

“9-1-1 Calls Act”

Act No. 144 of December 22, 1994, as amended

(Contains amendments incorporated by:

Act No. 108 of August 3, 1995

Act No. 230 of August 12, 1998

Act No. 18 of January 5, 2002

Act No. 9 of January 8, 2004)

(Amendments non-incorporated:

Act No. 208 of December 29, 2009

Act No. 221 of December 30, 2009

Act No. 226 of December 30, 2010

Act No. 126 of July 12, 2011)

To establish and regulate the way that the public safety emergency calls via 9-1-1 telephone number response system shall operate within the Commonwealth jurisdiction; to create a 9-1-1 Service Government Board; to empower such Board to administer the resources and collections generated as a result of this Act; to implement obligations for private or public entities and establish controls.

STATEMENT OF MOTIVES

An element of great importance in the perception of the degree of quality of life enjoyed by the -people is its trust in the diligence with which the government deals with their requests of help in case of personal emergencies. The speed with which the presence of the government apparatus is materialized to the aid of a citizen who is a victim of crime, illness or fire is the most convincing expression of the efficiency with which the government functions. To the degree - the people have the conviction that in cases of emergency where their families are directly affected, the Public safety agencies will act with the speed and efficiency needed in benefit of the individual, that citizenry will enjoy a greater peace of mind and will value to a greater degree the quality of life they enjoy.

For this reason, advanced people and those who place the spiritual peace of mind and serenity of family life above material values have developed the ways to guarantee ready access to the Public Safety government source to a citizen burdened by a personal tragedy. Within the gamut of sources for this purpose, the emergency telephone response system technology denominated "9-1-1" stands out because of its availability and its easy operation by the affected persons.

However, the effective response to the citizen's request mechanism does not rest solely and mainly on telephone technology, but in the human resources and technicians available to

Public Safety agencies in order to take care of the requests for services. For this reason, the Legislature of Puerto Rico has complied with the people's request, in order to ensure that Public Safety agencies have the resources needed to institute and maintain the means to respond with the speed and efficiency our citizens deserve, and ensure the succor of the affected persons. Thus, the efforts initiated by the Executive Branch to install a telephone switchboard to respond to all the public calls to the Police, Fire Fighters and Medical in a centralized manner identified by a universal emergency code 9-1-1, shall have the proper support in said agencies. The social problems our country confronts such as criminality, domestic violence, child abuse and others, as well as the emergencies caused by natural disasters or by man's hand, make it imperative that our citizens have a universal emergency telephone number where they may call any time to request emergency services. On the other hand, experience shows that the acts of reckless persons and children such as making false alarm calls or complaints or to give false information, impede the development of government, safety and public emergency activities. The use of the 9- 1- 1 emergency telephone response service with the purpose of giving a false alarm may have disastrous consequences.

To enable the establishment of the means and technologies within Public Safety agencies to speedily and efficiently respond to the citizenry's emergency calls through the implementation of the "9-1-1" universal telephone number for such purpose, and as a means to encourage a better quality of life for Puerto Rico, this Act is hereby approved.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Abbreviated Title. — (25 L.P.R.A. § 1911 note)

This Act shall be known as "Act for the Speedy Attention of Public Safety Emergency Calls" or "9-1-1 Calls Act".

Section 2. — Definitions. — (25 L.P.R.A. § 1911)

The following terms shall have the meaning indicated below, unless another meaning can be clearly constituted from the context:

(a) *Public Safety Agency* . — Those agencies whose services are offered through the use of the 9-1-1 emergency telephone number, including, specifically the Police of Puerto Rico, the Medical Emergencies Corps of Puerto Rico, the Puerto Rico Firefighters Corps, the Commonwealth Emergency Management and Disaster Administration Agency and the Department of the Family.

(b) *Public Safety Agent* . —Means an official from any public safety agency whose services are offered through the use of the 9-1-1 emergency telephone number.

