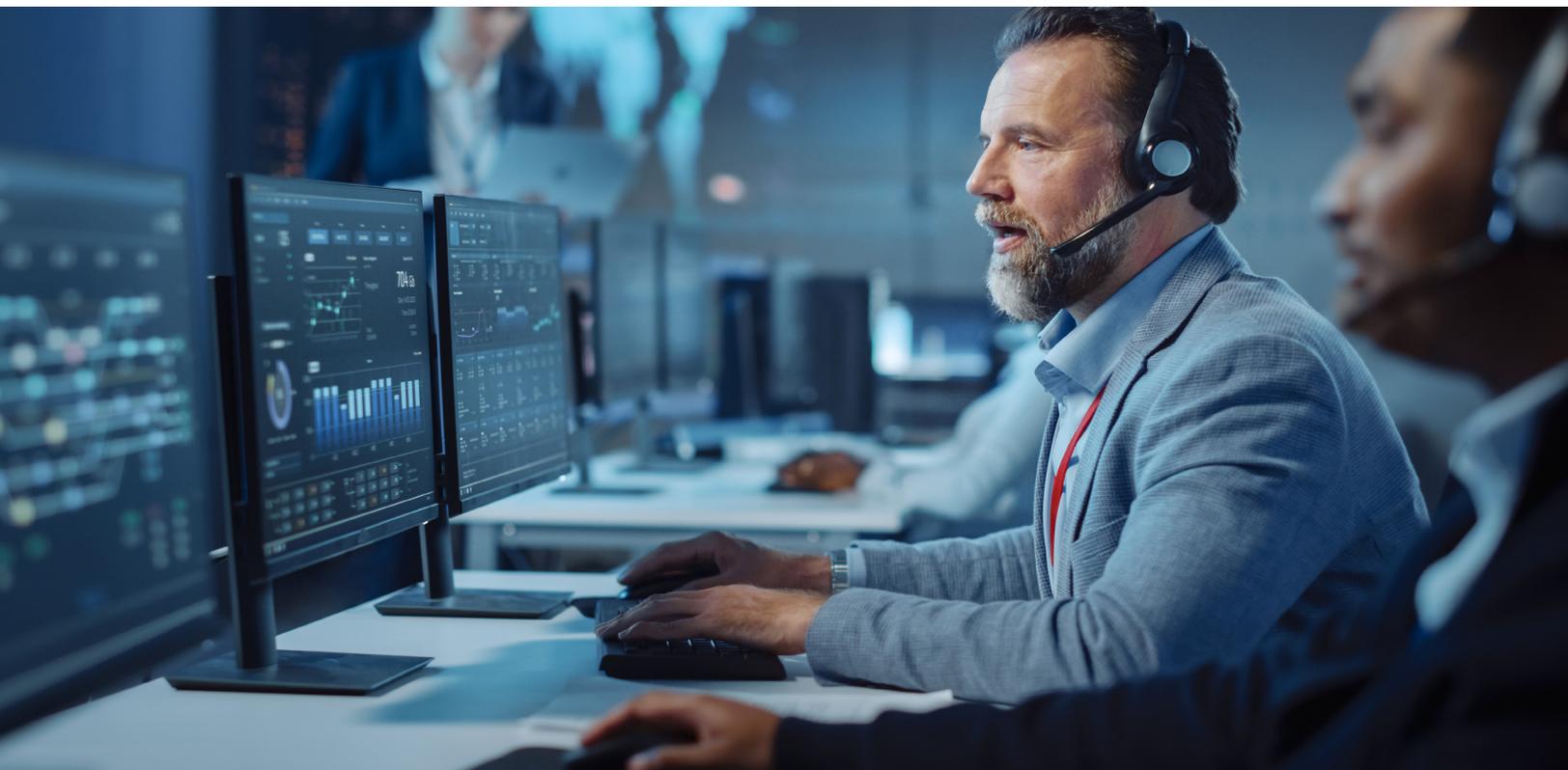




Kari's Law and RAY BAUM's Act

Legal memo





This Legal Memo covers the applicability of Kari's Law and RAY BAUM's Act to multi-line telephone systems ("MLTS"). Both Kari's Law and RAY BAUM's Act were enacted in 2018 and the implementing regulations were adopted in 2019. The purpose of these two federal laws is to improve the delivery of emergency services. Together the two statutes and the implementing regulations impose three basic requirements in connection with 911 calls made from multi-line telephone systems.

