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**HOUSE BILL NO. 109**

Offered January 11, 2012

Prefiled December 30, 2011

A *BILL to amend the Code of Virginia by adding in Chapter 15 of Title 56 an article numbered 9, consisting of sections numbered 56-484.26 and 56-484.27, relating to the Personal Localized Alerting Network; opting out of Presidential Alerts.*

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Patron—Marshall, R.G.

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 15 of Title 56 an article numbered 9, consisting of sections numbered 56-484.26 and 56-484.27, as follows:**

*Article 9.**Personal Localized Alerting Network Options.**§ 56-484.26. Definitions.**As used in this article, unless the context requires otherwise:*

*"Commercial Mobile Alert System" or "CMAS" means the alerting system that provides federal, state, and local government officials the ability to send geographically targeted messages to mobile telecommunications devices that are capable of receiving emergency alerts via the PLAN.*

*"CMRS" means mobile telecommunications service as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.*

*"CMRS provider" means an entity authorized by the Federal Communications Commission to provide CMRS within the Commonwealth of Virginia.*

*"Personal Localized Alerting Network" or "PLAN" means the network established by the Federal Communications Commission in its implementation of the CMAS pursuant to the WARN Act.*

*"WARN Act" means the Warning, Alert, and Response Network Act of 2006, Title VI (§ 601 et seq.) of the Security and Accountability for Every Port Act, P.L. 109-347, 120 Stat. 1884.*

*§ 56-484.27. Option to block Presidential Alerts.*

*A. Notwithstanding the provisions of § 602(b)(2)(E) of the WARN Act, each CMRS provider engaged in the conduct of CMRS within the Commonwealth that elects to transmit emergency alerts through the CMAS shall offer to each of its subscribers, including prepaid service customers, who have their billing address within the Commonwealth, the capability of preventing the subscriber's mobile device from receiving PLAN messages that are classified by the Federal Communications Commission as Presidential Alerts.*

*B. The capability of preventing a device from receiving Presidential Alerts required pursuant to subsection A shall be provided on the same terms and conditions that the CMRS provider provides its subscribers, pursuant to § 10.280 of the final rules of the Federal Communications Commission in implementing the CMAS (FCC 08-184), with the capability of preventing the subscriber's mobile device from receiving PLAN messages that are classified as Child Abduction Emergency/AMBER Alerts or Imminent Threat Alerts.*

INTRODUCED

HB109