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## Emergency Management

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Although the creation of the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery in 2006 was one of the most significant developments in this area, the committee did not make any recommendations for legislative action during the 2007 session. While in the past the General Assembly gave a significant amount of attention to hurricane recovery and disaster preparedness and response, much of the legislation enacted in 2007 focused on emergency response systems and emergency personnel.

Highlights in emergency management legislation included a series of changes to the administration of the 911 system, expanding authority to conduct background reviews on emergency medical services (EMS) personnel and other emergency personnel, consolidation of regulations on ATV use by municipal employees, and exceptions to oversized vehicle laws for fire-fighting vehicles.

### **Emergency Services**

#### **Universal 911 System**

Under G.S. Chapter 62A the Wireless 911 Board administers a statewide wireless enhanced 911 system and local governments administer wireline enhanced 911 systems for their local jurisdictions. A desire to consolidate these systems, establish a uniform service charge, and create a more level playing field for competing voice communication technologies resulted in S.L. 2007-383 (H 1755), which repeals Articles 1 (Public Safety Telephone Service) and 2 (Wireless Telephone Service) and enacts new Article 3 of G.S. Chapter 62A. Effective January 1, 2008, the new article establishes the seventeen-member 911 Board (formerly known as the Wireless 911 Board), which is authorized to develop a comprehensive state plan for communicating enhanced 911 call information. The act imposes a uniform monthly service charge of 70 cents on all voice communication service connections capable of accessing the 911 system.

The 911 Board is authorized to administer the charge and must reduce the rate if the charge generates more revenue than is needed. The charge does not become effective for prepaid wireless telephone service until 2009; the Joint Legislative Utility Review Committee is directed to determine the best method for collecting the charge from prepaid wireless telephone service subscribers and report to the 2008 legislative session. Previously, a charge was levied only on wireless company customers; other voice communications service provider customers may have paid different charges to local governments, or may not have paid any charges. The proceeds of the new service charge are credited to the 911 Fund to be used for administrative expenses, to reimburse Commercial Mobile Radio Service (CMRS) providers for their costs of complying with the enhanced 911 service requirements, for monthly distributions to public safety answering points (PSAPs) for specified purposes, and for grants to PSAPs in rural and high-cost areas.

S.L. 2007-383 also enacts new G.S. 14-111.14, making it a Class 3 misdemeanor to access the 911 system for a purpose other than reporting an emergency and a Class 1 misdemeanor to knowingly access the 911 system to avoid a charge of more than \$100 for voice communications service.

### **Hospital Use as Emergency Shelters**

S.L. 2007-444 (H 772) amends several statutes concerning hospital licensure, criminal background checks of mental health facility employees, and adult care homes. Article 5 of G.S. Chapter 131E contains the Hospital Licensure Act governing hospital licensing requirements that provide for the development, establishment, and enforcement of patient care and treatment standards in hospitals. S.L. 2007-444 enacts new G.S. 131E-84 allowing the Division of Health Services Regulation to temporarily waive any of the North Carolina Medical Care Commission's rules during a declared disaster or emergency as necessary to allow a hospital to provide temporary shelter and services requested by an emergency management agency. The Division may also waive rules during a declared disaster or emergency at the request of an emergency management agency. The statute allows the Division to rescind such a waiver and requires emergency management agencies to provide notice of requests for temporary shelter or services. The Division is authorized to identify rules that may need to be waived upon the declaration of a disaster or emergency in advance of such a declaration taking place. A more detailed discussion of the remaining provisions of S.L. 2007-444 can be found in Chapter 14, "Health."

### **Prescription Refills During a State of Emergency or Disaster**

S.L. 2007-133 (H 748) enacts new G.S. 58-3-228 requiring health benefit plans, the Teachers' and State Employee's Comprehensive Major Medical Plan, other optional plans or program, and stand-alone prescription plans to waive time restrictions on filling or refilling prescriptions for one refill for individuals living in counties in which a declared state of disaster or emergency has been declared. These provisions are triggered when the Commissioner of Insurance issues an advisory bulletin notifying insurance carriers of a declared state of emergency or declared state of disaster and the time period for the refill time waiver may be extended by the Commissioner in thirty day increments.