Under Kari's Law, callers must be able to dial 911 without any prefix, like the number 9; and for each 911 call from an MLTS, a contemporaneous notice must be sent to the enterprise that operates the MLTS. Under RAY BAUM's Act, all 911 calls must be delivered with the caller's dispatchable location. The implementing regulations, adopted by the FCC, combine the requirements for compliance with Kari's Law and RAY BAUM's Act.

Before examining the specific requirements of each of the rules, the compliance deadlines and some exceptions, here is a short overview.

Overview

Kari's Law is named in honor of Kari Hunt who was killed by her estranged husband in a motel bathroom in 2013. At the time, her three children were on the other side of the door. Her young daughter tried to call 911 four times, but the call did not go through. Her daughter was not aware of the fact that she needed to dial a nine to get an outside line, before she could dial 911. After this tragedy, Kari's parents initiated a campaign to have legislation passed to protect future 911 callers, and five years later Kari's Law was enacted.

RAY BAUM's Act named in honor of Ray Baum, is also an acronym that stands for Repack Airwaves Yielding Better Access for Users of Modern Services. Before his death, Ray Baum was a staff member for U.S. Representative Greg Walden, in that role he held the position of Staff Director on the Energy and Commerce Committee. RAY BAUM'S Act was named in his honor to recognize the contributions he made over decades of work in the telecommunications field. While the Act in its entirety includes many different communications-related initiatives, Section 506 of the Act is particularly focused on 911 emergency services for enterprises. RAY BAUM's Act emphasizes the importance of delivering precise location information with calls to 911 because that information can dramatically improve the outcome in emergency situations.

By ensuring the ability to dial 911 directly and by reducing or even eliminating time spent locating a 911 caller, the law is intended to improve the speed of delivery, and the effectiveness of emergency services. Ultimately, the purpose is to limit or prevent fatalities, injuries, and damage to property. In addition, by requiring a contemporaneous notice to the enterprise, implementation of Kari's Law is expected to minimize confusion at the location of the emergency when first responders arrive on the scene. Finally, through the use of certain language in the regulations the law is intended to drive further development of 911 technology.



MLTS installed or upgraded after February 16, 2020 must be configured to dial 9-1-1 directly, to provide a contemporaneous notice when a 9-1-1 call is made, and to provide sufficient location information (depending on the nature of the device used to make the call) for emergency service providers to locate the caller.

There are three categories of individuals who will benefit from this new law, 911 callers, including employees, customers, and guests of businesses and educational facilities; the enterprise that operates the MLTS; and first responders.

While acknowledging the benefits of Kari's Law and RAY BAUM's Act, the FCC recognized a need to balance the public safety benefits against the cost of compliance. Of particular concern to the FCC was the anticipated effect on small businesses; since no business, of any size, is exempt from compliance. With this in mind, the FCC limited the applicability of the law to MLTS manufactured imported, offered for first sale or lease, first sold, or leased, or installed after February 16, 2020.

At the time the regulations were adopted this was a notable limit, but as each year goes by fewer and fewer entities qualify under that grandfathering clause. In addition, there are now many state laws that impose obligations on MLTS that are similar to the federal laws. So, to ensure compliance with 911 laws, US enterprises need to verify that they are in compliance with the federal and any applicable state laws.



Compliance Obligations

Under the regulations, there are specific obligations for each of the entities that provide services associated with the operation of an MLTS. These include the entities engaged in the manufacturing, importing, selling, leasing, installing, managing, or operating an MLTS. Each of those entities has certain compliance obligations. Some of those obligations apply to more than one type of entity and other obligations are limited to one specific group.

