

## As Introduced

124th General Assembly  
Regular Session  
2001-2002

S. B. No. 181

SENATORS Mead, Spada, Goodman, Harris, Robert Gardner, Herington,  
Brady

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### A BILL

To amend sections 2913.01, 4931.40, 4931.41, 4931.43, 1  
4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 2  
4931.49, 4931.50, 4931.99, and 5727.39; to amend, 3  
for the purpose of adopting a new section number as 4  
shown in parentheses, section 4931.55 (4931.65); 5  
and to enact sections 4931.56 to 4931.60 of the 6  
Revised Code to provide for enhanced wireless 7  
9-1-1; to create the Enhanced Wireless 9-1-1 8  
Government Assistance Fund and the Ohio 9-1-1 9  
Council; to specify local authority to request the 10  
wireless and wireline portions of enhanced wireless 11  
9-1-1; to authorize a wireless service provider to 12  
indicate on a customer bill its compliance with the 13  
federal enhanced wireless 9-1-1 requirement, in the 14  
form of a note about its compliance costs or a 15  
notation or line item identifying the portion or 16  
amount of the bill attributable to those costs; and 17  
to authorize the use of an existing excise tax 18  
credit mechanism to cover the nonrecurring charges 19  
for an updating or modernization of the wireline 20  
telephone network portion of a 9-1-1 system or a 21  
modification of that telephone network to provide 22  
wireless 9-1-1 service. 23

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2913.01, 4931.40, 4931.41, 4931.43, 24  
4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 4931.50, 25  
4931.99, and 5727.39 be amended; section 4931.55 (4931.65) be 26  
amended for the purpose of adopting a new section number as 27  
indicated in parentheses; and sections 4931.56, 4931.57, 4931.58, 28  
4931.59, and 4931.60 of the Revised Code be enacted to read as 29  
follows: 30

**Sec. 2913.01.** As used in this chapter, unless the context 31  
requires that a term be given a different meaning: 32

(A) "Deception" means knowingly deceiving another or causing 33  
another to be deceived by any false or misleading representation, 34  
by withholding information, by preventing another from acquiring 35  
information, or by any other conduct, act, or omission that 36  
creates, confirms, or perpetuates a false impression in another, 37  
including a false impression as to law, value, state of mind, or 38  
other objective or subjective fact. 39

(B) "Defraud" means to knowingly obtain, by deception, some 40  
benefit for oneself or another, or to knowingly cause, by 41  
deception, some detriment to another. 42

(C) "Deprive" means to do any of the following: 43

(1) Withhold property of another permanently, or for a period 44  
that appropriates a substantial portion of its value or use, or 45  
with purpose to restore it only upon payment of a reward or other 46  
consideration; 47

(2) Dispose of property so as to make it unlikely that the 48  
owner will recover it; 49

(3) Accept, use, or appropriate money, property, or services, 50

with purpose not to give proper consideration in return for the  
money, property, or services, and without reasonable justification  
or excuse for not giving proper consideration.

(D) "Owner" means, unless the context requires a different  
meaning, any person, other than the actor, who is the owner of,  
who has possession or control of, or who has any license or  
interest in property or services, even though the ownership,  
possession, control, license, or interest is unlawful.

(E) "Services" include labor, personal services, professional  
services, public utility services including wireless services as  
defined in section 4931.40 of the Revised Code, common carrier  
services, and food, drink, transportation, entertainment, and  
cable television services.

(F) "Writing" means any computer software, document, letter,  
memorandum, note, paper, plate, data, film, or other thing having  
in or upon it any written, typewritten, or printed matter, and any  
token, stamp, seal, credit card, badge, trademark, label, or other  
symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part  
and by any means, any spurious writing, or to make, execute,  
alter, complete, reproduce, or otherwise purport to authenticate  
any writing, when the writing in fact is not authenticated by that  
conduct.

(H) "Utter" means to issue, publish, transfer, use, put or  
send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device  
designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill,  
or token, automatically dispense property, provide a service, or

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grant a license. 81

(J) "Slug" means an object that, by virtue of its size, 82  
shape, composition, or other quality, is capable of being inserted 83  
or deposited in a coin machine as an improper substitute for a 84  
genuine coin, bill, or token made for that purpose. 85

(K) "Theft offense" means any of the following: 86

(1) A violation of section 2911.01, 2911.02, 2911.11, 87  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 88  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 89  
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 90  
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 91  
2915.05, or 2921.41 of the Revised Code; 92

(2) A violation of an existing or former municipal ordinance 93  
or law of this or any other state, or of the United States, 94  
substantially equivalent to any section listed in division (K)(1) 95  
of this section or a violation of section 2913.41, 2913.81, or 96  
2915.06 of the Revised Code as it existed prior to July 1, 1996; 97

(3) An offense under an existing or former municipal 98  
ordinance or law of this or any other state, or of the United 99  
States, involving robbery, burglary, breaking and entering, theft, 100  
embezzlement, wrongful conversion, forgery, counterfeiting, 101  
deceit, or fraud; 102

(4) A conspiracy or attempt to commit, or complicity in 103  
committing, any offense under division (K)(1), (2), or (3) of this 104  
section. 105

(L) "Computer services" includes, but is not limited to, the 106  
use of a computer system, computer network, computer program, data 107  
that is prepared for computer use, or data that is contained 108  
within a computer system or computer network. 109

(M) "Computer" means an electronic device that performs 110

logical, arithmetic, and memory functions by the manipulation of 111  
electronic or magnetic impulses. "Computer" includes, but is not 112  
limited to, all input, output, processing, storage, computer 113  
program, or communication facilities that are connected, or 114  
related, in a computer system or network to an electronic device 115  
of that nature. 116

(N) "Computer system" means a computer and related devices, 117  
whether connected or unconnected, including, but not limited to, 118  
data input, output, and storage devices, data communications 119  
links, and computer programs and data that make the system capable 120  
of performing specified special purpose data processing tasks. 121

(O) "Computer network" means a set of related and remotely 122  
connected computers and communication facilities that includes 123  
more than one computer system that has the capability to transmit 124  
among the connected computers and communication facilities through 125  
the use of computer facilities. 126

(P) "Computer program" means an ordered set of data 127  
representing coded instructions or statements that, when executed 128  
by a computer, cause the computer to process data. 129

(Q) "Computer software" means computer programs, procedures, 130  
and other documentation associated with the operation of a 131  
computer system. 132

(R) "Data" means a representation of information, knowledge, 133  
facts, concepts, or instructions that are being or have been 134  
prepared in a formalized manner and that are intended for use in a 135  
computer, computer system, or computer network. For purposes of 136  
section 2913.47 of the Revised Code, "data" has the additional 137  
meaning set forth in division (A) of that section. 138

(S) "Cable television service" means any services provided by 139  
or through the facilities of any cable television system or other 140  
similar closed circuit coaxial cable communications system, or any 141

microwave or similar transmission service used in connection with 142  
any cable television system or other similar closed circuit 143  
coaxial cable communications system. 144

(T) "Gain access" means to approach, instruct, communicate 145  
with, store data in, retrieve data from, or otherwise make use of 146  
any resources of a computer, computer system, or computer network. 147

