- ~~44-15.~~ "Public safety answering point service area" means the geographic area for which a public safety answering point has dispatch and emergency communications responsibility.
- ~~45-16.~~ "Public safety services" means personnel, equipment, and facilities used by ~~law enforcement, fire, medical,~~ first responders or other supporting services used in providing a public safety response to an incident.
- ~~46-17.~~ "Public safety telecommunicator" means an individual whose primary full-time or part-time duties are receiving, processing, and transmitting public safety information received through an emergency services communication system.
- ~~47-18.~~ "Radio system" means a set of networks, software applications, databases, radio components and infrastructure, and operations and management procedures required to provide communication services.
- ~~48-19.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for any purpose other than resale.
- ~~49-20.~~ "Seller" means a person who sells prepaid wireless services to a consumer.
- ~~20-21.~~ "Subscriber service address" means, for purposes of telephone exchange access service and voice over internet protocol service subscribers, the address where the subscriber's communication device is used and, for purposes of wireless subscribers, the place of primary use, as that term is defined in section 57-34.1-02.
- ~~24-22.~~ "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.
- ~~22-23.~~ "Telephone exchange access service" means service to any wire line telephone access line identified by a unique telephone number that provides local wire line access to the telecommunications network to a service subscriber and which enables the subscriber to access the emergency services communications system by dialing the digits 9-1-1 on the subscriber's telephone device.
- ~~23-24.~~ "Unpublished" means information that is not published or available from directory assistance.
- ~~24-25.~~ "Voice over internet protocol service" means a service that enables real-time two-way voice communications; requires a broadband connection from the user's location; requires internet protocol-compatible customer premises equipment; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

- ~~25-26.~~ "Wireless access line" means each active wireless and prepaid wireless telephone number assigned to a commercial mobile radio service subscriber, including end users of resellers.
- ~~26-27.~~ "Wireless enhanced 911 service" means the service required to be provided by wireless service providers pursuant to the FCC order.
- ~~27-28.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C. 332(d)(1) and includes:
- a. Services commonly referred to as wireless; and
 - b. Services provided by any wireless real-time two-way voice communication device, including radio-telephone communications used in:
 - (1) Cellular telephone service;
 - (2) Personal communications service; or
 - (3) The functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, personal communications service, or a network radio access line.
- ~~28-29.~~ "Wireless service provider" means any entity authorized by the federal communications commission to provide wireless service within this state.

Brod Bakkedal
President of the Senate

Robi Davis
Speaker of the House

Shanda Meyer
Secretary of the Senate

Bruce J. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2296.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 84 Nays 6 Absent 4

Shanda Meyer
Secretary of the Senate

Received by the Governor at 3:30 P M. on April 4th, 2025.

Approved at 2:34 P M. on April 7th, 2025.

[Signature]
Governor

Filed in this office this 8th day of April, 2025,

at 12:10 o'clock P M.

Michael Howe
Secretary of State