### **Emergency Data Sharing**

G.S. 130A-480 requires the State Health Director to establish a hospital emergency department surveillance program in order to detect and investigate public health threats from terrorist incidents or from an epidemic or infectious, communicable, or other disease. S.L. 2007-8 (H 123) amends G.S. 130A-480 to allow the State Health Director to share with the Centers for Disease Control and Prevention (CDC) this emergency department data that is reported by hospitals. The Department of Health and Human Services (DHHS) is required to enter into a confidentiality agreement with the CDC to protect the confidentiality of the data that CDC receives.

## **Emergency Personnel Criminal Background Review**

### **Criminal Background Review**

Effective October 1, 2007, S.L. 2007-411 (H 535) amends G.S. 131E-159 to require an individual who holds, is applying for, or is renewing EMS credentials to undergo a criminal background review by DHHS. The Emergency Medical Services Disciplinary Committee, at the request of DHHS, must review an individual's background information and make a determination as to the individual's eligibility. The Medical Care Commission is required to adopt rules for implementation including rules to establish a fee for the costs of obtaining the background information. S.L. 2007-411 also enacts new G.S. 114-19.21 authorizing the Department of Justice to provide DHHS with requested background information for individuals holding, applying for, or renewing EMS credentials.

### **Authority to Request Criminal Background Reviews**

S.L. 2007-479 (H 1322) amends G.S. 114-119.12 to authorize a local fire chief, a county fire marshal, or an emergency services director to request from the Department of Justice the criminal history of a person applying for a paid or volunteer position with a fire department or an emergency medical service. Prior law authorized only requests for the criminal history of individuals applying for positions with a fire department in a local government and required the request to be made by the Homeland Security director or by the local law enforcement agency if no director was designated.

## **Transportation in Emergency Situations**

### **All-Terrain Vehicles**

Effective October 1, 2007, S.L. 2007-433 (H 767) enacts new G.S. 20-171.23 allowing law enforcement officers and fire, rescue, and emergency medical services personnel to operate all-terrain vehicles (ATVs) that are owned or leased by the department or agency or under the direct control of the incident commander on (1) public highways where the speed limit is 35 mph or less and (2) at higher speeds on access highways in order to travel from a speed zone to an adjacent speed zone where the speed limit is 35 mph or less.

S.L. 2007-433 also enacts new G.S. 20-171.24 providing the same authority to county and municipal employees in specified towns, cities, and counties. Most of the local governments to which the new statute applies previously had the same authority to use ATVs pursuant to various local acts and G.S. 20-114.3, which were repealed by S.L. 2007-433. The only newly included municipalities are Ansonville, Davidson, Franklin, Murphy, and Sylva.

### **Vehicle Weight and Size Exemption**

G.S. 20-118 sets limitations on the size and weight of vehicles operating on the state's highways. The statute includes an exemption for vehicles owned by a municipality or rural fire department and designed specifically for fire fighting. S.L. 2007-290 (H 1321) enacts new G.S. 20-118.4 exempting from the size and weight restrictions certain oversize vehicles owned and operated by the state, a local government, or a cooperating federal agency when the vehicle is (1) responding to a fire under the authority of a forest ranger, (2) responding to a county's request for forest protection, or (3) responding to a request for assistance under a state of emergency or a declared disaster.

New G.S. 20-118.4 also authorizes the Department of Transportation (DOT) to issue annual or single oversize or overweight vehicle permits for commercial vehicles responding to a fire or to

a request for assistance from a person authorized to direct emergency operations. The act amends G.S. 21-119 to authorize DOT to issue a single trip overweight and oversize permit for a vehicle responding to an emergency event that is a result of a disaster as determined by the Secretary of Crime Control and Public Safety or the Secretary of Transportation.

### **Emergency Access to Gated Communities**

Effective December 1, 2007, S.L. 2007-455 (H 976) enacts new G.S. 20-158.3 requiring gated communities to provide emergency service vehicles immediate access to controlled access systems, except where pre-empted by federal law. The definition of public vehicular area in G.S. 20-4.01 is also amended to specifically include roads in or leading to a gated or non-gated subdivision or community, whether or not the roads have been offered for dedication to the public.

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