(U) "Credit card" includes, but is not limited to, a card, 148  
code, device, or other means of access to a customer's account for 149  
the purpose of obtaining money, property, labor, or services on 150  
credit, or for initiating an electronic fund transfer at a 151  
point-of-sale terminal, an automated teller machine, or a cash 152  
dispensing machine. 153

(V) "Electronic fund transfer" has the same meaning as in 92 154  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 155

(W) "Rented property" means personal property in which the 156  
right of possession and use of the property is for a short and 157  
possibly indeterminate term in return for consideration; the 158  
rentee generally controls the duration of possession of the 159  
property, within any applicable minimum or maximum term; and the 160  
amount of consideration generally is determined by the duration of 161  
possession of the property. 162

(X) "Telecommunication" means the origination, emission, 163  
dissemination, transmission, or reception of data, images, 164  
signals, sounds, or other intelligence or equivalence of 165  
intelligence of any nature over any communications system by any 166  
method, including, but not limited to, a fiber optic, electronic, 167  
magnetic, optical, digital, or analog method. 168

(Y) "Telecommunications device" means any instrument, 169  
equipment, machine, or other device that facilitates 170  
telecommunication, including, but not limited to, a computer, 171  
computer network, computer chip, computer circuit, scanner, 172

telephone, cellular telephone, pager, personal communications  
device, transponder, receiver, radio, modem, or device that  
enables the use of a modem.

(Z) "Telecommunications service" means the providing,  
allowing, facilitating, or generating of any form of  
telecommunication through the use of a telecommunications device  
over a telecommunications system.

(AA) "Counterfeit telecommunications device" means a  
telecommunications device that, alone or with another  
telecommunications device, has been altered, constructed,  
manufactured, or programmed to acquire, intercept, receive, or  
otherwise facilitate the use of a telecommunications service or  
information service without the authority or consent of the  
provider of the telecommunications service or information service.  
"Counterfeit telecommunications device" includes, but is not  
limited to, a clone telephone, clone microchip, tumbler telephone,  
or tumbler microchip; a wireless scanning device capable of  
acquiring, intercepting, receiving, or otherwise facilitating the  
use of telecommunications service or information service without  
immediate detection; or a device, equipment, hardware, or software  
designed for, or capable of, altering or changing the electronic  
serial number in a wireless telephone.

(BB)(1) "Information service" means, subject to division  
(BB)(2) of this section, the offering of a capability for  
generating, acquiring, storing, transforming, processing,  
retrieving, utilizing, or making available information via  
telecommunications, including, but not limited to, electronic  
publishing.

(2) "Information service" does not include any use of a  
capability of a type described in division (BB)(1) of this section  
for the management, control, or operation of a telecommunications  
system or the management of a telecommunications service.

(CC) "Elderly person" means a person who is sixty-five years of age or older. 205  
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(DD) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons. 207  
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(EE) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 217  
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(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 219  
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(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code. 221  
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(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 223  
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**Sec. 4931.40.** As used in sections 4931.40 to ~~4931.54~~ 4931.60 of the Revised Code: 225  
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(A) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1. 227  
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(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. 229  
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(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 234  
providing both enhanced wireline 9-1-1 and enhanced wireless 235  
9-1-1. 236

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 237  
the telephone network system, in providing wireline 9-1-1, 238  
automatically provides to personnel receiving the call, 239  
immediately on answering the 9-1-1 call, information on the 240  
location and the telephone number from which the call is being 241  
made, and routes the call to emergency service providers that 242  
serve the location from which the call is made and immediately 243  
provides to subdivision personnel answering the 9-1-1 call 244  
information on the location and the telephone number from which 245  
the call is being made. 246

(E) "Enhanced wireless 9-1-1" means a 9-1-1 system that, in 247  
providing wireless 9-1-1, has the capabilities of Phase I and, to 248  
the extent available, Phase II enhanced 9-1-1 services as 249  
described in 47 C.F.R. 20.18. 250

(F) "Wireless service" means federally licensed commercial 251  
mobile service as defined in 47 U.S.C. 332(d) and further defined 252  
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 253  
service provided by any wireless, two-way communications device, 254  
including a radio-telephone communications line used in cellular 255  
telephone service or personal communications service, a network 256  
radio access line, or any functional or competitive equivalent of 257  
such a radio-telephone communications or network radio access 258  
line. 259

(G) "Wireless service provider" means a provider of wireless 260  
service to one or more end users in this state. 261

(H) "Wireless 9-1-1" means the emergency call response 262  
service provided by a 9-1-1 system pursuant to a call originating 263  
in the network of a wireless service provider. 264

(I) "Wireline 9-1-1" means the emergency call response service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider. 265  
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(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more end users in this state. 268  
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(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission. 271  
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~~(D)~~(L) "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. 276  
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~~(E)~~(M) "Emergency service" means emergency police, firefighting, ambulance, rescue, and medical service. 287  
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~~(F)~~(N) "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. 289  
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~~(G)~~(O) "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 293  
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specific requests for emergency service by directly dispatching 296  
the appropriate emergency service provider, relaying a message to 297  
the appropriate provider, or transferring the call to the 298  
appropriate provider. 299

~~(H)~~(P) "Customer premises equipment" means telecommunications 300  
equipment, including telephone instruments, on the premises of a 301  
public safety answering point that is used in answering and 302  
responding to 9-1-1 system calls. 303

~~(I)~~(Q) "Municipal corporation in the county" includes any 304  
municipal corporation that is wholly contained in the county and 305  
each municipal corporation located in more than one county that 306  
has a greater proportion of its territory in the county to which 307  
the term refers than in any other county. 308

~~(J)~~(R) "Board of county commissioners" includes the 309  
legislative authority of a county established under Section 3 of 310  
Article X, Ohio Constitution, or Chapter 302. of the Revised Code. 311

~~(K)~~(S) "Final plan" means a final plan adopted under division 312  
(B) of section 4931.44 of the Revised Code and, except as 313  
otherwise expressly provided, an amended final plan adopted under 314  
section 4931.45 of the Revised Code. 315

~~(L)~~(T) "Subdivision served by a public safety answering 316  
point" means a subdivision that provides emergency service for any 317  
part of its territory that is located within the territory of a 318  
public safety answering point whether the subdivision provides the 319  
emergency service with its own employees or pursuant to a 320  
contract. 321

~~(M)~~(U) A township's population includes only population of 322  
the unincorporated portion of the township. 323

~~(N)~~(V) "Telephone company" means a company engaged in the 324  
business of providing local exchange telephone service by making 325  
available or furnishing access and a dial tone to persons within a 326

local calling area for use in originating and receiving voice 327  
grade communications over a switched network operated by the 328  
provider of the service within the area and gaining access to 329  
other telecommunications services. "Telephone company" includes a 330  
wireline service provider and a wireless service provider unless 331  
otherwise expressly specified, except that, for purposes of 332  
sections 4931.52 to 4931.54 of the Revised Code, "telephone 333  
company" means a wireline service provider. 334

**Sec. 4931.41.** (A)(1) A countywide 9-1-1 system shall include 335  
all of the territory of the townships and municipal corporations 336  
in the county. 337

