

HOUSE BILL NO. 303

INTRODUCED BY BRADLEY, BARDANOUE, KELLER, LARSON,
J. DEBRUYCKER, L. NELSON, ELLIOTT, COBB

IN THE HOUSE

JANUARY 21, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

 FIRST READING.

FEBRUARY 4, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 5, 1991 PRINTING REPORT.

FEBRUARY 6, 1991 ON MOTION, CONSIDERATION PASSED.

FEBRUARY 7, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 8, 1991 ENGROSSING REPORT.

 TAKEN FROM ENGROSSING AND
 PLACED ON SECOND READING.

FEBRUARY 9, 1991 ON MOTION, CONSIDERATION PASSED.

FEBRUARY 11, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 12, 1991 ENGROSSING REPORT.

FEBRUARY 13, 1991 THIRD READING, PASSED.
 AYES, 87; NOES, 13.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

 FIRST READING.

MARCH 19, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 20, 1991 SECOND READING, CONCURRED IN.

MARCH 21, 1991 THIRD READING, CONCURRED IN.

AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. *313*

INTRODUCED BY *Brady, Bardenheuer, Keller, Larson, F. Brummett, Nelson, Hett, Lobb*

1 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY TO
2 ENTITIES PROVIDING EMERGENCY COMMUNICATIONS SYSTEMS AND
3 RELATED SERVICES; PROVIDING EXEMPTIONS FROM IMMUNITY; AND
4 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
5
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7
8

9 WHEREAS, in order to further the purposes of Title 10,
10 chapter 4, MCA, and to encourage the development of
11 emergency telephone systems, the Legislature finds that
12 telephone companies providing emergency communications
13 systems and related services are not subject to liability in
14 conjunction with providing the systems and services except
15 as specifically provided in statute.
16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 NEW SECTION. **Section 1.** Emergency communications
19 systems -- immunity -- exceptions. (1) A telephone company
20 or telecommunications provider is not liable to any person
21 for the good faith release to personnel of emergency
22 communications systems of information not in the public
23 record, including but not limited to unpublished or unlisted
24 telephone numbers.

25 (2) A local exchange telephone company or other

1 telecommunications entity providing emergency communications
2 systems and related services and its employees and agents
3 are not liable in tort to any person for damages alleged to
4 have been caused by the design, development, installation,
5 maintenance, or provision of emergency communications
6 systems or related services unless the entities or persons
7 act with malice or criminal intent or commit reckless,
8 willful, and wanton misconduct.

9 (3) For the purposes of this section, "reckless,
10 willful, and wanton misconduct" means an intentional and
11 knowing act, or failure to act, that creates an unreasonable
12 risk of harm to another and that involves a high degree of
13 probability that harm will result.

14 NEW SECTION. **Section 2.** Codification instruction.
15 [Section 1] is intended to be codified as an integral part
16 of Title 27, chapter 1, part 7, and the provisions of Title
17 27, chapter 1, part 7, apply to [section 1].

18 NEW SECTION. **Section 3.** Effective date. [This act] is
19 effective on passage and approval.

-End-



INTRODUCED BILL
HB 303

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 303

INTRODUCED BY BRADLEY, BARDANOUE, KELLER, LARSON,
J. DEBRUYCKER, L. NELSON, ELLIOTT, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ~~IMMUNITY--TO~~
~~ENTITIES--PROVIDING--EMERGENCY--COMMUNICATIONS--SYSTEMS--AND~~
~~RELATED-SERVICES--PROVIDING-EXEMPTIONS-FROM-IMMUNITY~~ THAT IT
IS LAWFUL FOR A TELEPHONE COMPANY OR TELECOMMUNICATIONS
PROVIDER TO RELEASE IN GOOD FAITH TO PERSONNEL OF EMERGENCY
COMMUNICATIONS SYSTEMS INFORMATION NOT IN THE PUBLIC RECORD,
INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED
TELEPHONE NUMBERS; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

WHEREAS, in order to further the purposes of Title 10,
chapter 4, MCA, and to encourage the development of
emergency telephone systems, the Legislature finds that
telephone companies providing AND TELECOMMUNICATIONS
PROVIDERS MAY LAWFULLY PROVIDE TO emergency communications
~~systems and-related-services-are-not-subject-to-liability-in~~
~~conjunction--with--providing-the-systems-and-services-except~~
~~as-specifically-provided-in-statute~~ INFORMATION NOT IN THE
PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR
UNLISTED TELEPHONE NUMBERS, IF THE INFORMATION IS PROVIDED
IN GOOD FAITH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency communications

~~systems -- immunity---exceptions; (1)-A~~ LAWFUL RELEASE OF
INFORMATION. IT IS LAWFUL FOR A telephone company or
telecommunications provider ~~is-not-liable-to-any-person--for~~
~~the--good--faith~~ TO release IN GOOD FAITH to personnel of
emergency communications systems of information not in the
public record, including but not limited to unpublished or
unlisted telephone numbers.

