S T A T E O F N E W Y O R K

4189

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. BOYLAND, ROBERTS -- Multi-Sponsored by -- M. of A. GABRYSZAK -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to requiring wireless communications service suppliers to provide contact information to the state police to facilitate an emergency response

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 32-A to read as follows:

ARTICLE 32-A

TELECOMMUNICATIONS SERVICES

SECTION 676. EMERGENCY WIRELESS COMMUNICATIONS DEVICE DISCLOSURE TO LAW ENFORCEMENT.

S 676. EMERGENCY WIRELESS COMMUNICATIONS DEVICE DISCLOSURE TO LAW ENFORCEMENT. 1. A WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL PROVIDE THE CALL LOCATION INFORMATION OF A WIRELESS COMMUNICATIONS DEVICE TO A LAW ENFORCEMENT OFFICER IF THE INFORMATION IS NECESSARY TO RESPOND TO A CALL FOR EMERGENCY SERVICES OR IN RESPONSE TO AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF DEATH OR SERIOUS PHYSICAL INJURY.

2. EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER THAT IS AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE SHALL PROVIDE ITS NAME AND CONTACT INFORMATION WITH THE NEW YORK STATE POLICE TO FACILITATE INFORMATION REQUESTS MADE PURSUANT TO THIS SECTION. ON A QUARTERLY BASIS, THE NEW YORK STATE POLICE SHALL DISSEMINATE THE CONTACT INFORMATION TO EVERY LAW ENFORCEMENT AGENCY IN THIS STATE.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A WIRELESS COMMUNICATIONS SERVICE SUPPLIER FROM ESTABLISHING PROTOCOLS BY WHICH THE SUPPLIER VOLUNTARILY DISCLOSES CALL LOCATION INFORMATION.

4. A WIRELESS COMMUNICATIONS SERVICE SUPPLIER AND ITS OFFICERS, EMPLOYEES, AGENTS OR OTHER SPECIFIED PERSONS SHALL NOT BE LIABLE IN ANY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CIVIL ACTION FOR DAMAGES FOR PROVIDING CALL LOCATION INFORMATION TO THE NEW YORK STATE POLICE OR OTHER LAW ENFORCEMENT AGENCY WHILE ACTING IN GOOD FAITH PURSUANT TO THIS SECTION.

5. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "WIRELESS COMMUNICATIONS SERVICE SUPPLIER" MEANS ANY COMMERCIAL ENTITY THAT OPERATES A WIRELESS COMMUNICATIONS SERVICE IN NEW YORK STATE.

(B) "WIRELESS COMMUNICATIONS DEVICE" MEANS ANY EQUIPMENT USED TO ACCESS A WIRELESS COMMUNICATIONS SERVICE.

(C) "WIRELESS COMMUNICATIONS SERVICE" MEANS ALL COMMERCIAL MOBILE SERVICES, AS THAT TERM IS DEFINED IN SECTION 332(D) OF TITLE 47, UNITED STATES CODE, AS AMENDED FROM TIME TO TIME, INCLUDING, BUT NOT LIMITED TO, ALL BROADBAND PERSONAL COMMUNICATIONS SERVICES, WIRELESS RADIO TELEPHONE SERVICES, GEOGRAPHIC AREA SPECIALIZED AND ENHANCED SPECIALIZED MOBILE RADIO SERVICES, AND INCUMBENT-WIDE AREA SPECIALIZED MOBILE RADIO LICENSEES, WHICH OFFER REAL TIME, TWO-WAY VOICE OR DATA SERVICE THAT IS INTERCONNECTED WITH THE PUBLIC SWITCHED TELEPHONE NETWORK OR OTHERWISE PROVIDES ACCESS TO EMERGENCY COMMUNICATIONS SERVICES.

S 2. This act shall take effect immediately.