(2) The system shall exclude any territory served by a 338  
~~telephone company~~ wireline service provider that is not capable of 339  
reasonably meeting the technical and economic requirements of 340  
providing the wireline telephone network portion of the countywide 341  
system for that territory. The system shall exclude from enhanced 342  
9-1-1 ~~service~~ any territory served by a ~~telephone company~~ wireline 343  
service provider that is not capable of reasonably meeting the 344  
technical and economic requirements of providing the wireline 345  
telephone network portion of ~~an enhanced 9-1-1~~ the service for 346  
that territory. If a 9-1-1 planning committee and a ~~telephone 347~~  
~~company~~ wireline service provider do not agree on whether the 348  
~~telephone company~~ provider is so capable, the committee shall 349  
notify the public utilities commission, and the commission shall 350  
determine whether the ~~company~~ wireline service provider is so 351  
capable. The committee shall ascertain whether such disagreement 352  
exists before making its implementation proposal under division 353  
(A) of section 4931.43 of the Revised Code. The commission's 354  
determination shall be in the form of an order. No final plan 355  
shall require a ~~telephone company~~ wireline service provider to 356  
provide the wireline telephone network portion of a 9-1-1 system 357  
that the commission has determined the ~~company~~ provider is not 358

reasonably capable of providing. 359

(B) A countywide 9-1-1 system may be a basic or enhanced 360  
9-1-1 system, or a combination of the two, and shall be for the 361  
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 362

(C) Every emergency service provider that provides emergency 363  
service within the territory of a countywide 9-1-1 system shall 364  
participate in the countywide system. 365

(D)(1) Each public safety answering point shall be operated 366  
by a subdivision and shall be operated constantly. 367

(2) A subdivision that operates a public safety answering 368  
point shall pay all of the costs associated with establishing, 369  
equipping, furnishing, operating, and maintaining that facility 370  
and shall allocate those costs among itself and the subdivisions 371  
served by the answering point based on the allocation formula in a 372  
final plan. ~~The telephone company~~ wireline service provider or 373  
other entity that provides or maintains the customer premises 374  
equipment shall bill the operating subdivision for the cost of 375  
providing such equipment, or its maintenance. A wireless service 376  
provider and a subdivision operating a public safety answering 377  
point may enter into a service agreement for providing enhanced 378  
wireless 9-1-1 pursuant to a final plan adopted under sections 379  
4931.40 to 4931.60 of the Revised Code. 380

(E) Except to the extent provided in a final plan that 381  
provides for funding of a 9-1-1 system in part through charges 382  
imposed under section 4931.51 of the Revised Code, each 383  
subdivision served by a public safety answering point shall pay 384  
the subdivision that operates the answering point the amount 385  
computed in accordance with the allocation formula set forth in 386  
the final plan. 387

(F) Notwithstanding any other provision of law, the purchase 388  
or other acquisition, installation, and maintenance of the 389

telephone network for a 9-1-1 system and the purchase or other  
acquisition, the installation, and maintenance of customer  
premises equipment at a public safety answering point made in  
compliance with a final plan or an agreement under section 4931.48  
of the Revised Code, including customer premises equipment used to  
provide enhanced wireless 9-1-1 service, are not subject to any  
requirement of competitive bidding.

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(G) Each emergency service provider participating in a  
countywide 9-1-1 system shall maintain a telephone number in  
addition to 9-1-1.

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(H) Whenever a final plan provides for the implementation of  
basic 9-1-1 service, the planning committee shall so notify the  
public utilities commission, which shall determine whether the  
~~telephone companies~~ wireline service providers serving the  
territory covered by the plan are capable of reasonably meeting  
the technical and economic requirements of providing the wireline  
telephone network portion of an enhanced 9-1-1 system. The  
determination shall be made solely for purposes of division  
(C)(2)(a) or (b) of section 4931.47 of the Revised Code.

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(I) If the public safety answering point personnel reasonably  
determine that a 9-1-1 call is not an emergency, the personnel, as  
applicable, shall provide the caller with the telephone number of  
the appropriate emergency service provider.

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(J) Nothing in sections 4931.40 to 4931.60 of the Revised  
Code precludes a final plan adopted in accordance with those  
sections from providing that, by agreement included in the plan,  
the state highway patrol or one or more public safety answering  
points of another countywide 9-1-1 system is the public safety  
answering point or points for the provision of basic or enhanced  
9-1-1, including enhanced wireless 9-1-1, for the county. In that  
event, the county for which wireless 9-1-1 is provided shall be  
deemed the subdivision operating the public safety answering point

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or points for purposes of sections 4931.40 to 4931.60 of the 422  
Revised Code, except that, for the purpose of division (D)(2) of 423  
this section, the county shall pay only so much of the costs 424  
associated with establishing, equipping, furnishing, operating, or 425  
maintaining any such facility as are specified in the agreement. 426

**Sec. 4931.43.** (A) The 9-1-1 planning committee shall prepare 427  
a proposal on the implementation of a countywide 9-1-1 system and 428  
shall hold a public meeting on the proposal to explain the system 429  
to and receive comments from public officials. At least thirty but 430  
not more than sixty days before the meeting, the committee shall 431  
send a copy of the implementation proposal and written notice of 432  
the meeting: 433

(1) By certified mail, to the board of county commissioners, 434  
the legislative authority of each municipal corporation in the 435  
county, and to the board of trustees of each township in the 436  
county; and 437

(2) To the board of trustees, directors, or park 438  
commissioners of each subdivision that will be served by a public 439  
safety answering point under the plan. 440

(B) The proposal and the final plan adopted by the committee 441  
shall specify: 442

(1) Which telephone companies serving customers in the county 443  
will participate in the 9-1-1 system; 444

(2) The location and number of public safety answering 445  
points; how they will be connected to a company's telephone 446  
network; from what geographic territory each will receive 9-1-1 447  
calls; whether basic or enhanced 9-1-1 service will be provided 448  
within such territory; what subdivisions will be served by the 449  
answering point; and whether an answering point will respond to 450  
calls by directly dispatching an emergency service provider, by 451

relaying a message to the appropriate provider, or by transferring  
the call to the appropriate provider;

(3) What subdivision will establish, equip, furnish, operate,  
and maintain each public safety answering point;

(4) A projection of the initial cost of establishing,  
equipping, and furnishing and of the annual cost of the first five  
years of operating and maintaining each public safety answering  
point;

(5) Whether the cost of establishing, equipping, furnishing,  
operating, or maintaining each public safety answering point  
should be funded through charges imposed under section 4931.51 of  
the Revised Code or will be allocated among the subdivisions  
served by the answering point and, if any such cost is to be  
allocated, the formula for so allocating it;

(6) How each emergency service provider will respond to a  
misdirected call.

