

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 89

Introduced by Council Members Crowley, Eugene, Johnson, Mealy, Mendez, Palma, Gibson, Rosenthal, Kallos, Dromm and Borelli.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring direct telephone access to 911 service

Be it enacted by the Council as follows:

Section 1. Section 10-173 of the administrative code of the city of New York, as added by local law number 78 for the year 2016, is renumbered to section 10-174.

§ 2. Section 10-173 of the administrative code of the city of New York, as added by local law number 102 for the year 2016, is renumbered to section 10-175.

§ 3. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-176 to read as follows:

§ 10-176 Direct telephone access to emergency services. a. As used in this section:

Administering agency. The term “administering agency” means the offices or agencies designated by the mayor, pursuant to subdivision g of this section, to administer and enforce the provisions of this section.

Covered business. The term “covered business” means any sole proprietorship, partnership, association, joint venture, corporation or other form of business organization which opens its facilities to the general public for the sale and purchase of goods or services.

Multi-line telephone system. The term “multi-line telephone system” means a system accessible to the general public comprised of common control units, telephone sets, control hardware and software and adjunct systems which enables users to make and receive telephone calls using shared resources such as telephone network trunks or data link bandwidth. The term “multi-line telephone system” includes, but is not limited to, (i) network-based and premises-based systems, such as centrex services, (ii) premises-based, hosted and cloud-based voice over internet protocols, (iii) private branch exchanges, (iv) key telephone systems, and (v) hybrid key telephone systems.

b. Each multi-line telephone system installed for operation by a covered business or the city on or after the effective date of the local law that added this section shall be configured to allow a person initiating a 911 call on such system to directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code.

c. By May 1, 2019, each existing multi-line telephone system operated by a covered business or the city shall be configured to allow a person initiating a 911 call on such system to directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code.

d. Each (i) multi-line telephone system installed for operation by a covered business or the city on or after the effective date of the local law that added this section, and (ii) by May 1, 2019, each existing multi-line telephone system operated by a covered business or the city shall be configured to provide, to a centralized location on such system, notification of any 911 call made on such system.

e. Prior to configuration or in the course of investigation under subdivision f of this section, a covered business or the city may schedule and conduct a test call for their multi-line telephone system to ensure such system can directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code. Any such test call must be scheduled with and conducted in conjunction with the police department.

f. 1. Upon receipt of a complaint alleging that a covered business has failed to comply with this section or rules promulgated thereunder, the administering agency shall investigate such allegation.

2. Upon substantiating such allegation, such agency shall issue a notice of violation, in a form and manner established by such agency, to such covered business. In addition to any other information prescribed by such agency, such notice shall state that, if within 30 days after issuance of such notice, the condition giving rise to such violation is corrected and such covered business files with such agency, in a form and manner established by such agency, a certification that such condition has been corrected, then such covered business shall not be subject to a civil penalty for such violation.

3. If such covered business fails to correct such condition within 30 days after issuance of such notice or fails to file with the administering agency a certification in accordance with paragraph 2 of this subdivision, such covered business shall be subject to a civil penalty of not less than \$250 for the first violation and not less than \$500 for each subsequent violation, provided that:

(a) Such covered business shall not be subject to a civil penalty for such violation if (i) such covered business establishes that the requirements of such subdivision would be unduly and unreasonably costly for such covered business to comply with and (ii) such covered business

identifies the manufacturer and model number of the multi-line telephone system that needs to be reprogrammed or replaced and establishes that such covered business made a good faith attempt to reprogram or replace the system; and

(b) No covered business shall be subject to more than one violation for the same multi-line telephone system in any 10-day period.

4. The administering agency may recover such penalties in an action in any court of appropriate jurisdiction or in a proceeding before an authorized tribunal of the office of administrative trials and hearings.

g. The mayor shall, in writing, designate one or more offices or agencies to administer and enforce the provisions of this section and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the city's website and on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.

§ 4. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 24, 2017 and approved by the Mayor on May 30, 2017.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 89 of 2017, Council Int. No. 951-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.