~~(2)--A--local--exchange--telephone--company---or---other~~
~~telecommunications-entity-providing-emergency-communications~~
~~systems--and--related--services-and-its-employees-and-agents~~
~~are-not-liable-in-tort-to-any-person-for-damages-alleged--to~~
~~have--been--caused-by-the-design,development,installation,~~
~~maintenance,--or--provision--of---emergency---communications~~
~~systems--or--related-services-unless-the-entities-or-persons~~
~~act-with-malice--or--criminal--intent--or--commit--reckless,~~
~~willful,--and-wanton-misconduct;~~

~~(3)--For---the--purposes--of--this--section,--"reckless,~~
~~willful,--and-wanton-misconduct"--means--an--intentional--and~~
~~knowing-act,--or-failure-to-act,--that-creates-an-unreasonable~~
~~risk--of--harm-to-another-and-that-involves-a-high-degree-of~~
~~probability-that-harm-will-result;~~

NEW SECTION. Section 2. Codification instruction.

SECOND READING



HB 0303/02

1 [Section 1] is intended to be codified as an integral part
2 of Title 27, chapter 1, part 7, and the provisions of Title
3 27, chapter 1, part 7, apply to [section 1].

4 NEW SECTION. **Section 3.** **Effective date.** [This act] is
5 effective on passage and approval.

-End-

Motion made 2/8 to take from engrossing back to second reading.

HOUSE BILL NO. 303

INTRODUCED BY BRADLEY, BARDANOUE, KELLER, LARSON, J. DEBRUYCKER, L. NELSON, ELLIOTT, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY--TO ENTITIES--PROVIDING--EMERGENCY--COMMUNICATIONS--SYSTEMS--AND RELATED-SERVICES,-PROVIDING-EXEMPTIONS-FROM-IMMUNITY THAT IT IS LAWFUL FOR A TELEPHONE COMPANY OR TELECOMMUNICATIONS PROVIDER TO RELEASE IN GOOD FAITH TO PERSONNEL OF EMERGENCY COMMUNICATIONS SYSTEMS INFORMATION NOT IN THE PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED TELEPHONE NUMBERS; PROVIDING IMMUNITY TO ENTITIES PROVIDING EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, in order to further the purposes of Title 10, chapter 4, MCA, and to encourage the development of emergency telephone systems, the Legislature finds that telephone companies providing AND TELECOMMUNICATIONS PROVIDERS SHOULD BE GRANTED IMMUNITY WHEN THEY PROVIDE EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES AND THAT THEY MAY LAWFULLY PROVIDE TO emergency communications systems and-related-services-are-not-subject-to-liability-in-conjunction-with-providing-the-systems-and--services--except as--specifically--provided-in-statute INFORMATION NOT IN THE

PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED TELEPHONE NUMBERS, IF THE INFORMATION IS PROVIDED IN GOOD FAITH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency communications systems -- immunity---exceptions: (1) A LAWFUL RELEASE OF INFORMATION. (1) IT IS LAWFUL FOR A telephone company or telecommunications provider is-not-liable-to-any-person--for the--good--faith TO release IN GOOD FAITH to personnel of emergency communications systems of information not in the public record, including but not limited to unpublished or unlisted telephone numbers.

(2)--A--local--exchange--telephone--company---or---other telecommunications-entity-providing-emergency-communications systems--and--related--services-and-its-employees-and-agents are-not-liable-in-tort-to-any-person-for-damages-alleged--to have--been--caused-by-the-design,development,installation, maintenance,--or--provision--of---emergency---communications systems--or--related-services-unless-the-entities-or-persons act-with-malice--or--criminal--intent--or--commit--reckless, willful, and-wanton-misconduct.