(C) Following the meeting required by this section, the 9-1-1  
planning committee may modify the implementation proposal and, no  
later than nine months after the resolution authorized by section  
4931.41 of the Revised Code is adopted, may adopt, by majority  
vote, ~~adopt~~ a final plan for implementing a countywide 9-1-1  
system. If a planning committee and ~~telephone company~~ wireline  
service provider do not agree on whether the ~~telephone company~~  
wireline service provider is capable of providing the wireline  
telephone network as described under division (A) of section  
4931.41 of the Revised Code and the planning committee refers that  
question to the public utilities commission, the commission may  
extend the nine-month deadline established by this division to  
twelve months. Immediately on completion of the plan, the  
committee shall send a copy of the final plan:

(1) By certified mail to the board of county commissioners of



the county, to the legislative authority of each municipal 483  
corporation in the county, and to the board of township trustees 484  
of each township in the county; and 485

(2) To the board of trustees, directors, or park 486  
commissioners of each subdivision that will be served by a public 487  
safety answering point under the plan. 488

(D) If the committee has not adopted a final plan on or 489  
before the deadline in division (C) of this section, the committee 490  
shall cease to exist. A new 9-1-1 planning committee may be 491  
convened in the manner established in section 4931.42 of the 492  
Revised Code to develop an implementation proposal and final plan 493  
in accordance with the requirements of sections 4931.42 to 4931.44 494  
of the Revised Code. 495

**Sec. 4931.44.** (A) Within sixty days after receipt of the 496  
final plan pursuant to division (C) of section 4931.43 of the 497  
Revised Code, the board of county commissioners of the county and 498  
the legislative authority of each municipal corporation in the 499  
county and of each township whose territory is proposed to be 500  
included in a countywide 9-1-1 system shall act by resolution to 501  
approve or disapprove the plan, except that, with respect to a 502  
final plan that provides for funding of the 9-1-1 system in part 503  
through charges imposed under section 4931.51 of the Revised Code, 504  
the board of county commissioners shall not act by resolution to 505  
approve or disapprove the plan until after a resolution adopted 506  
under section 4931.51 of the Revised Code has become effective as 507  
provided in division (D) of that section. A municipal corporation 508  
or township whose territory is proposed to be included in the 509  
system includes any municipal corporation or township in which a 510  
part of its territory is excluded pursuant to division (A)(2) of 511  
section 4931.41 of the Revised Code. Each such authority ~~shall~~ 512  
immediately shall notify the board of county commissioners in 513

writing of its approval or disapproval of the final plan. Failure 514  
by a board or legislative authority to notify the board of county 515  
commissioners of approval or disapproval within such sixty-day 516  
period shall be deemed disapproval by such board or authority. 517

(B) As used in this division, "county's population" excludes 518  
the population of any municipal corporation or township that, 519  
under the plan, is completely excluded from 9-1-1 service in the 520  
county's final plan. A countywide plan will become effective if 521  
all of the following entities approve the plan in accordance with 522  
this section: 523

(1) The board of county commissioners; 524

(2) The legislative authority of a municipal corporation that 525  
contains at least thirty per cent of the county's population, if 526  
any; 527

(3) The legislative authorities of municipal corporations and 528  
townships that contain at least sixty per cent of the county's 529  
population or, if the plan has been approved by a municipal 530  
corporation that contains at least sixty per cent of the county's 531  
population, by the legislative authorities of municipal 532  
corporations and townships that contain at least seventy-five per 533  
cent of the county's population. 534

(C) After a countywide plan approved in accordance with this 535  
section is adopted, all of the telephone companies and 536  
subdivisions included in the plan are subject to the specific 537  
requirements of the plan and to sections 4931.40 to ~~4931.54~~ 538  
4931.59 of the Revised Code. 539

**Sec. 4931.45.** (A) ~~A An amended final plan may be amended to~~ 540  
~~expand~~ is required for any of the following purposes: 541

(1) Expanding the territory included in the countywide 9-1-1 542  
system, ~~to upgrade;~~ 543

~~(2) Upgrading any part or all of a system from basic 9-1-1 to enhanced 9-1-1 service, to adjust;~~ 544  
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~~(3) Adjusting the territory served by a public safety answering point, to represcribe;~~ 546  
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~~(4) Represcribing the funding of public safety answering points as between the alternatives set forth in division (B)(5) of section 4931.43 of the Revised Code, or to make;~~ 548  
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~~(5) Providing for enhanced wireless 9-1-1;~~ 551

~~(6) Adding a telephone company as a participant in a countywide 9-1-1 system after the implementation of wireline 9-1-1 or enhanced wireless 9-1-1;~~ 552  
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~~(7) Providing that the state highway patrol or one or more public safety answering points of another countywide 9-1-1 system function as a public safety answering point or points for the provision of wireless 9-1-1 for the county, as contemplated under division (J) of section 4931.41 of the Revised Code;~~ 555  
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~~(8) Making any other necessary adjustments to the plan only by convening a new 9-1-1 planning committee, and adopting an amended final plan. The convening of a new 9-1-1 planning committee and the proposal and adoption of an amended final plan shall be made in the same manner required for the convening of an initial committee and adoption of an original proposed and final plan under sections 4931.42 to 4931.44 of the Revised Code.~~ 560  
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Adoption 567

The adoption of an amended final plan under this division shall be subject to, and accomplished in the manner of the adoption of an initial final plan under, sections 4931.42 to 4931.44 of the Revised Code, including the requirements for the convening of a 9-1-1 planning committee and the development of a proposed plan prior to the adoption of the final plan. However, a final plan is deemed amended for the purpose described in division 568  
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(A)(6) of this section upon the filing, with the board of county commissioners of the county that approved the final plan for the countywide 9-1-1 system, of a written letter of intent by the entity to be added as a participant in the 9-1-1 system. The entity shall send written notice of the filing to all subdivisions and telephone companies participating in the system. Further, adoption of any resolution under section 4931.51 of the Revised Code pursuant to a final plan that both has been adopted and provides for funding through charges imposed under that section is not an amendment of a final plan for the purpose of this division.

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(B) When a final plan is amended to ~~expand the territory that receives 9-1-1 service or to upgrade a 9-1-1 system from basic to enhanced 9-1-1 service~~ for any purpose described in division (A)(1), (2), (5), or (6) of this section, the provisions of sections 4931.47 and 5727.39 of the Revised Code apply with respect to the ~~telephone company's~~ recovery of the nonrecurring and recurring rates and charges for the wireline telephone network portion of the system.

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**Sec. 4931.46.** (A) Within three years from the date ~~a~~ an initial final plan becomes effective under division (B) of section 4931.44 of the Revised Code, the ~~telephone companies~~ wireline service providers designated in the plan shall have installed the wireline telephone network portion of the 9-1-1 system according to the terms, conditions, requirements, and specifications set forth in that plan.

