

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **for**

4 **H. B. 2046**

5
6 (By Delegates Perry and P. Smith)

7 [Passed April 12, 2013; in effect ninety days from passage.]

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9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §15-3-10, relating to
12 requiring wireless telecommunications carriers to provide
13 location information to law-enforcement agencies in
14 emergencies; permitting wireless communications carriers to
15 establish protocols for disclosure of location information in
16 an emergency; limiting liability of wireless communications
17 carriers when acting in good faith; requiring wireless
18 telecommunications carriers and resellers to provide emergency
19 contact information; requiring the West Virginia State Police
20 to maintain emergency contact database; and granting
21 rule-making authority.

22 *Be it enacted by the Legislature of West Virginia:*

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto a new section, designated §15-3-10, to read as
25 follows:

1 **CHAPTER 15. PUBLIC SAFETY.**

2 **ARTICLE 3. COMMUNICATION SYSTEMS FOR POLICE PURPOSES.**

3 **§15-3-10. Disclosure of location information; emergency**
4 **situations.**

5 (a) Upon request of a law-enforcement agency, a wireless
6 telecommunications carrier or internet account provider shall
7 provide location information concerning the telecommunications
8 device of the user to the requesting law-enforcement agency in
9 order to respond to a call for emergency services or in an
10 emergency situation that involves the risk of death or serious
11 physical harm.

12 (b) Notwithstanding any other provision of law to the
13 contrary, nothing in this section prohibits a wireless
14 telecommunications carrier or internet account provider from
15 establishing protocols to respond to a law enforcement agency
16 request for location information in an emergency situation or a
17 call for emergency services.

18 (c) No cause of action shall lie in any court against any
19 wireless telecommunications carrier or internet account provider,
20 its officers, employees, agents or other specified persons for
21 providing location information while acting in good faith and in
22 accordance with the provisions of this section.

23 (d) (1) All wireless telecommunications carriers or internet
24 account providers registered to do business in the State of West
25 Virginia or submitting to the jurisdiction thereof and all

1 resellers of wireless telecommunications services shall submit
2 their emergency contact information to the West Virginia State
3 Police in order to facilitate requests from a law-enforcement
4 agency for location information in accordance with this section.
5 This contact information must be submitted annually by June 15th or
6 immediately upon any change in contact information.

7 (2) The State Police shall maintain a database containing
8 emergency contact information for all wireless telecommunications
9 carriers or internet account providers registered to do business in
10 the State of West Virginia and shall make the information
11 immediately available upon request to all public safety answer
12 points in the state.

13 (e) The Superintendent of the West Virginia State Police shall
14 prescribe and promulgate reasonable rules to fulfill the
15 requirements of this section no later than July 1, 2014.

16 (f) This section shall be known and may be cited as the
17 "Kelsey Smith Act."