(3)--For--the--purposes--of--this--section,--"reckless, willful, and-wanton-misconduct"--means--an--intentional--and knowing-act, or-failure-to-act, that-creates-an-unreasonable



1 ~~risk--of--harm-to-another-and-that-involves-a-high-degree-of~~
2 ~~probabiity-that-harm-will-result.~~

3 (2) A LOCAL EXCHANGE TELEPHONE COMPANY OR OTHER
4 TELECOMMUNICATIONS ENTITY PROVIDING EMERGENCY COMMUNICATIONS
5 SYSTEMS AND RELATED SERVICES AND ITS EMPLOYEES AND AGENTS
6 ARE NOT LIABLE IN TORT TO ANY PERSON FOR DAMAGES ALLEGED TO
7 HAVE BEEN CAUSED BY THE DESIGN, DEVELOPMENT, INSTALLATION,
8 MAINTENANCE, OR PROVISION OF EMERGENCY COMMUNICATIONS
9 SYSTEMS OR RELATED SERVICES UNLESS THE ENTITIES OR PERSONS
10 ACT WITH MALICE OR CRIMINAL INTENT OR COMMIT RECKLESS,
11 WILLFUL, AND WANTON MISCONDUCT.

12 (3) FOR THE PURPOSES OF THIS SECTION, "RECKLESS,
13 WILLFUL, AND WANTON MISCONDUCT" MEANS AN INTENTIONAL AND
14 KNOWING ACT, OR FAILURE TO ACT, THAT CREATES AN UNREASONABLE
15 RISK OF HARM TO ANOTHER AND THAT INVOLVES A HIGH DEGREE OF
16 PROBABILITY THAT HARM WILL RESULT.

17 NEW SECTION. Section 2. Codification instruction.
18 [Section 1] is intended to be codified as an integral part
19 of Title 27, chapter 1, part 7, and the provisions of Title
20 27, chapter 1, part 7, apply to [section 1].

21 NEW SECTION. Section 3. Effective date. [This act] is
22 effective on passage and approval.

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1 HOUSE BILL NO. 303

2 INTRODUCED BY BRADLEY, BARDANOUE, KELLER, LARSON,

3 J. DEBRUYCKER, L. NELSON, ELLIOTT, COBB

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY TO
6 ENTITIES PROVIDING EMERGENCY COMMUNICATIONS SYSTEMS AND
7 RELATED SERVICES; PROVIDING EXEMPTIONS FROM IMMUNITY THAT IT
8 IS LAWFUL FOR A TELEPHONE COMPANY OR TELECOMMUNICATIONS
9 PROVIDER TO RELEASE IN GOOD FAITH TO PERSONNEL OF EMERGENCY
10 COMMUNICATIONS SYSTEMS INFORMATION NOT IN THE PUBLIC RECORD,
11 INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED
12 TELEPHONE NUMBERS; PROVIDING IMMUNITY TO ENTITIES PROVIDING
13 EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES; AND
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
16 WHEREAS, in order to further the purposes of Title 10,
17 chapter 4, MCA, and to encourage the development of
18 emergency telephone systems, the Legislature finds that
19 telephone companies providing AND TELECOMMUNICATIONS
20 PROVIDERS SHOULD BE GRANTED IMMUNITY WHEN THEY PROVIDE
21 EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES AND
22 THAT THEY MAY LAWFULLY PROVIDE TO emergency communications
23 systems and related services are not subject to liability in
24 conjunction with providing the systems and services except
25 as specifically provided in statute INFORMATION NOT IN THE

1 PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR
2 UNLISTED TELEPHONE NUMBERS, IF THE INFORMATION IS PROVIDED
3 IN GOOD FAITH.

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 NEW SECTION. Section 1. Emergency communications
7 systems -- immunity -- exceptions: (1) A LAWFUL RELEASE OF
8 INFORMATION. (1) IT IS LAWFUL FOR A telephone company or
9 telecommunications provider is not liable to any person for
10 the good faith TO release IN GOOD FAITH to personnel of
11 emergency communications systems of information not in the
12 public record, including but not limited to unpublished or
13 unlisted telephone numbers.

14 (2) A local exchange telephone company or other
15 telecommunications entity providing emergency communications
16 systems and related services and its employees and agents
17 are not liable in tort to any person for damages alleged to
18 have been caused by the design, development, installation,
19 maintenance or provision of emergency communications
20 systems or related services unless the entities or persons
21 act with malice or criminal intent or commit reckless
22 willful and wanton misconduct.

