

Kari's Law: A 911 Fix That Will Make the US Safer

By Peter S. Vogel, Eric S. Levy and Edward H. Block

The 911 emergency number was created back in the day when telephones were connected by wires, before cellphones or VoIP (Voice over Internet Protocol) in the home, and before Multi-Line Telephone Systems (MLTS) in the enterprise.

In the early days, anyone could dial 911 for police, fire or medical emergencies. However, in 2017, dialing 911 unfortunately is no guarantee that a call for help will reach a 911 service that can identify the location of the caller immediately. As a matter of fact, when consumers dropped land lines and started using Internet phone services like Vonage, a 911 problem surfaced.

A Vonage phone was hooked up to the Internet, and no physical location was connected. So after litigation Vonage (and other competing services) changed the requirements to use the service, obligating customers to register their physical addresses. MLTS raised a different, but equally problematic, issue.

Disaster for Kari Hunt

Kari Hunt in 2013 was stabbed repeatedly by her estranged husband in a motel room in Marshall, Texas. Her three children also were in the room. During the brutal attack, her 9-year-old daughter called 911, as she had been taught to do. She tried several times, but dialing 911 did not get her to an emergency response hotline. In the motel, she had to dial "9" to get an outside line, and then dial 911. Kari passed away in that motel room.

Kari's daughter had no idea that multi-line telephone systems, like those in motels, hotels and businesses, required someone to dial a separate number for an outside line. Many adults, under such stress, likely would forget to dial a 9 to get out.

Kari's family launched a campaign to fix the 911 system in MLTS and require direct dial of 911. In 2015, "Kari's Law" was adopted in Texas, and adoption quickly followed in Maryland. Tennessee and Oklahoma adopted Kari's law in 2016. Other states and local governments have followed suit.

How About a US Law?

At the federal level, though, it has taken a bit longer. H.R.4167 (114th Congress), which would have amended the Communications Act of 1934 to require MLTS to directly call 911 "without dialing any additional digit, code, prefix, or post-fix...", passed the House but the Senate version failed to emerge from committee.

There are a few issues with direct dial from multi-line systems. Assume you have a MLTS with four-digit dialing for internal phones (e.g., dialing 1512 connects an internal employee to another employee at extension 1512.) If you happen to need to speak to someone in Austin, Texas, you would need to dial 1-512-123-4567. With direct dial for all phone calls, the person at extension 1512 would likely get all of the calls destined for Austin.

The collision of extensions with outside lines is one of the primary reasons that "dial 9 for an outside line" became so common. With most MLTS systems moving to a Voice over IP solution, there are multiple workarounds for this issue. Many technology companies [have come out in support of Kari's Law](#), with almost all modern MLTS vendors providing a way to implement direct dial of 911.

Older private branch exchange (PBX) systems may have issues supporting direct dial, and legacy VoIP MLTS may not have the ability to support direct dial. Of course, multi-line telephone systems are a capital investment for many businesses. Replacing MLTS systems is not a quick, cheap or simple process. Thankfully, most of the legislation at the state and federal level includes at least a temporary exception.

From H.R.582: "Subsection (b) or (c) of such section 721 shall not apply to a multi-line telephone system that was installed before the date that is 2 years after the date of the enactment of this Act if such system is not able to be configured to meet the requirement of such subsection (b) or (c), respectively, without an improvement to the hardware or software of the system."

So, if you have a system in place or are currently installing a system that cannot support direct dial without additional investment in hardware or software, the legislation provides a temporary exception.

Temporary Waivers

State laws include provisions allowing for a temporary waiver. For example, the Texas implementation of Kari's Law makes a single-year waiver available if "the business service user agrees to place an instructional sticker immediately adjacent to each telephone that is accessed using the noncompliant system indicating that during the waiver period the telephone is unable to directly dial 9-1-1 and providing instructions for accessing 9-1-1 in case of an emergency."

The Texas waiver must be renewed annually.

It is questionable whether Kari's 9-year-old daughter, or any panicked adult, would take time to read a sticker on the phone.

Federal legislation was reintroduced in the 115th congressional session as H.R.582/S.123. On Jan. 23, 2017 the House voted 408-0 for H.R.582. The Senate passed S.123, again unanimously, on Aug. 3. While there is still conferencing to address language different in the bill, by the time you are reading this, Kari's Law may be the law of the land across the U.S.

Rapid adoption by state and local governments, combined with an uncharacteristically — at least considering the divisive state of the Congress — unanimous vote in both the House and Senate clearly show that this is an important piece of legislation. All businesses that own, lease or support multi-line telephone systems should prepare for the implementation of Kari's Law.

Peter S. Vogel is a partner and chair of the eDiscovery Group at Gardere Wynne Sewell in Dallas. He teaches eDiscovery at SMU as an adjunct professor, and is co-founder of the American College of eNeutrals.

Eric Levy is a senior attorney at Gardere Wynne Sewell LLP specializing in counseling and litigation related to Online Privacy/Data Security, eCommerce, the Internet, IT, Insurance and all things high tech. In addition to practicing law, Eric has Master's degrees in drama and English from the University of Exeter in England and taught both subjects in UK schools for many years.

Edward (Eddie) Block has over 20 years of experience as an information security professional, primarily focused on the effects of new technology and emerging law on personal privacy at the state, federal and international level. Eddie holds both the Certified Information Privacy Manager (CIPM) and Certified Information Privacy Professional/Government (CIPP/G) certifications.