

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 2046

(BY DELEGATE(S) PERRY AND P. SMITH)

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

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

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 3. COMMUNICATION SYSTEMS FOR POLICE PURPOSES.

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

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

8 (b) Notwithstanding any other provision of law to the
9 contrary, nothing in this section prohibits a wireless telecommu-
10 nications carrier or internet account provider from establishing
11 protocols to respond to a law enforcement agency request for
12 location information in an emergency situation or a call for
13 emergency services.

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

19 (d) (1) All wireless telecommunications carriers or internet
20 account providers registered to do business in the State of West
21 Virginia or submitting to the jurisdiction thereof and all resellers
22 of wireless telecommunications services shall submit their
23 emergency contact information to the West Virginia State Police
24 in order to facilitate requests from a law-enforcement agency for
25 location information in accordance with this section. This
26 contact information must be submitted annually by June 15th or
27 immediately upon any change in contact information.

28 (2) The State Police shall maintain a database containing
29 emergency contact information for all wireless telecommunica-

30 tions carriers or internet account providers registered to do
31 business in the State of West Virginia and shall make the
32 information immediately available upon request to all public
33 safety answer points in the state.

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

37 (f) This section shall be known and may be cited as the
38 “Kelsey Smith Act.”

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