23 (3) For the purposes of this section, "reckless,
24 willful and wanton misconduct" means an intentional and
25 knowing act or failure to act that creates an unreasonable

THIRD READING

1 ~~risk--of--harm-to-another-and-that-involves-a-high-degree-of~~
2 ~~probability-that-harm-will-result.~~

3 (2) A LOCAL EXCHANGE TELEPHONE COMPANY OR OTHER
4 TELECOMMUNICATIONS ENTITY PROVIDING EMERGENCY COMMUNICATIONS
5 SYSTEMS AND RELATED SERVICES AND ITS EMPLOYEES AND AGENTS
6 ARE NOT LIABLE IN TORT TO ANY PERSON FOR DAMAGES ALLEGED TO
7 HAVE BEEN CAUSED BY THE DESIGN, DEVELOPMENT, INSTALLATION,
8 MAINTENANCE, OR PROVISION OF EMERGENCY COMMUNICATIONS
9 SYSTEMS OR RELATED SERVICES UNLESS THE ENTITIES OR PERSONS
10 ACT WITH MALICE OR CRIMINAL INTENT OR COMMIT RECKLESS,
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12 (3) FOR THE PURPOSES OF THIS SECTION, "RECKLESS,
13 WILLFUL, AND WANTON MISCONDUCT" MEANS AN INTENTIONAL AND
14 KNOWING ACT, OR FAILURE TO ACT, THAT CREATES AN UNREASONABLE
15 RISK OF HARM TO ANOTHER AND THAT INVOLVES A HIGH DEGREE OF
16 PROBABILITY THAT HARM WILL RESULT.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ~~IMMUNITY--TO~~
6 ~~ENTITIES--PROVIDING--EMERGENCY--COMMUNICATIONS--SYSTEMS--AND~~
7 ~~RELATED-SERVICES;--PROVIDING-EXEMPTIONS-FROM-IMMUNITY~~ THAT IT
8 IS LAWFUL FOR A TELEPHONE COMPANY OR TELECOMMUNICATIONS
9 PROVIDER TO RELEASE IN GOOD FAITH TO PERSONNEL OF EMERGENCY
10 COMMUNICATIONS SYSTEMS INFORMATION NOT IN THE PUBLIC RECORD,
11 INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED
12 TELEPHONE NUMBERS; PROVIDING IMMUNITY TO ENTITIES PROVIDING
13 WITH LESS THAN 15,000 SUBSCRIBERS THAT PROVIDE EMERGENCY
14 COMMUNICATIONS SYSTEMS AND RELATED SERVICES; AND PROVIDING
15 AN IMMEDIATE EFFECTIVE DATE."

16
17 WHEREAS, in order to further the purposes of Title 10,
18 chapter 4, MCA, and to encourage the development of
19 emergency telephone systems, the Legislature finds that
20 telephone companies providing AND TELECOMMUNICATIONS
21 PROVIDERS SHOULD BE GRANTED IMMUNITY WHEN THEY PROVIDE
22 EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES AND
23 THAT THEY MAY LAWFULLY PROVIDE TO emergency communications
24 ~~systems and related services are not subject to liability in~~
25 ~~conjunction with providing the systems and services except~~

1 ~~as specifically provided in statute~~ INFORMATION NOT IN THE
2 PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR
3 UNLISTED TELEPHONE NUMBERS, IF THE INFORMATION IS PROVIDED
4 IN GOOD FAITH.

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9 INFORMATION. (1) IT IS LAWFUL FOR A telephone company or
10 telecommunications provider is not liable to any person for
11 the good faith TO release IN GOOD FAITH to personnel of
12 emergency communications systems of information not in the
13 public record, including but not limited to unpublished or
14 unlisted telephone numbers.