(c) *Participating Agency* . —One of the government agencies whose executive officials constitute the Governing Board.

(d) *Board* . —Is hereby understood to be the Governing Board of the 9-1-1 Service created in this Act.

(e) *Call-Receiving Center*. —Is understood to be the site where the personnel and the telephone and information equipment are located, to which the 9-1-1 calls are directed for primary response and analysis of the nature of the emergency, before said call is transferred to a public safety agency for the dispatch of the service units.

(f) *Call-Answering Center*. —Refers to the site, within the public safety agencies' jurisdiction, to which the call-receiving center transfers the 9-1-1 calls with the proper information about the originator telephone number and its location, once the nature of the emergency and the agencies that shall assume the control of the calls for their attention and response are determined.

Section 3. — The 9-1-1 Service Governing Board. — (25 L.P.R.A. § 1912)

An organization is hereby created, which shall be called the 9-1-1 Service Government Board, formed by the Police Superintendent, the Executive Director of the Medical Emergencies Corps of Puerto Rico, the Chief of the Puerto Rico Firefighters Corps, and the Executive Director of the Commonwealth Emergency Management and Administration Agency. In addition to the four ex officio members mentioned here, the Board shall be formed by an additional member representing the public interest, who shall be selected and appointed with the consent of the ex-officio members mentioned herein. The representative for the public interest shall be selected from a list of candidates, to be supplied by the professional institutions recognized or accredited by law, to be determined by the ex officio members, among which shall be the Medical Association and the College of Engineers. The professional institutions shall nominate one candidate each.

The Board of ex officio members shall take office immediately after this act becomes effective, constituting themselves as the 9-1-1 Service executive council with all the powers granted to them by this Act, and shall proceed with the process to select the public service representative.

Without restricting the faculties and duties of the public safety agencies and of the officials who constitute the Board of Governors in compliance of their ministerial duties, the Board shall be in charge of the coordination of any joint government effort to enforce the provisions of this Act.

The Police Superintendent shall be the Chairperson and shall contract a technical consultant with experience in 9-1-1 technology. The technical consultant shall not be a voting member of the Board, but he shall be required to attend all its meetings.

The members of the Board who are government employees shall not be paid fees nor per diems in the exercise of their duties.

Section 4. — Powers of the Governing Board. — (25 L.P.R.A. § 1913)

The Governing Board shall regulate, direct and administer the rendering of the 9-1-1 public calls response services and the assignment of said calls to public safety agencies and other emergency services providers authorized by the agencies and the Board, for their prompt attention. In order to comply with this purpose, the Board shall adopt the necessary regulations and administrative procedures and shall organize itself in the form it deems [most] effective.

In order to carry out the functions imposed by this Act, the Board is empowered to:

- (a) Determine the geographic areas where the 9-1-1 Service shall be offered and the responsibility of each participating agency in the rendering of said service.
- (b) Receive and use technical help, personnel, equipment, facilities, services and materials from the government agencies mentioned above, or from any other civic organization, or government enterprise or agency.
- (c) Expedite the integration of municipal emergency services that are compatible with Commonwealth services and which the Board deems as relevant and convenient to integrate them to 9-1-1.
- (d) Organize activities and operations to generate funds, accept gifts and contributions from private and public entities empowered to do so.
- (e) Plan and implement the services and technologies deemed convenient. Contract the necessary professional services and others, for the operation of the 9-1-1 system, and to meet its responsibilities, including the acquisition, installation and operation of equipment, systems, materials and pertinent services, without excluding the operation of the 9-1-1 call-receiving center, nor the rendering of emergency services where the conditions do so merit.
- (f) Set aside future income from the collection of fees from the telephone subscribers to ensure the payment of loans, mortgages, rental rates and any other financial transaction that allows the Board to purchase or lease equipment, systems and facilities to render 9-1-1 Services.
- (g) To borrow or obtain money in advance from the Government Development Bank, the Department of the Treasury or any public or private institution.
- (h) Transfer, give, lease or sell to public safety agencies the equipment, systems, materials and professional and personal services they require to meet the objectives of this Act, and that have been acquired by the Board under its provisions.
- (i) Appoint an Executive Director and the necessary personnel for the administration and compliance of the Board of Governors operations and the control of the available funds. Fix the salaries, emoluments and per diems of said personnel within the limits established by this Act.