Kari's Law: direct dial to 911

Kari's Law requires, the ability to dial 911 directly from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, such as the number 9, regardless of whether the user is required to dial such a prefix for other calls. The responsibility for compliance falls on two groups of entities that are involved in providing MLTS.

The first group, manufacturers, importers, sellers, and lessors must ensure that their systems are pre-configured such that, when properly installed a user may dial 911 directly. The second group, installers, managers, and operators must ensure that their systems are configured such that a user is able to dial 911 directly.

Kari's Law: contemporaneous notice

The second requirement imposes the obligation to provide a contemporaneous notice to the enterprise with every call to 911.

It is the responsibility of MLTS installers, managers, and operators to ensure that when a call is made to 911, a notice is sent to the enterprise.

The notice must:

- Be initiated contemporaneous with the call to 911
- Not delay the call to 911
- Be sent to a location where someone is likely to see or hear it

Some examples of appropriate notices are:

- Conspicuous on-screen messages with audible alarms for security desks
- Text messages for smart phones
- Email for administrators

The contemporaneous notice must include, at a minimum:

- The fact that a 911 call has been made
- The location information that is sent to the PSAP
- A valid call back number. The call-back number should be the phone number that initiated the call to 911 unless that number is not able to receive incoming calls; if the number is unable to receive incoming calls, the call-back number may be another number like the main number for the enterprise or the phone number for a security desk

Enterprises are permitted to include other information in the notice, like the date and time of the call to 911.

RAY BAUM's Act: dispatchable location

Under the implementing regulations, the final requirement is that calls to 911 from an MLTS must deliver a dispatchable location, or an alternative depending on the nature of the device that is used to make the call.

Compliance requirements generally

Dispatchable location

A dispatchable location includes a validated street address and such additional information as may be necessary to identify the location of the calling party as quickly as possible. The definition of dispatchable location is functional and flexible. Whether a location is sufficient to qualify as a dispatchable location depends on the nature of the environment from which the call is made.

