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Bill Shielding 911 Services from Liability for Negligent Acts Advances in Senate

Bill 36-0031 seeks to limit liability for 911 service operators in cases of non-willful negligence, earning support from VITEMA and the Attorney General amid concerns over emergency call disruptions caused by third-party outages.

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Senator Alma Francis Heyliger on Friday secured legislative support for Bill 36-0031, a measure that aims to exempt public and private safety agencies from liability for acts of negligence in the operation, administration, or maintenance of a 911 service—except when such acts involve gross negligence or willful misconduct.

Presented before the Committee on Homeland Security, Justice, and Public Safety, Senator Francis Heyliger described the bill as one that “seeks to protect those that are in our society, that are here to protect us.” She emphasized that the proposed legislation would not shield individuals from prosecution if their actions were deliberate. The bill, she explained, accounts for scenarios such as hurricanes or equipment breakdowns. “We are attempting to protect those that are...attempting to protect and serve our society by not making them liable when something is not done intentionally or even their fault,” she said.

In testimony supporting the bill, Ovid Williams, assistant director of the V.I. Territorial Emergency Management Agency (VITEMA), provided an example in which the agency could be unfairly held liable. He argued that emergency agencies like VITEMA should be “exempt from liability for acts of negligence” if they are unaware of 911 calls that fail due to “actions of outside parties.”

He elaborated that VITEMA’s Public Safety Answering Points (PSAPs)—the centers that receive and dispatch 911 calls—depend on telecommunications infrastructure and are typically powered by the public electricity grid. Although VITEMA has a backup system for internal hardware failures, Mr. Williams noted, “VITEMA is not notified by telecom providers when service is impacted outside of equipment connected to VITEMA’s PSAPs.”

A recent Federal Communications Commission (FCC) order may help improve communication. According to Mr. Williams, the FCC now mandates that “originating service providers, such as Liberty Mobile USVI, must notify VITEMA as soon as possible, but no later than 30 minutes of an outage.” While this order enables VITEMA to issue mass alerts when 911 services are down, Williams maintains that the proposed legislation provides essential legal protections.

Attorney General Gordon Rhea also voiced his support, noting that the bill aligns with legal protections granted in other jurisdictions. “Several states limit liability for 911 operators, protecting them from lawsuits for damages related to system failures or errors unless the injury was caused by wrongful acts or gross negligence,” said Rhea. “These limits are intended to encourage the development and maintenance of emergency communication systems without the threat of excessive and expensive lawsuits.”

Lawmakers expressed general support for the proposal, with only limited questioning during the session, as attention was largely focused on other bills under review.

“Sometimes mistakes happen, and that might have caused a delay,” Senator Francis Heyliger added. “Please allow our people to serve and be the public servants that they are, and just exempt them for things that we know could be human error.”

Following its favorable vote in committee, Bill 36-0031 is now set to proceed to the Committee on Rules and Judiciary for further consideration.