

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 404

Short Title: Immunity for 911 Dispatchers. (Public)

Sponsors: Representatives Zachary and Warren (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

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
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 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. 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."~~

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



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