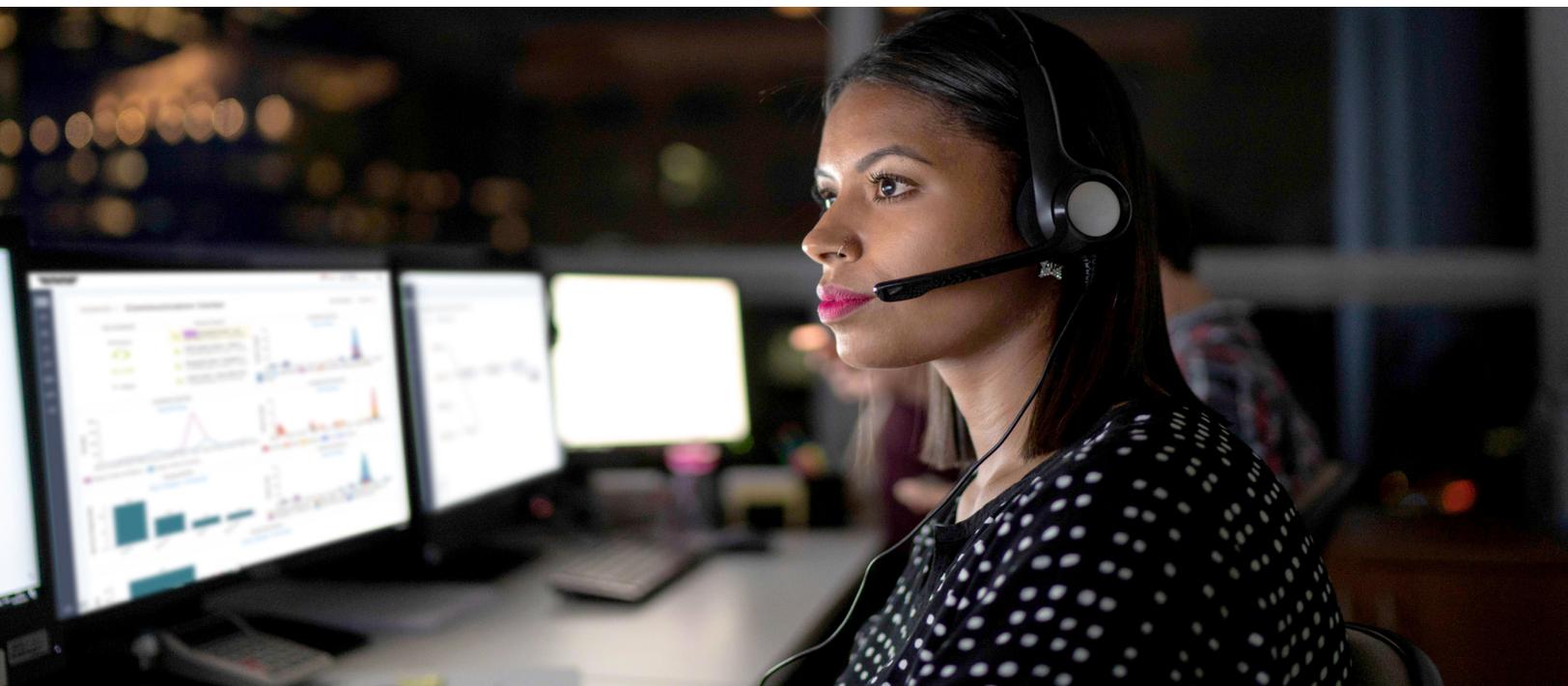
The dispatchable location of a call made from a multi-story building would necessarily include a validated street address and a floor number, and likely also a room number or other description of the location on the floor like a specific quadrant. Whereas, the dispatchable location for a one room shop would be limited to the validated street address. The critical factor is whether first responders have the information they need to locate the caller.

Specific requirements based on role of the MLTS provider

As with the other requirements, the various entities involved in providing the MLTS have different obligations with respect to the delivery of the dispatchable location. And those obligations are narrowed further depending on the nature of the device that is used to make the call to 911.

Manufacturers, importers, sellers, and lessors

Manufacturers, importers, sellers, and lessors must ensure that the MLTS they manufacture, import, sell and lease have the capability, after proper installation, of providing the dispatchable location of the 911 caller to the PSAP. For purposes of clarity, the FCC provided definitions of some of the 911 service providers. But for MLTS manufacturers, importers, sellers, and lessors, the FCC concluded that the terms themselves were sufficient.



Installers

Installers must ensure that the MLTS they install are configured such that the system is capable of being programmed with and conveying the dispatchable location of the 911 caller to the PSAP. According to the FCC, an installer is an entity that performs installation services, like configuring the MLTS and establishing dialing patterns. Installation services may be performed when the system is first installed but may also be performed on a more or less regular basis as the communications needs of the enterprise change. MLTS managers and operators may perform installation services, and according to the FCC, even a manufacturer may perform installation services, if the manufacturer of a hosted MLTS configures the system or provides self-installing software with the MLTS.

Managers

Managers are required to ensure that the MLTS they manage are configured to provide the dispatchable location of the 911 caller to the PSAP. An MLTS manager is the entity responsible for controlling and overseeing implementation of the MLTS after installation, including determining how lines should be distributed, adding or moving lines, assigning and reassigning telephone numbers, and ongoing network configuration.

Operators

As with the MLTS manager, MLTS operators must ensure that the MLTS systems they operate are configured to provide the dispatchable location of the 911 caller to the PSAP. An MLTS operator is the person responsible for the day-to-day operations of the MLTS.

As described above, each of the entities involved in providing and supporting a multi-line telephone system has specific obligations regarding the delivery of the dispatchable location, and the responsibilities of each of those entities can be expanded or narrowed depending on the services they provide.

