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Many Employers Caught Off-Guard by Deadline for Ensuring 911-Calling Compliance

The Ray Baum's Act (the "Act") requires companies to implement additional safeguards related to dialing 911 from the companies' phone systems, including any software programs used by computers to make phone calls. Aspects of the Act related to landlines/VOIP phones are already in effect and are less controversial. However, many companies have been caught off-guard given the Act applies to software technology and enforcement of the Act begins January 6, 2022. Many companies utilize software programs like Jabber, Webex, Teams, Zoom, and other platforms that allow for the ability to make phone calls from a computer.

If your company operates a multi-line phone system, the Act applies, and you should take notice that the penalties for non-compliance are stiff. Fines of $10,000 per violation plus $500/day/violation can be levied against those companies that are non-compliant.

The Act has various obligations. Most companies will need to ensure that their phone and technology systems can:

1. Call 911 directly simply by typing "911" (without the use of any prefix).
2. Provide immediate notice to a central location at the facility where the 911 call is made.
3. Such notice must be sent immediately and not delay the 911 call.
4. Ensure the notification to the central location will likely be seen or heard (e.g. it must be monitored).
5. As precise of a physical address as possible should be provided with the 911 call (e.g. suite/office number in addition to the physical street address).

There are other intricacies to the Act and many practical considerations that Companies should consider. For example, work-from-home arrangements complicate compliance with the Act. Companies should be aware of how work-from-home arrangements can create complexities about how the technology solutions need to be integrated to ensure compliance with the Act.

While the enforcement of the Ray Baum's Act is vested in the Federal Communication Commission ("FCC"), violations of the Act still could help form the basis of private causes of action (e.g. legal theories of negligence, etc.).

If you have questions about the Act or need help confirming your compliance, you should promptly seek legal counsel.

This blog post was drafted by Jon Farnsworth, a Partner in the Minneapolis, Minnesota office of Spencer Fane. For more information, visit www.spencerfane.com.