

# AN ACT

To amend sections 4931.40, 4931.44, 4931.49, 4931.50, and 4931.53; to amend, for the purpose of adopting a new section number as shown in parentheses, section 4931.53 (4931.54); and to enact new section 4931.53 of the Revised Code to provide for a monthly charge not exceeding fifty cents on telephone access lines to fund the operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system that previously lacked funding.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4931.40, 4931.44, 4931.49, 4931.50, and 4931.53 be amended, section 4931.53 (4931.54) be amended for the purpose of adopting a new section number as shown in parentheses, and new section 4931.53 of the Revised Code be enacted to read as follows:

Sec. 4931.40. As used in sections 4931.40 to ~~4931.53~~ 4931.54 of the Revised Code:

(A) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1.

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller provides information on the nature of and the location of an emergency, and the personnel receiving the call must determine the appropriate emergency service provider to respond at that location.

(C) "Enhanced 9-1-1" means a 9-1-1 system in which the telephone network system automatically provides to personnel receiving the call, immediately on answering the 9-1-1 call, information on the location and the telephone number from which the call is being made, and routes the call to emergency service providers that serve the location from which the call is made.

(D) "Subdivision" means a county, municipal corporation, township,

township fire district, joint fire district, township police district, joint ambulance district, or joint emergency medical services district that provides emergency service within its territory, or that contracts with another municipal corporation, township, or district or with a private entity to provide such service; and a state college or university, port authority, or park district of any kind that employs law enforcement officers that act as the primary police force on the grounds of the college or university or port authority or in the parks operated by the district.

(E) "Emergency service" means emergency police, firefighting, ambulance, rescue, and medical service.

(F) "Emergency service provider" means the state highway patrol and an emergency service department or unit of a subdivision or that operates in a subdivision under contract with the subdivision.

(G) "Public safety answering point" means a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where subdivision personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.

(H) "Customer premises equipment" means telecommunications equipment, including telephone instruments, on the premises of a public safety answering point that is used in answering and responding to 9-1-1 system calls.

(I) "Municipal corporation in the county" includes any municipal corporation that is wholly contained in the county and each municipal corporation located in more than one county that has a greater proportion of its territory in the county to which the term refers than in any other county.

(J) "Board of county commissioners" includes the legislative authority of a county established under Section 3 of Article X, Ohio Constitution, or Chapter 302. of the Revised Code.

(K) "Final plan" means a final plan adopted under division (B) of section 4931.44 of the Revised Code and, except as otherwise expressly provided, an amended final plan adopted under section 4931.45 of the Revised Code.

(L) "Subdivision served by a public safety answering point" means a subdivision that provides emergency service for any part of its territory that is located within the territory of a public safety answering point whether the subdivision provides the emergency service with its own employees or pursuant to a contract.

(M) A township's population includes only population of the

incorporated portion of the township.

(N) "Telephone company" means a company engaged in the business of providing local exchange telephone service by making available or furnishing access and a dial tone to persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and gaining access to other telecommunications services.

Sec. 4931.44. (A) Within sixty days after receipt of the final plan pursuant to division (C) of section 4931.43 of the Revised Code, the board of county commissioners of the county and the legislative authority of each municipal corporation in the county and of each township whose territory is proposed to be included in a countywide 9-1-1 system shall act by resolution to approve or disapprove the plan, except that, with respect to a final plan that provides for funding of the 9-1-1 system in part through charges imposed under section 4931.51 of the Revised Code, the board of county commissioners shall not act by resolution to approve or disapprove the plan until after a resolution adopted under section 4931.51 of the Revised Code has become effective as provided in division (D) of that section. A municipal corporation or township whose territory is proposed to be included in the system includes any municipal corporation or township in which a part of its territory is excluded pursuant to division (A)(2) of section 4931.41 of the Revised Code. Each such authority shall ~~immediately~~ immediately notify the board of county commissioners in writing of its approval or disapproval of the final plan. Failure by a board or legislative authority to notify the board of county commissioners of approval or disapproval within such sixty-day period shall be deemed disapproval by such board or authority.

(B) As used in this division, "county's population" excludes the population of any municipal corporation or township that, under the plan, is completely excluded from 9-1-1 service in the county's final plan. A countywide plan will become effective if all of the following entities approve the plan in accordance with this section:

- (1) The board of county commissioners;
- (2) The legislative authority of a municipal corporation that contains at least thirty per cent of the county's population, if any;
- (3) The legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population or, if the plan has been approved by a municipal corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the

county's population.

(C) After a countywide plan approved in accordance with this section is adopted, all of the telephone companies and subdivisions included in the plan are subject to the specific requirements of the plan and to sections 4931.40 to ~~4931.51~~ 4931.54 of the Revised Code.

Sec. 4931.49. (A) The state, the state highway patrol, or a subdivision participating in a 9-1-1 system and any officer, agent, or employee of the state, state highway patrol, or a participating subdivision is not liable in damages in a civil action for injuries, death, or loss to persons or property arising from any act or omission, except willful or wanton misconduct, in connection with developing, adopting, or approving any final plan or any agreement made under section 4931.48 of the Revised Code or otherwise bringing into operation a 9-1-1 system pursuant to those provisions.

(B) Except as otherwise provided in sections 701.02 and 4765.49 of the Revised Code, an individual who gives emergency instructions through a 9-1-1 system established under sections 4931.40 to ~~4931.51~~ 4931.54 of the Revised Code, and the principals for whom the person acts, including both employers and independent contractors, public and private, and an individual who follows emergency instructions and the principals for whom that person acts, including both employers and independent contractors, public and private, are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from the issuance or following of emergency instructions, except where the issuance or following of the instructions constitutes willful or wanton misconduct.