Specific requirements based on the nature of the device

The compliance obligations of each of those entities becomes more specific depending on the nature of the device that is used to make the call to 911. **The rules address three different kinds of devices:**

On-premise fixed devices

A 911 call from an on-premise fixed device associated with an MLTS is required to provide the automated dispatchable location to the PSAP no later than January 6, 2021. Automated dispatchable location simply means that the dispatchable location is generated automatically with the call to 911. An on-premise fixed device, according to the FCC, is a device that connects to a single end point (e.g., a desk or office phone) and is not capable of being moved to another endpoint by the MLTS user, although it may be capable of being moved to a different endpoint by a professional installer or network manager.

On-premise non-fixed devices

A 911 call from an on-premise non-fixed device associated with a MLTS must provide the dispatchable location to the PSAP, no later than January 6, 2022, as follows:

- The MLTS may provide the automated dispatchable location, when technically feasible; otherwise, it shall provide
- Dispatchable location based on end user manual update
- Alternative location information. Alternative location information may be coordinate-based, provided that it is sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings

On premise non-fixed devices, according to the FCC, sometimes described as nomadic devices, include devices that can connect to multiple Wi-Fi access points and can move from one location to another within a building. On-premise non-fixed devices include such things as softphones and mobile handsets.

Off-premise devices

A 911 call from an off-premise device associated with a multi-line telephone system must provide the dispatchable location to the PSAP, no later than January 6, 2022, as follows:

- The MLTS may provide the automated dispatchable location, if technically feasible; otherwise, it shall provide
- Dispatchable location based on end user manual update
- Enhanced location information. Enhanced location information may be coordinate based, consisting of the best available location that can be obtained from any available technology or combination of technologies at reasonable cost

An off-premise device is a device within the MLTS system, not resident within the fixed property but still under the operational control of a single administrative authority, like a softphone. Although less common, hard phones and polycom speaker phones may also be installed off-premise.

Enforcement

A violation of Kari's Law or RAY BAUM's Act is punishable by a fine of not more than **\$10,000**.

For violations of RAY BAUM's Act the MLTS Manager is presumed liable, but liability between the various service providers will be determined on a case-by-case basis.



Summary

Relevant questions

To determine the obligations of a certain MLTS provider the following questions would need to be asked:

- Was the MLTS manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020, or substantially upgraded since that date?
- What is the type of MLTS provider as determined based on the services that it provides?
- What kinds of devices are associated with the MLTS?