15 ~~(2) A local exchange telephone company or other~~
16 ~~telecommunications entity providing emergency communications~~
17 ~~systems and related services and its employees and agents~~
18 ~~are not liable in tort to any person for damages alleged to~~
19 ~~have been caused by the design, development, installation,~~
20 ~~maintenance, or provision of emergency communications~~
21 ~~systems or related services unless the entities or persons~~
22 ~~act with malice or criminal intent or commit reckless,~~
23 ~~willful, and wanton misconduct.~~

24 ~~(3) For the purposes of this section, "reckless,~~
25 ~~willful, and wanton misconduct" means an intentional and~~

THIRD READING

1 ~~knowing-act,-or-failure-to-act,-that-creates-an-unreasonable~~
2 ~~risk-of-harm-to-another-and-that-involves-a-high--degree--of~~
3 ~~probability-that-harm-will-result-~~

4 (2) A LOCAL EXCHANGE TELEPHONE COMPANY OR OTHER
5 TELECOMMUNICATIONS ENTITY PROVIDING WITH LESS THAN 15,000
6 SUBSCRIBERS THAT PROVIDES EMERGENCY COMMUNICATIONS SYSTEMS
7 AND RELATED SERVICES AND ITS EMPLOYEES AND AGENTS ARE NOT
8 LIABLE IN TORT TO ANY PERSON FOR DAMAGES ALLEGED TO HAVE
9 BEEN CAUSED BY THE DESIGN, DEVELOPMENT, INSTALLATION,
10 MAINTENANCE, OR PROVISION OF EMERGENCY COMMUNICATIONS
11 SYSTEMS OR RELATED SERVICES UNLESS THE ACTS OR OMISSIONS OF
12 THE ENTITIES OR PERSONS ~~ACT-WITH-MALICE-OR-CRIMINAL-INTENT~~
13 ~~OR-COMMIT-RECKLESS,-WILLFUL,-AND~~ CONSTITUTE GROSS NEGLIGENCE
14 OR WILLFUL OR WANTON MISCONDUCT. THIS SUBSECTION DOES NOT
15 PROVIDE IMMUNITY FROM LIABILITY IN A PRODUCTS LIABILITY
16 ACTION.

17 (3) FOR THE PURPOSES OF THIS SECTION, ~~"RECKLESS,~~
18 ~~WILLFUL,-AND-WANTON-MISCONDUCT"~~-MEANS-AN-INTENTIONAL-AND
19 ~~KNOWING-ACT,-OR-FAILURE-TO-ACT,-THAT-CREATES-AN-UNREASONABLE~~
20 ~~RISK-OF-HARM-TO-ANOTHER-AND-THAT-INVOLVES-A-HIGH--DEGREE--OF~~
21 ~~PROBABILITY--THAT--HARM--WILL--RESULT~~ "SUBSCRIBERS" MEANS
22 PERSONS, PARTNERSHIPS, CORPORATIONS, OR OTHER ENTITIES
23 ACQUIRING TELECOMMUNICATIONS SERVICES FROM A
24 TELECOMMUNICATIONS PROVIDER. THERE IS ONE SUBSCRIBER FOR
25 EACH BILLED LINE OF A TELECOMMUNICATIONS PROVIDER.

1 NEW SECTION. Section 2. Codification instruction.
2 [Section 1] is intended to be codified as an integral part
3 of Title 27, chapter 1, part 7, and the provisions of Title
4 27, chapter 1, part 7, apply to [section 1].

5 NEW SECTION. Section 3. Effective date. [This act] is
6 effective on passage and approval.

-End-

HOUSE BILL NO. 303

INTRODUCED BY BRADLEY, BARDANOUVE, KELLER, LARSON,

J. DEBRUYCKER, L. NELSON, ELLIOTT, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY--TO ENTITIES--PROVIDING--EMERGENCY--COMMUNICATIONS--SYSTEMS--AND RELATED-SERVICES--PROVIDING-EXEMPTIONS-FROM-IMMUNITY THAT IT IS LAWFUL FOR A TELEPHONE COMPANY OR-TELECOMMUNICATIONS PROVIDER TO RELEASE IN GOOD FAITH TO PERSONNEL OF EMERGENCY COMMUNICATIONS SYSTEMS INFORMATION NOT IN THE PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED TELEPHONE NUMBERS; PROVIDING IMMUNITY TO ENTITIES LOCAL EXCHANGE TELEPHONE COMPANIES PROVIDING WITH LESS THAN 15,000 SUBSCRIBERS THAT PROVIDE EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, in order to further the purposes of Title 10, chapter 4, MCA, and to encourage the development of emergency telephone systems, the Legislature finds that telephone companies providing AND TELECOMMUNICATIONS PROVIDERS SHOULD BE GRANTED IMMUNITY WHEN THEY PROVIDE EMERGENCY COMMUNICATIONS SYSTEMS AND RELATED SERVICES AND THAT THEY MAY LAWFULLY PROVIDE TO emergency communications systems and-related-services-are-not-subject-to-liability-in