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(B)(1) Upon installation of a countywide 9-1-1 system, the board of county commissioners may direct the county engineer to erect and maintain, at the county boundaries on county roads and state and interstate highways, signs indicating the availability of a countywide 9-1-1 system. Any sign erected by a county under this section shall be erected in accordance with and meet the

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specifications established under division (B)(2) of this section. 606  
All expenses incurred in erecting and maintaining the signs shall 607  
be paid by the county. 608

(2) The director of transportation shall develop design 609  
specifications for signs giving notice of the availability of a 610  
countywide 9-1-1 system. The director also shall establish 611  
standards for the erection of the signs and, in accordance with 612  
federal law and regulations and recognized engineering practices, 613  
specify those locations where the signs shall not be erected. 614

**Sec. 4931.47.** (A) In accordance with Chapters 4901., 4903., 615  
4905., 4909., and 4931. of the Revised Code, the public utilities 616  
commission shall determine the just, reasonable, and compensatory 617  
rates, tolls, classifications, charges, or rentals to be observed 618  
and charged for the wireline telephone network portion of a basic 619  
and enhanced 9-1-1 system, and each telephone company that is a 620  
wireline service provider participating in the system shall be 621  
subject to such chapters, to the extent they apply, as to the 622  
service provided by its portion of the wireline telephone network 623  
system as described in the final plan or to be installed pursuant 624  
to agreements under section 4931.48 of the Revised Code, and as to 625  
the rates, tolls, classifications, charges, or rentals to be 626  
observed and charged for that service. 627

(B) Only the customers of a participating telephone company 628  
described in division (A) of this section that are served within 629  
the area covered by a 9-1-1 system shall pay the recurring rates 630  
for the maintenance and operation of the wireline telephone 631  
network of the company used in providing 9-1-1 service. Such rates 632  
shall be computed by dividing the total monthly recurring rates 633  
set forth in ~~a telephone~~ the company's schedule as filed in 634  
accordance with section 4905.30 of the Revised Code, by the total 635  
number of residential and business customer access lines, or their 636  
equivalent, within the area served. Each residential and business 637

customer within the area served shall pay the recurring rates 638  
based on the number of its residential and business customer 639  
access lines or their equivalent. No company ~~may~~ shall include 640  
such amount on any customer's bill until the company has completed 641  
its portion of the wireline telephone network in accordance with 642  
the terms, conditions, requirements, and specifications of the 643  
final plan or an agreement made under section 4931.48 of the 644  
Revised Code. 645

(C)(1) Except as otherwise provided in division (C)(2)(a) or 646  
(b) of this section, a participating telephone company described 647  
in division (A) of this section may recover through the credit 648  
authorized by section 5727.39 of the Revised Code the total 649  
nonrecurring charges for the wireline telephone network of the 650  
company used in providing 9-1-1 service, including wireless 9-1-1, 651  
and the total nonrecurring charges for any updating or 652  
modernization of that wireline telephone network in accordance 653  
with the terms, conditions, requirements, and specifications of 654  
the final plan or pursuant to section 4931.48 of the Revised Code, 655  
as any such charges are set forth in the schedule filed by a 656  
telephone company wireline service provider in accordance with 657  
section 4905.30 of the Revised Code, on completion of the 658  
installation of the network in accordance with the terms, 659  
conditions, requirements, and specifications of the final plan or 660  
pursuant to section 4931.48 of the Revised Code shall be recovered 661  
by the company through the credit authorized by section 5727.39 of 662  
the Revised Code. That recovery shall occur, as applicable, only 663  
upon the completion of the installation of the network or the 664  
completion of the updating or modernization. 665

(2)(a) The credit shall not be allowed under division (C)(1) 666  
of this section for the upgrading of a system from basic to 667  
enhanced wireline 9-1-1 service when if both of the following 668  
apply: 669

~~(a)(i)~~ The telephone company received the credit for the telephone network portion of the basic 9-1-1 system now proposed to be upgraded ~~and~~.

~~(b)(ii)~~ At the time the final plan or agreement pursuant to section 4931.48 of the Revised Code calling for the basic 9-1-1 system was agreed to, the telephone company was capable of reasonably meeting the technical and economic requirements of providing the telephone network portion of an enhanced 9-1-1 system within the territory proposed to be upgraded, as determined by the public utilities commission under division (A) or (H) of section 4931.41 or division (C) of section 4931.48 of the Revised Code.

(b) The credit shall not be allowed under division (C)(1) of this section for any portion of the total nonrecurring charges for the telephone network used in providing wireless 9-1-1, as set forth in the schedule filed by the telephone company in accordance with section 4905.30 of the Revised Code, to the extent the telephone company, in otherwise providing 9-1-1 service, previously recovered those charges through the credit authorized by section 5727.39 of the Revised Code, or recovers or recovered those charges from a wireless service provider pursuant to a tariff or contract.

(3) When the credit is not allowed under division (C)(2)(a) or (b) of this section, the total nonrecurring charges for the wireline telephone network used in providing 9-1-1 service, as set forth in the schedule filed by a telephone company in accordance with section 4905.30 of the Revised Code, on completion of the installation of the network in accordance with the terms, conditions, requirements, and specifications of the final plan or pursuant to section 4931.48 of the Revised Code, shall be paid by the municipal corporations and townships with any territory in the area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is

made or in which the wireless 9-1-1 is provided. 702

(D) Where customer premises equipment for a public safety 703  
answering point is supplied by a telephone company that is 704  
required to file a schedule under section 4905.30 of the Revised 705  
Code pertaining to customer premises equipment, the recurring and 706  
nonrecurring rates and charges for the installation and 707  
maintenance of the equipment specified in the schedule shall 708  
apply. 709

**Sec. 4931.48.** (A) If a final plan is disapproved under 710  
division (B) of section 4931.44 of the Revised Code, by 711  
resolution, the legislative authority of a municipal corporation 712  
or township that contains at least thirty per cent of the county's 713  
population may establish within its boundaries, or the legislative 714  
authorities of a group of municipal corporations or townships each 715  
of which is contiguous with at least one other such municipal 716  
corporation or township in the group, together containing at least 717  
thirty per cent of the county's population, may jointly establish 718  
within their boundaries a 9-1-1 system. For this purpose, the 719  
municipal corporation or township may enter into an agreement, and 720  
the contiguous municipal corporations or townships may jointly 721  
enter into an agreement with a telephone company providing service 722  
in the municipal corporations or townships to provide for the 723  
telephone network portion of the system. 724

(B) If no resolution has been adopted to convene a 9-1-1 725  
planning committee under section 4931.42 of the Revised Code, but 726  
not sooner than eighteen months after the effective date of such 727  
section, by resolution, the legislative authority of any municipal 728  
corporation in the county may establish within its boundaries, or 729  
the legislative authorities of a group of municipal corporations 730  
and townships each of which is contiguous to at least one of the 731  
other such municipal corporations or townships in the group may 732  
jointly establish within their boundaries, a 9-1-1 system. The 733



municipal corporation or contiguous municipal corporations and townships, may enter into an agreement with a telephone company serving ~~customers~~ customers within the boundaries of the municipal corporation or contiguous municipal corporations and townships, to provide for the telephone network portion of a 9-1-1 system.

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(C) Whenever a telephone company that is a wireline service provider and one or more municipal corporations and townships enter into an agreement under this section to provide for the telephone network portion of a basic 9-1-1 system, the telephone company shall so notify the public utilities commission, which shall determine whether the telephone company is capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network for an enhanced system within the territory served by the company and covered by the agreement. The determination shall be made solely for the purposes of division (C)(2) of section 4931.47 of the Revised Code.

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(D) Within three years from the date of entering into an initial agreement under division (A) or (B) of this section, the ~~telephone company~~ wireline service provider shall have installed the wireline telephone network portion of the 9-1-1 system according to the terms, conditions, requirements, and specifications set forth in the agreement.

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(E) ~~The~~ A telephone company that is a wireline service provider shall recover the cost of installing the wireline telephone network system pursuant to agreements made under this section as provided in sections 4931.47 and 5727.39 of the Revised Code.