(C) A telephone company, and any other installer, maintainer, or provider, through the sale or otherwise, of customer premises equipment, and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with that participation in a 9-1-1 system whether that system is established pursuant to sections 4931.40 to ~~4931.51~~ 4931.54 of the Revised Code or otherwise in accordance with the telephone company's schedules regarding 9-1-1 systems filed with the public utilities commission pursuant to section 4905.30 of the Revised Code.

(D) No person shall knowingly use the telephone number of the 9-1-1 system to report an emergency if ~~he~~ the person knows that no emergency exists.

(E) No person shall disclose or use, for any purpose other than for the 9-1-1 system, any information concerning telephone numbers, addresses, or

names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under sections 4931.40 to ~~4931.51~~ 4931.54 of the Revised Code, except that a telephone company may disclose or use such information to assist a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information by the telephone company shall be subject to the jurisdiction of the public utilities commission. In no event shall such information be disclosed or used for any purpose not permitted by this division.

Sec. 4931.50. The attorney general, upon request of the public utilities commission or on ~~his~~ the attorney general's own initiative, shall begin proceedings against a subdivision or telephone company to enforce compliance with sections 4931.40 to ~~4931.51~~ 4931.54 of the Revised Code, or with the terms, conditions, requirements, or specifications of a final plan or of an agreement under section 4931.48 of the Revised Code.

Sec. 4931.53. (A) This section applies only to a county that has a final plan for a countywide 9-1-1 system that either has not been approved in the county under section 4931.44 of the Revised Code or has been approved but has not been put into operation because of a lack of funding.

(B) A board of county commissioners may adopt a resolution imposing a monthly charge on telephone access lines to pay for the operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system. The resolution shall state the amount of the charge, which shall not exceed fifty cents per month, and the month the charge will first be imposed, which shall be no earlier than four months after the special election held pursuant to this section. Each residential and business telephone company customer within the area of the county served by the 9-1-1 system shall pay the monthly charge for each of its residential or business customer access lines or their equivalent.

Before adopting a resolution under this division, the board of county commissioners shall hold at least two public hearings on the proposed charge. Before the first hearing, the board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the county. The notice shall state the amount of the proposed charge, an explanation of the necessity for the charge, and the date, time, and location of each of the hearings.

(C) A resolution adopted under division (B) of this section shall direct the board of elections to submit the question of imposing the charge to the electors of the county at a special election on the day of the next primary or general election in the county. The board of county commissioners shall

certify a copy of the resolution to the board of elections not less than seventy-five days before the day of the special election. No resolution adopted under division (B) of this section shall take effect unless approved by a majority of the electors voting upon the resolution at an election held pursuant to this section.

In any year, the board of county commissioners may impose a lesser charge than the amount originally approved by the electors. The board may change the amount of the charge no more than once a year. The board shall not impose a charge greater than the amount approved by the electors without first holding an election on the question of the greater charge.

(D) Money raised from a monthly charge on telephone access lines under this section shall be deposited into a special fund created in the county treasury by the board of county commissioners pursuant to section 5705.12 of the Revised Code, to be used only for the necessary operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system pursuant to a resolution adopted under division (B) of this section. In complying with this division, any county may seek the assistance of the public utilities commission with regard to operating and maintaining a 9-1-1 system.

(E) Nothing in sections 4931.40 to 4931.53 of the Revised Code precludes a final plan adopted in accordance with those sections from being amended to provide that, by agreement included in the plan, a public safety answering point of another countywide 9-1-1 system is the public safety answering point of a countywide 9-1-1 system funded through a monthly charge imposed in accordance with this section. In that event, the county for which the public safety answering point is provided shall be deemed the subdivision operating the public safety answering point for purposes of sections 4931.40 to 4931.53 of the Revised Code, except that, for the purpose of division (D) of section 4931.41 of the Revised Code, the county shall pay only so much of the costs associated with establishing, equipping, furnishing, operating, or maintaining the public safety answering point specified in the agreement included in the final plan.

(F) Pursuant to the voter approval required by division (C) of this section, the final plan for a countywide 9-1-1 system that will be funded through a monthly charge imposed in accordance with this section, or that will be amended to include an agreement described in division (E) of this section, shall be amended by the existing 9-1-1 planning committee, and the amendment of such a final plan is not an amendment of a final plan for the purpose of division (A) of section 4931.45 of the Revised Code.

Sec. 4931.53 4931.54. (A) As part of its normal monthly billing process,

each telephone company with customers in the area served by a 9-1-1 system shall bill and collect from those customers any charge imposed under section 4931.52 or 4931.53 of the Revised Code. The company may list the charge as a separate entry on each bill and may indicate on the bill that the charge is made pursuant to approval of a ballot issue by county voters. Any customer billed by a company for a charge imposed under section 4931.52 or 4931.53 of the Revised Code is liable to the county for the amount billed. The company shall apply any partial payment of a customer's bill first to the amount the customer owes the company. The company shall keep complete records of charges it bills and collects, and such records shall be open during business hours for inspection by the county commissioners or their agents or employees. If a company fails to bill any customer for the charge, it is liable to the county for the amount that was not billed.

(B) A telephone company that collects charges under this section shall remit the money to the county on a quarterly basis. The company may retain three per cent of any charge it collects as compensation for the costs of such collection. If a company collects charges under this section and fails to remit the money to the county as prescribed, it is liable to the county for any amount collected and not remitted.

Sub. H. B. No. 152

8

SECTION 2. That existing sections 4931.40, 4931.44, 4931.49, 4931.50, and 4931.53 of the Revised Code are hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_