conjunction--with--providing-the-systems-and-services-except as-specifically-provided-in-statute INFORMATION NOT IN THE PUBLIC RECORD, INCLUDING BUT NOT LIMITED TO UNPUBLISHED OR UNLISTED TELEPHONE NUMBERS, IF THE INFORMATION IS PROVIDED IN GOOD FAITH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency communications systems -- immunity---exceptions: (1)-A LAWFUL RELEASE OF INFORMATION. (1) IT IS LAWFUL FOR A telephone company or telecommunications provider is-not-liable-to-any-person-for the-good-faith TO release IN GOOD FAITH to personnel of emergency communications systems of information not in the public record, including but not limited to unpublished or unlisted telephone numbers, PROVIDED THAT THE SUBSCRIBER INFORMATION IS RELEASED ONLY IN RESPONSE TO AN EMERGENCY CALL INVOLVING AN IMMEDIATE THREAT TO PERSONAL SAFETY OR PROPERTY.

(2)--A--local--exchange--telephone--company---or---other telecommunications-entity-providing-emergency-communications systems--and--related--services-and-its-employees-and-agents are-not-liable-in-tort-to-any-person-for-damages-alleged--to have--been--caused-by-the-design-development, installation, maintenance,--or--provision--of---emergency---communications systems--or--related-services-unless-the-entities-or-persons



1 ~~act-with-malice-or-criminal-intent-or-commit-reckless,~~
2 ~~willful-and-wanton-misconduct;~~

3 ~~(3) For the purposes of this section, "reckless,~~
4 ~~willful-and-wanton-misconduct" means an intentional and~~
5 ~~knowing act, or failure to act, that creates an unreasonable~~
6 ~~risk of harm to another and that involves a high degree of~~
7 ~~probability that harm will result.~~

8 (2) A LOCAL EXCHANGE TELEPHONE COMPANY OR OTHER
9 TELECOMMUNICATIONS ENTITY PROVIDING WITH LESS THAN 15,000
10 SUBSCRIBERS THAT PROVIDES EMERGENCY COMMUNICATIONS SYSTEMS
11 AND RELATED SERVICES AND ITS EMPLOYEES AND AGENTS ARE NOT
12 LIABLE IN TORT TO ANY PERSON FOR DAMAGES ALLEGED TO HAVE
13 BEEN CAUSED BY THE DESIGN, DEVELOPMENT, INSTALLATION,
14 MAINTENANCE, OR PROVISION OF EMERGENCY COMMUNICATIONS
15 SYSTEMS OR RELATED SERVICES UNLESS THE ACTS OR OMISSIONS OF
16 THE ENTITIES OR PERSONS ~~ACT-WITH-MALICE-OR-CRIMINAL-INTENT~~
17 ~~OR-COMMIT-RECKLESS, WILLFUL-AND~~ CONSTITUTE GROSS NEGLIGENCE
18 OR WILLFUL OR WANTON MISCONDUCT. THIS SUBSECTION DOES NOT
19 PROVIDE IMMUNITY FROM LIABILITY IN A PRODUCTS LIABILITY
20 ACTION.

21 (3) FOR THE PURPOSES OF THIS SECTION, "RECKLESS,
22 WILLFUL-AND-WANTON-MISCONDUCT" MEANS AN INTENTIONAL AND
23 KNOWING ACT, OR FAILURE TO ACT, THAT CREATES AN UNREASONABLE
24 RISK OF HARM TO ANOTHER AND THAT INVOLVES A HIGH DEGREE OF
25 PROBABILITY THAT HARM WILL RESULT "SUBSCRIBERS" MEANS

1 PERSONS, PARTNERSHIPS, CORPORATIONS, OR OTHER ENTITIES
2 ACQUIRING TELECOMMUNICATIONS SERVICES FROM A
3 TELECOMMUNICATIONS PROVIDER. THERE IS ONE SUBSCRIBER FOR
4 EACH BILLED LINE OF A TELECOMMUNICATIONS PROVIDER.

5 NEW SECTION. Section 2. Codification instruction.
6 [Section 1] is intended to be codified as an integral part
7 of Title 27, chapter 1, part 7, and the provisions of Title
8 27, chapter 1, part 7, apply to [section 1].

9 NEW SECTION. Section 3. Effective date. [This act] is
10 effective on passage and approval.

-End-