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**Sec. 4931.49.** (A)(1) The state, the state highway patrol, or a subdivision participating in a 9-1-1 system established under sections 4931.40 to 4931.60 of the Revised Code or in any other

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emergency calling system provided in cooperation with state or 765  
local government, and any officer, agent, ~~or~~ employee, or 766  
independent contractor of the state, state highway patrol, or such 767  
a participating subdivision is not liable in damages in a civil 768  
action for injuries, death, or loss to persons or property arising 769  
from any act or omission, except willful or wanton misconduct, in 770  
connection with developing, adopting, or approving any final plan 771  
or any agreement made under section 4931.48 of the Revised Code or 772  
otherwise bringing into operation a the 9-1-1 system pursuant to 773  
those provisions or the other emergency calling system. 774

(2) The Ohio 9-1-1 council and any member of the council are 775  
not liable in damages in a civil action for injuries, death, or 776  
loss to persons or property arising from any act or omission, 777  
except willful or wanton misconduct, in connection with the 778  
development or operation of a 9-1-1 system established under 779  
sections 4931.40 to 4931.60 of the Revised Code. 780

(B) Except as otherwise provided in ~~sections 701.02 and~~ 781  
section 4765.49 of the Revised Code, an individual who gives 782  
emergency instructions through a 9-1-1 system established under 783  
sections 4931.40 to ~~4931.54~~ 4931.60 of the Revised Code or through 784  
any other emergency calling system provided in cooperation with 785  
state or local government, and the principals for whom the person 786  
acts, including both employers and independent contractors, public 787  
and private, and an individual who follows emergency instructions 788  
and the principals for whom that person acts, including both 789  
employers and independent contractors, public and private, are not 790  
liable in damages in a civil action for injuries, death, or loss 791  
to persons or property arising from the issuance or following of 792  
emergency instructions, except where the issuance or following of 793  
the instructions constitutes willful or wanton misconduct. 794

(C) A telephone company, and any other installer, maintainer, 795  
or provider, through the sale or otherwise, of customer premises 796

equipment, and their respective officers, directors, employees, 797  
agents, and suppliers are not liable in damages in a civil action 798  
for injuries, death, or loss to persons or property incurred by 799  
any person resulting from such an entity's or its officers', 800  
directors', employees', agents', or suppliers' ~~participation in or~~ 801  
~~acts or omissions in connection with that participation~~ 802  
participating in or developing, operating, or maintaining a 9-1-1 803  
system, whether that system is established pursuant to sections 804  
4931.40 to ~~4931.54~~ 4931.60 of the Revised Code or otherwise in 805  
accordance with ~~the telephone company's~~ schedules regarding 9-1-1 806  
systems filed with the public utilities commission pursuant to 807  
section 4905.30 of the Revised Code by a telephone company that is 808  
a wireline service provider; or in connection with participating 809  
in or developing, operating, or maintaining any other emergency 810  
calling system provided in cooperation with state or local 811  
government. 812

(D) No person shall knowingly use the telephone number of ~~the~~ 813  
a 9-1-1 system established under sections 4931.40 to 4931.60 of 814  
the Revised Code or any other emergency calling system provided in 815  
cooperation with state or local government to report an emergency 816  
if the person knows that no emergency exists. 817

(E) No person shall knowingly use 9-1-1 service or any other 818  
emergency calling system provided in cooperation with state or 819  
local government for a purpose other than obtaining emergency 820  
service. 821

(F) No person shall disclose or use, ~~for any purpose other~~ 822  
~~than for the 9-1-1 system,~~ any information concerning telephone 823  
numbers, addresses, or names obtained from the data base that 824  
serves the public safety answering point of a 9-1-1 system 825  
established under sections 4931.40 to ~~4931.54~~ 4931.60 of the 826  
Revised Code, except that for any of the following purposes or 827  
under any of the following circumstances: 828

- (1) For the purpose of the 9-1-1 system; 829
- (2) For the purpose of another emergency calling system 830  
provided in cooperation with state or local government; 831
- (3) For the purpose of responding to an emergency call to an 832  
emergency service provider; 833
- (4) In the circumstance of the inadvertent disclosure of such 834  
information due solely to technology of the wireline telephone 835  
network portion of the 9-1-1 system not allowing access to the 836  
data base to be restricted to 9-1-1 specific answering lines at a 837  
public safety answering point; 838
- (5) In the circumstance of assistance given by a telephone 839  
company may disclose or use such information that is a wireline 840  
service provider to assist a public utility or municipal utility 841  
in handling customer calls in times of public emergency or service 842  
outages. The charge, terms, and conditions for the disclosure or 843  
use of such information by the telephone company for the purpose 844  
of that assistance shall be subject to the jurisdiction of the 845  
public utilities commission. In no event shall such information be 846  
disclosed or used for any purpose not permitted by this division. 847
- Sec. 4931.50. (A)** The attorney general, upon request of the 848  
public utilities commission or on the attorney general's own 849  
initiative, shall begin proceedings against a ~~subdivision or~~ 850  
telephone company that is a wireline service provider to enforce 851  
compliance with sections 4931.40 to ~~4931.54~~ 4931.60 of the Revised 852  
Code as to wireline or wireless 9-1-1, or with the terms, 853  
conditions, requirements, or specifications of a final plan or of 854  
an agreement under section 4931.48 of the Revised Code as to 855  
wireline or wireless 9-1-1; or against a wireless service provider 856  
to enforce compliance with sections 4931.40 to 4931.60 of the 857  
Revised Code as to wireless 9-1-1, or with the terms, conditions, 858  
requirements, or specifications of a final plan or of an agreement 859

under section 4931.48 of the Revised Code as to wireless 9-1-1. 860

(B) The attorney general, upon the attorney general's own 861  
initiative, or any prosecutor, upon the prosecutor's initiative, 862  
shall begin proceedings against a subdivision as to wireline or 863  
wireless 9-1-1 to enforce compliance with sections 4931.40 to 864  
4931.60 of the Revised Code or with the terms, conditions, 865  
requirements, or specifications of a final plan or of an agreement 866  
under section 4931.48 of the Revised Code as to wireline or 867  
wireless 9-1-1. 868

**Sec. 4931.56.** (A) There is hereby created the enhanced 869  
wireless 9-1-1 government assistance fund in the state treasury, 870  
to be administered by the director of public safety in accordance 871  
with this section and subject to such conditions upon fund 872  
disbursements as are otherwise established under section 4931.57 873  
of the Revised Code and other laws of this state. The fund shall 874  
be used exclusively to pay for costs incurred or proposed to be 875  
incurred before or after the effective date of this section in the 876  
implementation of countywide enhanced wireless 9-1-1. As to any 877  
particular countywide system, those costs shall include only the 878  
one-time costs of designing, upgrading, purchasing, leasing, 879  
programming, installing, testing, or maintaining the necessary 880  
data, hardware, software, and trunking required for any public 881  
safety answering point of the countywide 9-1-1 system to initiate 882  
the provision of enhanced wireless 9-1-1, and the costs of 883  
training public safety answering point personnel to provide 884  
enhanced wireless 9-1-1 using that technology and equipment. Such 885  
costs may include any such costs payable pursuant to an agreement 886  
under division (J) of section 4931.41 of the Revised Code. 887