Section 5. — Provisions on the Telephone Subscribers Charges. — (25 L.P.R.A. § 1914)

- (a) The 9-1-1 Service Governing Board, in the exercise of the faculties granted by this Act, shall establish the charges it deems justified to defray the equipment and facilities expenses required to render 9-1-1 Services and its direct administration, from the participating agencies. The charges shall be established from time to time, at the Board's discretion, and their effectiveness shall not be less than one year.
- (b) The 9-1-1 Services charges shall be made against the lines installed to the telephone subscribers in a uniform manner within each subscribers' classification, as part of the monthly charges to be billed. The 9-1-1 emergency calls shall not bring about individual charges for the use of telephone facilities for such purpose.
- (c) In determining charges, the Board shall take into account the expenses budgeted and projected for the following two years and shall try to provide income to defray said expenses, plus a reasonable reserve for contingencies, expansion of service and the replacement of unusable and obsolete equipment.

(d) The basic charge for the 9-1-1 Service main telephone line shall not initially exceed, fifty cents (\$0.50) a month for residential subscribers, nonprofit and religious organizations; nor one dollar (\$1.00) a month for commercial, professional and government subscribers. These charges shall take effect once the necessary regulations are approved. Provided, That the service charges shall commence when the 9-1-1 Service has been completely operational for at least sixty (60) days in each area, including the basic rolling equipment to respond to the calls by public safety agencies, and if the Board does so provide, the call recording equipment and the procedures to safeguard the confidentiality thereof and the constitutional rights of the citizens, shall be included. In all cases, the telephone subscribers shall be informed at least thirty (30) days in advance of the effectiveness thereof.

(e) The charge for 9-1-1 Services shall be identified separately on each telephone service bill, if the Board contracts such billing services from certain telephone companies.

(f) The telephone company shall collect the charges for the 9-1-1 Service, and shall deposit them in the account determined by the Board's regulations, within a period of not more than thirty (30) days after the payment was made by the subscriber. The telephone company shall keep a file of billing, payments and records of deposits of said charges, for the term determined by the Board by regulations. The Board shall reimburse the net cost of billing and collection of charges to the telephone companies, without exceeding what is provided in this Act.

Section 6. — Distribution and Use of the Funds Collected for Charges to Telephone Subscribers. — (25 L.P.R.A. § 1915)

(a) The Board's income for telephone charges shall be used exclusively to defray or reimburse the expenses directly attributed to receiving and responding to emergency calls, the dispatching and rendering of primary services in said emergencies, and the administration of said services.

(b) The funds collected from charges to telephone subscribers shall be distributed as established by the Board through regulations, without exceeding the following limits for the first two (2) fiscal years:

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| (1) | Billing cost and collection of charges by the telephone companies: | No more than 2% |
| (2) | Reserve for contingencies: | No more than 15% |
| (3) | Reserve for expansion of services and replacement of equipment and systems: | No less than 10% |
| (4) | Board administration and joint operating expenses of public safety agencies, including the 9-1-1 call-receiving centers: | No more than 33% |
| (5) | Individual expenses typical of security agencies in responding to calls via 9-1-1. This item shall be distributed among the public safety agencies in proportion to the number of calls handled by each one, except when the Board members, by consensus, | |

authorize exceptions in order to resolve
special needs of one or more agencies:

No less than 40%

(c) In its discretion, the Board may reimburse the percentage it deems justified from the direct salaries of the personnel appointed by the public safety agencies for the direct assistance of the 9-1-1 users, as well as the operating and the maintenance costs of the systems and equipment required by the agencies to render the service required by the Board.

