



# HOUSE BILL 404: Ltd. Immunity for PSAP/TC for S.L. 2021-171.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 3, 2021
<b>Introduced by:</b>	Reps. Zachary, Warren	<b>Prepared by:</b>	Kristen L. Harris
<b>Analysis of:</b>	Conference Committee Substitute (H404-CCSTU-5)		Committee Co-Counsel

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**OVERVIEW:** *The 3rd Edition of House Bill 404 would provide that public safety answering points (PSAP) and their employees and agents and employees of law enforcement agencies who are certified by the North Carolina Sheriffs' Education and Training Standards Commission are liable for damages in a civil action for wanton or willful misconduct.*

## CURRENT LAW:

G.S. 143B-1413 currently provides the following:

- Liability for communications service providers, 911 system providers, and next generation 911 system providers are liable for wanton or willful misconduct. These entities are those that are providing the telephone and other types of systems that conduct communications through a 911 system.
- There is no limitation on liability for PSAPs or their employees or agents, but a plaintiff's burden of proof is the higher standard of clear and convincing evidence.

**The Conference Committee Substitute would add the following changes to the 3rd Edition:**

- **Would provide that PSAPs, regional PSAPs, and their employees, directors, officers, vendors, and agents and employees of a law enforcement agency of are certified by the N.C. Sheriffs' Education and Training Standards Commission are not liable except in cases of wanton and willful conduct, gross negligence, or when there is applicable insurance coverage.**
- **Would make technical corrections to S.L. 2021-171, The No Patient Left Alone Act.**

## BILL ANALYSIS:

Sections 1.(a)-(b) would provide that PSAPs, regional PSAPs, and their employees and agents and employees of law enforcement agencies who are certified by the North Carolina Sheriffs' Education and Training Standards Commission are not liable for any damages in a civil action except in cases of wanton or willful misconduct, gross negligence, or when there is applicable insurance coverage. Communication service providers, etc. would be liable for damages in cases in wanton or willful misconduct.

This section would be effective when it becomes law and apply to causes of action filed on or after that date.

Sections 2.(a)-(g) would make technical changes to S.L. 2021-171, The No Patient Left Alone Act and would become effective November 1, 2021.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.

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