

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 404  
Committee Substitute Favorable 4/28/21

Short Title: Immunity for 911 Dispatchers.

(Public)

Sponsors:

Referred to:

March 25, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL  
3 PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS  
4 ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF  
5 WANTON OR WILLFUL MISCONDUCT.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 143B-1413. Limitation of liability.**

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

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

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

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