Section 7. — Other Income. — (25 L.P.R.A. § 1916)

The Board is empowered to use in the way it deems is most convenient and practical, the income received from other sources such as, but without being limited to grants, gifts, special activities and the sale of surplus or obsolete equipment.

Section 8. — Call-Receiving Center. — (25 L.P.R.A. § 1917)

(a) The 9-1-1 Service call-receiving centers shall be established and shall operate under the jurisdiction of the 9-1-1 Service Board of Governors, according to the Board's determinations after analyzing the public's needs with regard to the resources available to public safety agencies. The call-receiving centers shall be the first contact of the public with the 9-1-1 Service, and shall offer its services equally to all public safety agencies, referring to them the calls received for individual or joint handling.

(b) The call-receiving centers shall be operated by personnel from the participating agencies assigned to the Board, by the Board's own personnel or by private services contracted for such purpose.

(c) The telephone companies shall supply to the call-receiving center the telephone numbers of the subscribers who call 9-1-1 and the addresses of the location of said telephones, for each call received in said center. The identification number and location information shall be given in a computerized manner compatible for transmission to the call-receiving and service unit dispatch centers.

(d) The call-receiving center shall not only filter, analyze and distribute the calls received via 9-1-1 to the public safety agencies concerned, but it shall also have the means to handle the information given by the telephone companies to identify the origin thereof, and locate the incidents informed. These means shall allow the transmission of the greatest amount of data about said incidents to the call-response centers, while transferring the telephone call.

(e) The call-receiving center shall be in charge of the creation, updating and conservation of the Master Street and Address Directory (GMCD, Spanish acronym), which shall be a computerized geographic information system and shall include in an electronic file, a list of the street names and other public thoroughfares, geographic sectors and reference points with the necessary information and functions for the public safety agents dispatching work.

(f) The call-receiving center shall be in charge of keeping a record of the calls received and their final provision, including the drafting of reports, statistics and pertinent documents.

(g) The Board shall provide the call-receiving centers with the personnel, facilities, equipment and communication and information systems required for the most efficient

performance of their functions. The funds for these purposes shall come from the Board's budget for the public safety agencies individual and joint operation expenses.

(h) The call-receiving centers shall determine, in collaboration with the telephone companies, the number of telephone lines and equipment needed to provide an acceptable level of public access to the 9-1-1 Service in each served region. These lines and equipment may be billed to the Board by the telephone companies at a rate that shall not exceed the regular rates for such services.

Section 9. — Recording of 9-1-1 Service Calls. — (25 L.P.R.A. § 1910)

Calls made to the 9-1-1 Service shall be recorded, unless the person placing the call indicates that he/she does not give his/her consent for the same to be recorded. Said recordings shall be used for the sole purpose of clarifying the information provided to facilitate the rendering of emergency services. The Board shall establish the technical means needed to implement the no-recording option of the call when the user so requests it.

Section 10. — Equipment and Systems to Respond and Render Services. — (25 L.P.R.A. § 1911)

(a) The Board shall provide the equipment, services and systems, as well as their maintenance, that the public safety agencies may require for the proper handling of calls and rendering help to the citizens, in the measure and proportion of costs determined by consensus, by regulations or individual consideration of each particular case. To such ends, the Board shall determine the ability of the agency, within its regular budget, to participate in financing the acquisition and maintenance of services, equipment or systems contemplated, and shall present to the concerned agency its financial aid proposal.

(b) It shall be the responsibility of each public safety agency to operate and keep in good operating condition the systems and equipment the Board assigns, leases, gives or expedites their implementation, for the compliance of their missions within the 9-1-1 Service.

(c) The Board shall have the faculty to inspect or audit the systems, equipment and facilities that it supplies, or helps to supply, to the public safety agencies directly or indirectly in order to ensure the best use thereof.

Section 11. — [This section appears in blank on the original act]

Section 12. — This Act shall take effect thirty (30) days after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.