

**ADOPTED REGULATION OF
THE DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R059-13

Effective February 26, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, sections 6 and 7 of Senate Bill No. 268, chapter 93, Statutes of Nevada 2013, at pages 306 and 307 (NRS 707.640 and 707.650).

A REGULATION relating to telecommunications; providing for the establishment of a database of emergency contact information for providers of wireless telecommunications; and providing other matters properly relating thereto.

Section 1. Chapter 707 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department will develop a form for a provider to submit the provider's emergency contact information to the Division. At a minimum, the form must set forth the provisions of sections 2 to 7, inclusive, of Senate Bill No. 268, chapter 93, Statutes of Nevada 2013, at pages 306 and 307 (NRS 707.640 and 707.650), and require, without limitation:

(a) The name of the provider;

(b) The name and telephone number of a representative of the provider who can be reached 24 hours a day, 7 days a week; and

(c) The date that the form was prepared by the provider.

2. The Communications Bureau of the Division will provide the form developed pursuant to subsection 1 to all providers.

3. *A provider shall submit to the Division its emergency contact information on the form developed by the Department pursuant to subsection 1 to assist a law enforcement agency in responding to a call for emergency services or in an emergency situation that involves the immediate risk of death or serious physical harm.*

4. *All emergency contact information received by the Division from providers pursuant to subsection 3 will be maintained in a database designated by the Communications Bureau of the Division.*

5. *The Division will ensure that the emergency contact information received pursuant to subsection 3 is used solely to assist a law enforcement agency in responding to a call for emergency services or in an emergency situation that involves the immediate risk of death or serious physical harm.*

6. *The Division will inform law enforcement agencies through their terminal agency coordinators that an agency can contact the Communications Bureau of the Division for the emergency contact information of a provider.*

7. *On a monthly basis, the Division will compare the names of the providers in its database to the Commission's list of all providers who are active in the State to ensure the availability of the emergency contact information for those active providers.*

8. *As used in this section:*

(a) *“Department” means the Department of Public Safety.*

(b) *“Division” means the General Services Division of the Department.*

(c) *“Provider” has the meaning ascribed to “provider of wireless telecommunications” in section 4 of Senate Bill No. 268, chapter 93, Statutes of Nevada 2013, at page 306 (NRS 707.620).*

(d) “Terminal agency coordinator” means the point of contact at a law enforcement agency in this State for matters relating to access to:

- (1) The Nevada Criminal Justice Information System; and*
- (2) Systems managed by the Criminal Justice Information Services Division of the Federal Bureau of Investigation.*

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R059-13

1. A clear and concise explanation of the need for the adopted regulation.

The reason for adoption of Regulation R059-13 is to implement the provisions of Senate Bill 268 of the 2013 Legislative Session, as codified in NRS 707.600 – 707.650. The regulation describes a uniform process for providers of wireless telecommunications services in Nevada to provide their emergency contact information to the Department of Public Safety, the manner in which the Department will store such information, and the manner in which the Department will notify Nevada law enforcement agencies of the list of emergency contacts from wireless telecommunications service providers. By having the emergency contact information available to law enforcement agencies, wireless telecommunications service providers can play a crucial role in assisting law enforcement in locating persons who may be at risk of serious physical harm or death. This may result in saving a person's life.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A copy of the proposed regulation R059-13, Notice of Workshop to Solicit Comments on a Proposed Regulation, and Notice of Intent to Act Upon a Regulation were sent via U.S. mail on September 16, 2013 and again on October 23, 2013, to all providers of wireless telecommunications services in Nevada according to a list obtained from the Nevada Public Utilities Commission in August 2013. These documents were also made available at the website of the Department of Public Safety, General Services Division, Central Repository for Nevada Records of Criminal History, at <http://nvrepository.state.nv.us>, at the website of the Nevada Legislative Counsel Bureau in accordance with Senate Bill 252 of the 2013 Legislative Session, mailed to all county libraries in which the Nevada Department of Public Safety does not maintain an office, and posted in the main entry lobbies at the following locations:

Nevada Department of Public Safety
General Services Division
333 W. Nye Lane, Suite 100
Carson City, Nevada 89706

Nevada Department of Public Safety
Campos Building
215 W. Bonanza Rd.
Las Vegas, Nevada 89101

Nevada Department of Public Safety
General Services Division
4615 W. Sunset Road
Las Vegas, NV 89118

Nevada Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV 89701

Nevada State Library & Archives
100 Stewart Street
Carson City, Nevada 89701

A workshop was held to solicit public comments upon the proposed regulation R059-13 at Noon on December 12, 2013 at the Nevada Legislative Counsel Bureau in Carson City, 100 Stewart Street, room 2134, and simultaneously teleconferenced to the offices of the Nevada Legislative Counsel Bureau in Las Vegas, at 555 East Washington Avenue, room 4406. There were five (5) attendees from the public at this workshop. No written comments were received by the Department of Public Safety, General Services Division, by the comment deadline of December 9, 2013. One attendee, a Las Vegas Metropolitan Police Department (LVMPD) Officer, commented on how the cellular phone provider emergency contact process works at the LVMPD. No other comments were received.