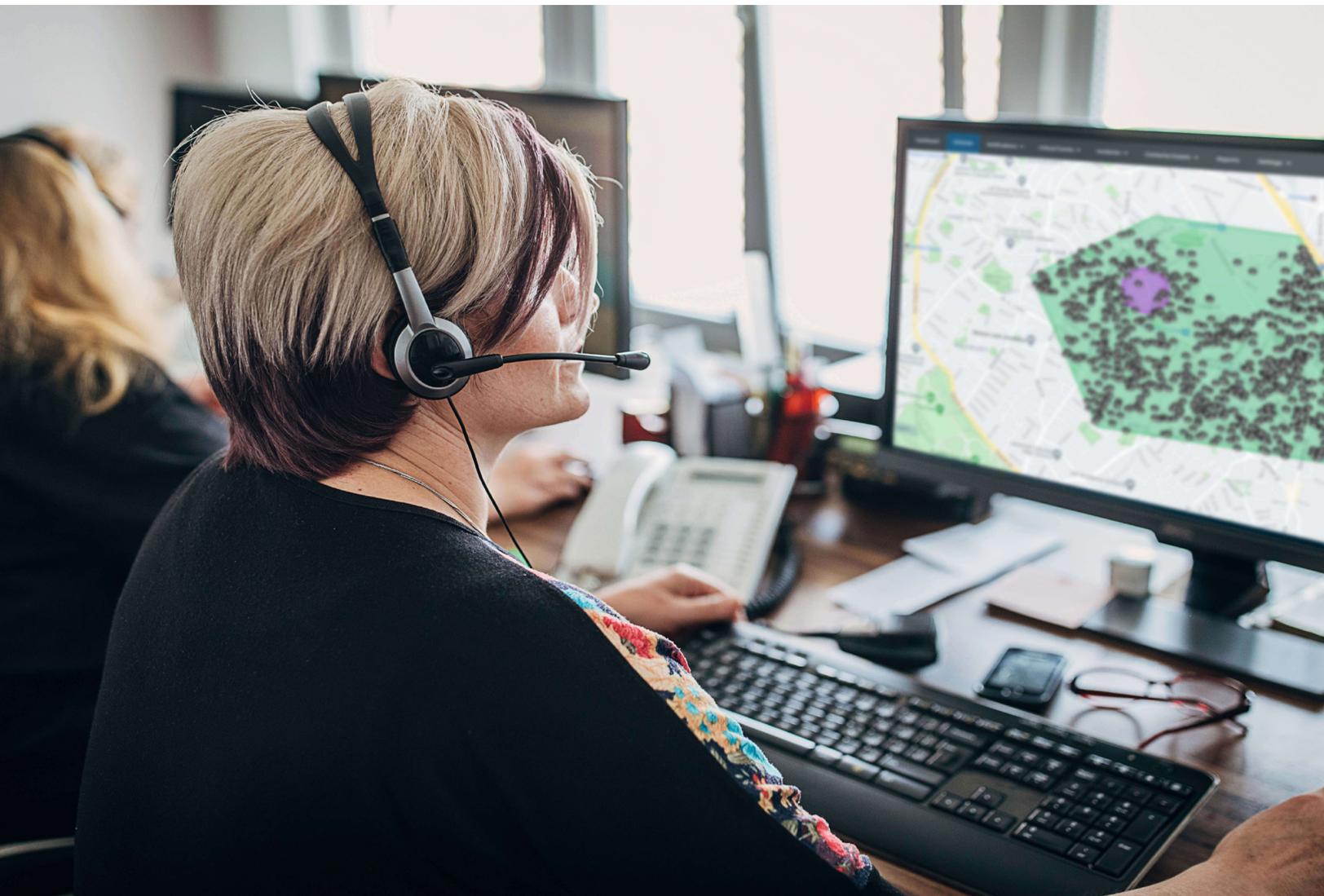
Example

If an installer is installing a new system tomorrow with on-premise fixed devices, the installer is obligated to ensure that the on-premise fixed devices are configured such that they are capable of being programmed with and conveying the automated dispatchable location of any 911 caller to the PSAP. The MLTS manager of that same system must ensure that those fixed devices are configured to provide the automated dispatchable location of the 911 caller to the PSAP. And the MLTS operator of that same system, like the MLTS Manager, must ensure that the fixed devices are configured to provide the automated dispatchable location of any 911 caller to the PSAP.

To highlight the distinction, installers must ensure that the MLTS they install are configured to be capable of being programmed with and conveying the automated dispatchable location, as compared to managers and operators who must ensure that the systems they manager and operate are configured to deliver the automated dispatchable location. Worth noting is the fact that if the system described in the example above was capable of being programmed with and conveying the dispatchable location of the 911 caller; but was not configured to provide that information to the PSAP, the manager and the operator would be out of compliance. Importantly, in this situation, the MLTS manager would be the entity presumed to be liable.

Important takeaways

- Kari's Law and RAY BAUM's Act only apply to MLTS installed after February 16, 2020, but if a previously installed MLTS is upgraded that may give rise to compliance obligations under the regulations
- Twenty-three states impose statutory obligations on MLTS, some of which are similar to the requirements under Kari's Law and RAY BAUM's Act, so organizations need to be aware of the requirements under any applicable state laws as well as the obligations under federal law
- Compliance obligations under Kari's Law and RAY BAUM's Act fall on MLTS manufacturers, importers, lessors, sellers, installers, managers, and operators





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