(B) Moneys from the fund shall be disbursed by the director 888  
upon the director's approval of a completed application submitted 889  
by a board of county commissioners. The form of the application 890  
shall be prescribed by the director and shall require itemization 891

of the costs, identification of any vendors, and such other 892  
information as the director may require to ensure verification of 893  
costs incurred. An application may cover Phase I or Phase II costs 894  
of enhanced wireless 9-1-1, or both such costs. A board that 895  
submits an application for costs incurred for one phase may submit 896  
a later application for costs of the other phase. 897

(C) A disbursement from the fund shall be made to a county 898  
and paid to the county treasurer. The director shall not make a 899  
disbursement to a county unless the county has adopted a final 900  
plan for the countywide provision of enhanced wireless 9-1-1 in 901  
accordance with sections 4931.40 to 4931.60 of the Revised Code. 902

**Sec. 4931.57.** (A) The countywide 9-1-1 system of each county 903  
receiving a disbursement under section 4931.56 of the Revised Code 904  
either shall provide countywide enhanced wireless 9-1-1 in 905  
accordance with sections 4931.40 to 4931.60 of the Revised Code 906  
beginning as soon as reasonably possible after receipt of the 907  
disbursement, or shall continue to provide that service if the 908  
service is already implemented. The disbursement shall be used 909  
solely for the purpose of paying the costs specified in division 910  
(A) of section 4931.56 of the Revised Code. 911

(B) Immediately upon receipt of a disbursement under section 912  
4931.56 of the Revised Code, the county shall disburse, in 913  
accordance with the allocation formula set forth in the final 914  
plan, the amount the county so received to those subdivisions in 915  
the county that pay the costs specified in division (A) of section 916  
4931.56 of the Revised Code or to other subdivisions that pay such 917  
costs pursuant to an agreement under division (J) of section 918  
4931.41 of the Revised Code. 919

(C) Nothing in sections 4931.40 to 4931.60 of the Revised 920  
Code affects the authority of a subdivision operating or served by 921  
a public safety answering point of a countywide 9-1-1 system to 922

use any other authorized revenues of the subdivision for the 923  
purposes of providing wireline 9-1-1 or wireless 9-1-1. 924

**Sec. 4931.58.** (A) To the extent required in 47 C.F.R. 925  
20.18(d) to (g), a wireless service provider shall provide 926  
enhanced wireless 9-1-1 upon the request of a public safety 927  
answering point. Additionally, upon such a request, each wireline 928  
service provider shall provide the wireline telephone network 929  
necessary for the provision of that enhanced wireless 9-1-1. 930

(B) A wireless service provider may include on a customer 931  
bill an indication of the provider's compliance with 47 C.F.R. 932  
20.18(d) to (g). That information shall be indicated in the form 933  
of an explanatory note of the nature or amount of the provider's 934  
compliance costs or a notation or line item identifying the 935  
portion or amount of the customer's bill that is directly 936  
attributable to those compliance costs. 937

**Sec. 4931.59.** (A)(1) A wireless service provider shall 938  
provide an official or employee of a subdivision operating a 939  
public safety answering point with such technical, service, and 940  
location information as the official or employee requests for the 941  
purpose of providing wireless 9-1-1 pursuant to sections 4931.40 942  
to 4931.60 of the Revised Code. 943

(2) A subdivision operating one or more public safety 944  
answering points of a 9-1-1 system, and a telephone company, shall 945  
provide to the Ohio 9-1-1 council created under section 4931.60 of 946  
the Revised Code such information as the council requires for the 947  
purpose of making the report required by division (D)(2) of that 948  
section. 949

(B)(1) Any information provided under division (A) of this 950  
section that consists of trade secrets as defined in section 951  
1333.61 of the Revised Code or of information regarding the 952

customers, revenues, expenses, or network information of a 953  
telephone company shall be confidential and does not constitute a 954  
public record for the purpose of section 149.43 of the Revised 955  
Code. 956

(2) No official, employee, agent, or representative of a 957  
subdivision operating a public safety answering point, while 958  
acting or claiming to act in the capacity of such official, 959  
employee, agent, or representative, shall disclose any information 960  
provided under division (A) of this section regarding a telephone 961  
company's customers, revenues, expenses, or network information. 962  
nothing in division (B)(1) of this section precludes any such 963  
information from being aggregated and included in any report 964  
required under division (D)(2) of section 4931.60 of the Revised 965  
Code, provided the aggregated information does not identify the 966  
number of any particular company's customers or the amount of its 967  
revenues or expenses or identify a particular company as to any 968  
network information. 969

**Sec. 4931.60.** (A) There is hereby created the Ohio 9-1-1 970  
council, consisting of eleven members as follows: the director of 971  
public safety, serving ex-officio; a designee of the public 972  
utilities commission, serving ex-officio and selected by the 973  
commission chairperson; and nine members appointed by the 974  
governor. In appointing the nine members, the governor shall 975  
select one representative of public safety communications 976  
officials in this state, one representative of administrators of 977  
9-1-1 service in this state, one representative of countywide 978  
9-1-1 systems in this state, three representatives of wireline 979  
service providers in this state, and three representatives of 980  
wireless service providers in this state. For each such 981  
appointment, the governor shall consider a nominee proposed, 982  
respectively, by the Ohio chapter of the association of 983  
public-safety communications officials, the Ohio chapter of the 984



national emergency number association, the county commissioners  
association of Ohio; and nominees proposed, respectively, by the  
Ohio telecommunications industry association and the wireless  
operators of Ohio; or any successor organization of each such  
entity. 985  
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Initial appointments shall be made not later than thirty days  
after the effective date of this section. Nothing in this section  
shall prevent the governor from rejecting any of the nominees or  
requesting that a nominating entity under this division submit the  
names of alternative nominees for consideration. 990  
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(B) The term of the initial appointee to the council  
representing public safety communications officials and the terms  
of one of the initial appointees representing wireline service  
providers and one representing wireless service providers shall  
expire on January 31, 2005. The term of the initial appointee to  
the council representing administrators of 9-1-1 service and the  
terms of another one of the initial appointees representing  
wireline service providers and another representing wireless  
service providers shall expire on January 31, 2006. The term of  
the initial appointee to the council representing countywide 9-1-1  
systems and the terms of another one of the initial appointees  
representing wireline service providers and another representing  
wireless service providers shall expire on January 31, 2007.  
Thereafter, terms of appointed members shall be for three years,  
with each term ending on the same day of the same month as the  
term it succeeds. 995  
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Each council member shall hold office from the date of the  
member's appointment until the end of the term for which the  
member was appointed. Members may be reappointed. 1011  
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Vacancies shall be filled in the manner provided for original  
appointments. Any member appointed to fill a vacancy occurring 1014  
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prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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Appointed members shall serve without compensation and shall not be reimbursed for expenses.

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(C) The council shall select a chairperson from among the appointed members. The designee of the public utilities commission shall not be a voting member of the council. Each appointed member shall have one vote in all deliberations of the council. The director shall be a voting member of the council only in the case of a tie. A majority of the voting members constitutes a quorum.