On December 13, 2013, a public hearing on the Notice of Intent to Act Upon a Regulation was conducted at 9:00 a.m. at the Nevada Legislative Counsel Bureau in Carson City, 100 Stewart Street, room 2134, and simultaneously teleconferenced to the offices of the Nevada Legislative Counsel Bureau in Las Vegas, at 555 East Washington Avenue, room 4406. There was one attendee from the public at this meeting; however, he did not submit any oral or written comments. No written comments were received by the General Services Division by the requested written comment deadline of December 9, 2013.

Copies of the meeting minutes from the public workshop and public hearing may be obtained by sending a written request to the Nevada Department of Public Safety, General Services Division, Central Repository for Nevada Records of Criminal History, 333 W. Nye Lane, Suite 100, Carson City, Nevada 89706, (775) 684-6262, or via email to duber@dps.state.nv.us.

3. The number of persons who:

- (a) **Attended each hearing:** December 12, 2013 – 5; December 13, 2013 – 1
- (b) **Testified at each hearing:** December 12, 2012 – 1; December 13, 2013 – 0
- (c) **Submitted written comments:** No written comments were received.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) **Name:** E. “Gino” Basilotta
- (b) **Telephone number:** (702) 828-3111
- (c) **Business address:** 400 Martin Luther King Blvd, Las Vegas, Nevada 89106
- (d) **Business telephone number:** (702) 828-3111
- (e) **Electronic mail address:** E8447B@LVMPD.com
- (f) **Name of entity or organization represented:** Las Vegas Metropolitan Police Department

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Staff from the General Services Division obtained a list in August 2013 of all wireless telecommunications providers in Nevada from the Nevada Public Utilities Commission. Staff used that list to mail the notice of regulation workshop and notice of regulation hearing to all businesses on the list. No businesses on that list submitted written or oral comments to the General Services Division; therefore, there is no summary to provide.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation R059-13 was adopted without any changes on December 13, 2013, as no comments were received from the affected businesses or the public indicating the Department of Public Safety should consider otherwise.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

(1) Both adverse and beneficial effects; and

Small Business Effects

Regulation R059-13 is not expected to have any adverse impacts on businesses that provide wireless telecommunications services. These businesses simply need to provide the Department with the name and telephone number of an employee that law enforcement can contact 24x7 in an emergency situation where knowing the location of a person's cell phone could assist in locating that person.

The Department has created a form for wireless telecommunications service providers to use to report their emergency contact information to the Department. It is anticipated that it will take less than 10 minutes for wireless telecommunications service providers to complete the form and fax or email it to the Department. The form will have to be completed annually or as soon as practicable following a change in the emergency contact person.

Regulation R059-13 will have the following beneficial effects. First, it will standardize the manner in which wireless telecommunications service providers are sending their emergency contact information to the Department. Having consistency in reporting will make it easier on the providers and easier on the Department to maintain the required emergency contact information. Second, from a public relations/public safety standpoint, wireless telecommunications service providers can play a crucial role in assisting law enforcement in locating persons who may be at risk of serious physical harm or death. This may result in a person's life being saved and positive media coverage for the providers.

Public Effects

Regulation R059-13 is beneficial to the public in that it provides a tool for law enforcement to assist in locating individuals who may be at risk of serious physical harm or death. In cases where a person calls 9-1-1 on a cell phone and the call is disconnected, a law enforcement agency can access the cell phone service provider's emergency contact information, contact the provider, and obtain the location of the person's cell phone to assist law enforcement in locating that person to see if she/he is alright. In cases of suspected kidnappings or missing persons, law enforcement can similarly contact the cell phone provider's emergency contact to find the last known location of the person's cell phone to assist in locating that person.

As for adverse effects of regulation R059-13, a person could potentially make a claim that a cell phone service provider gave out his/her cell phone location information to law enforcement in error—that the person actually was not in danger of serious physical harm or death. However, SB 268 provides an immunity provision for cell phone service providers that act in good faith when providing a person's cell phone location information to law enforcement.

(2) Both immediate and long-term effects.

Small Business Effects

The immediate effects of the regulation may not be felt for several months as it may take some time for providers of wireless telecommunications services to realize their duty to comply with SB 268 and regulation R059-13. The long-term effects are seen as beneficial in that the emergency contacts can play a critical role in assisting law enforcement when trying to locate a person after a 9-1-1 disconnect and/or when a person's life may be in danger. In the best case scenario, providing this emergency contact information to the Department for use by law enforcement can assist in saving lives.

Public Effects

The immediate and long-term effects of regulation R059-13 are expected to be similar to those for the regulated businesses. In the immediate future, there may be a delay in beneficial impacts to the public if the cell phone service providers do not provide their emergency contact information to the Department as required by SB 268 and regulation R059-13. However, as time goes on the long-term impact to overall public safety and the ability for cell phone service providers to assist in saving lives is seen as beneficial to the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

The General Services Division will not have to acquire any additional equipment, computer software, or staff to enforce the regulations as adopted. Therefore, the estimated cost to the agency for enforcement of Regulation R059-13 is \$0.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap or duplicate the regulations of other state government agencies. The regulation does not overlap or duplicate a federal regulation.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not propose a new fee or modify an existing fee.