§ 143B-1413. Limitation of liability.

(a) Except in cases of gross negligence or wanton or willful misconduct, a PSAP, regional PSAP, and their employees, directors, officers, vendors, and agents and employees of a law enforcement agency who are certified by the North Carolina Sheriffs' Education and Training Standards Commission are not liable for any damages in a civil action resulting from death or injury to any person or from damage to property incurred by any person in connection with implementing, maintaining, or operating the 911 system, including call taking, dispatching, radio operations, data terminal operations, or any combination of these call taking functions or in complying with emergency-related information requests from State or local government officials. This section does not apply to actions arising out of the operation or ownership of a motor vehicle by an employee or agent of a PSAP or regional PSAP or an employee of a law enforcement agency. The acts and omissions described in this section include, but are not limited to, the following:

(1) The release of subscriber information related to emergency calls or emergency services.

(2) Repealed by Session Laws 2021-181, s. 1(a), effective November 18, 2021, and applicable to causes of action filed on or after that date.

(3) Other matters related to 911 service, E911 service, or next generation 911 service.

(4) Text-to-911 service.

(b) Except in cases of wanton or willful misconduct, neither a communication service provider, nor a 911 system provider, nor a next generation 911 system provider, nor the employees, directors, officers, vendors, or agents of any of the providers named in this subsection shall be liable for any damages in a civil action resulting from death or injury to any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system. This subsection and the immunity provided herein does not apply to actions arising out of the operation or ownership of a motor vehicle by an employee, director, officer, vendor, or agent of a communications service provider, 911 system provider, or next generation 911 system provider.

(c) The limitation of liability described in subsection (a) of this section is waived to the extent a liability insurance policy provides coverage applicable to claims made against any of the following:

(1) A PSAP.

(2) A regional PSAP.

(3) The employees, directors, or officers of a PSAP or regional PSAP.

(4) The vendors or agents of a PSAP or regional PSAP, not including communications service providers, 911 system providers, or next generation 911 system providers.

(5) The employees of a law enforcement agency who are certified by the North Carolina Sheriffs' Education and Training Standards Commission.

(d) Nothing in subsection (a) of this section shall be construed to serve as a bar to coverage under any applicable liability insurance policy to the entities referenced in subsection (c). (2007-383, s. 1(a); 2015-241, s. 7A.3(2); 2015-261, s. 3; 2019-200, s. 7(j); 2021-88, s. 15; 2021-181, s. 1(a).)