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(D) The duties of the council shall consist of all of the following:

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(1) Arbitrating or establishing technically and competitively neutral, minimum, nonbinding technical standards and guidelines for 9-1-1 systems in this state, with the objective of coordinating the effectiveness and compatibility of system technologies;

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(2) As necessary, submitting reports to the general assembly containing any findings and recommendations for improving the provision of service by 9-1-1 systems in this state, any findings or recommendations regarding the need for ongoing funding assistance to subdivisions to pay for equipment upgrades for or operating costs of 9-1-1 systems, or any recommendations for or review of legislation before the general assembly concerning such systems;

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(3) On or before July 1, 2002, submitting a report to the

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general assembly providing the council's recommendations, with 1047  
supporting rationales and documentation, regarding both of the 1048  
following: 1049

(a) The amount of funding, if any, for the enhanced wireless 1050  
9-1-1 government assistance fund and any appropriate conditions 1051  
upon fund disbursements for the purpose of division (A) of section 1052  
4931.56 of the Revised Code. The recommendations regarding amount 1053  
of funding and disbursement conditions shall be based upon the 1054  
objective of providing, in the most effective and cost-efficient 1055  
manner possible, adequate statewide coverage of enhanced wireless 1056  
9-1-1 by the fewest number of public safety answering points in 1057  
this state. 1058

(b) Possible sources of revenues sufficient to provide the 1059  
recommended amount of funding, including, as the council considers 1060  
appropriate, recommendations regarding the scope, amount, and 1061  
duration of a uniform, statewide, wireless subscriber line charge 1062  
as a possible source of revenues. 1063

(E) The council is not an agency, as defined in section 1064  
101.82 Of the Revised Code, for purposes of divisions (A) and (B) 1065  
of section 101.83 of the Revised Code. 1066

**Sec. ~~4931.55~~ 4931.65.** (A) As used in this section: 1067

(1) "Advertisement" means a message or material intended to 1068  
cause the sale of realty, goods, or services. 1069

(2) "Facsimile device" means a device that electronically or 1070  
telephonically receives and copies onto paper reasonable 1071  
reproductions or facsimiles of documents and photographs through 1072  
connection with a telephone network. 1073

(3) "Pre-existing business relationship" does not include 1074  
transmitting an advertisement to the owner's or lessee's facsimile 1075  
device. 1076

(B) No person shall transmit an advertisement to a facsimile device unless the person has received prior permission from the owner or, if the device is leased, from the lessee of the device to which the message is to be sent to transmit the advertisement; or the person has a pre-existing business relationship with such owner or lessee.

(C) When requested by the owner or lessee, the transmission shall occur between seven p.m. and five a.m.

This section applies to all such advertisements intended to be so transmitted within this state.

**Sec. 4931.99.** (A) Whoever violates division (D) of section 4931.49 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 4931.25, 4931.26, 4931.27, 4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates section 4931.28 of the Revised Code is guilty of a felony of the fourth degree.

(D) Whoever violates section 4931.29 or division (B) of section 4931.35 of the Revised Code is guilty of a misdemeanor in the first degree.

(E) Whoever violates division (E) or (F) of section 4931.49 or division (B)(2) of section 4931.59 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a felony of the fifth degree on each subsequent offense.

(F) Whoever violates section ~~4931.55~~ 4931.65 of the Revised Code is guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree on each subsequent offense.

**Sec. 5727.39.** (A) As used in this section:

(1) "9-1-1 system" has the meaning given in section 4931.40 1106  
of the Revised Code. 1107

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 1108  
approved by the public utilities commission for the wireline 1109  
telephone network portion of a 9-1-1 system pursuant to section 1110  
4931.47 of the Revised Code. 1111

(3) "Eligible nonrecurring 9-1-1 charges" means all 1112  
nonrecurring 9-1-1 charges for a 9-1-1 system except: 1113

(a) Charges for a system that was not established pursuant to 1114  
a plan adopted under section 4931.44 of the Revised Code or an 1115  
agreement under section 4931.48 of the Revised Code; or 1116

(b) Charges for that part of a system established pursuant to 1117  
such a plan or agreement that are excluded from the credit by 1118  
division (C)(2)(a) or (b) of section 4931.47 of the Revised Code. 1119

(4) "Current year's percentage change in the consumer price 1120  
index" means the greater of one or one plus the percentage 1121  
increase in the consumer price index for all urban consumers (U.S. 1122  
city average, all items), prepared by the United States department 1123  
of labor, bureau of labor statistics, for June of the current year 1124  
over the index for June of the immediately preceding year. 1125

(B) A telephone company shall be allowed credit against the 1126  
tax computed under section 5727.38 of the Revised Code equal to 1127  
the amount of its eligible nonrecurring 9-1-1 charges. 1128

The credit shall be claimed in the company's annual statement 1129  
required under division (A) of section 5727.31 of the Revised Code 1130  
that covers the twelve-month period in which the 9-1-1 service for 1131  
which the credit is claimed becomes available for use. If the tax 1132  
commissioner determines that the credit claimed equals the amount 1133  
of the company's eligible nonrecurring 9-1-1 charges, ~~he~~ the 1134  
commissioner shall credit such amount against the total taxes 1135  
shown to be due from the company for the current year and shall 1136

refund the amount of any overpayment of taxes resulting from the 1137  
application of such credit. If the credit allowed under this 1138  
section exceeds the total taxes due for the current year, ~~he~~ the 1139  
commissioner shall credit such excess against taxes due for 1140  
succeeding years until the full amount of the credit is granted. 1141

The estimated taxes required to be paid by section 5727.31 of 1142  
the Revised Code shall be based on the taxes for the preceding 1143  
year prior to any credit allowed under this section for that year. 1144

(C)(1) Within thirty days after June 18, 1985, the tax 1145  
commissioner shall compute the amount that represents twenty-five 1146  
per cent of the total taxes for all telephone companies computed 1147  
under section 5727.38 of the Revised Code based on the annual 1148  
statements required to be filed with the commissioner in 1149  
September, 1984 under section 5727.31 of the Revised Code. Such 1150  
amount shall constitute the credit ceiling for 1985. 1151

(2) Each October, beginning in 1986, the commissioner shall 1152  
multiply the preceding year's credit ceiling by the current year's 1153  
percentage change in the consumer price index. The product thus 1154  
obtained shall constitute the credit ceiling for the current year. 1155

(D) After the last day a return may be filed by any telephone 1156  
company that is eligible to claim a credit under this section, the 1157  
commissioner shall determine whether the sum of the credits 1158  
allowed for all prior years plus the sum of the credits claimed 1159  
for the current year exceeds the current year's credit ceiling. If 1160  
it does, the credits allowed under this section for the current 1161  
year shall be reduced by a uniform percentage such that the sum of 1162  
the credits allowed for the current year plus the sum of the 1163  
credits allowed for all prior years equals the current year's 1164  
credit ceiling. Thereafter, no credit shall be granted under this 1165  
division, except for the remaining portions of any credits allowed 1166  
in the current or any prior years ~~but~~ that have not been granted. 1167

**Section 2.** That existing sections 2913.01, 4931.40, 4931.41, 1169  
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 1170  
4931.50, 4931.55, 4931.99, and 5727.39 of the Revised Code are 1171  
hereby repealed. 1172