

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 255

**Representatives Setzer, Seitz, C. Evans, Kearns, Price, McGregor, Chandler,
Domenick, Collier, Flowers, Wolpert, Distel, D. Evans, Hagan, Hartnett,
Oelslager, Otterman, S. Patton, Perry, J. Stewart, Taylor
Senator Roberts**

—

A B I L L

To amend sections 505.511, 505.84, and 3743.75 and to 1
enact sections 1753.281 and 3923.651 of the 2
Revised Code to increase the charges for 3
responding in townships to certain security alarm 4
system false alarms, to earmark the moneys a 5
township so collects for police services, to allow 6
townships to charge for fire and rescue services, 7
to make changes in the State Fireworks Law, and to 8
require certain insurance policies that provide 9
coverage for 9-1-1 emergency services to pay the 10
provider of 9-1-1 emergency services directly. 11

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

Section 1. That sections 505.511, 505.84, and 3743.75 be 12
amended and sections 1753.281 and 3923.651 of the Revised Code be 13
enacted to read as follows: 14

Sec. 505.511. (A) A board of township trustees that operates 15
a township police department or the board of township trustees of 16

a township police district may, after police constables, the 17
township police, a law enforcement agency with which the township 18
contracts for police services, and the county sheriff or the 19
sheriff's deputy have answered a combined total of three false 20
alarms ~~resulting from the malfunction of~~ the same commercial or 21
residential security alarm system within the township in the same 22
calendar year, cause the township clerk to mail the manager of the 23
commercial establishment or the occupant, lessee, agent, or tenant 24
of the residence, a bill ~~for twenty five dollars~~ for each 25
subsequent false alarm from the same alarm system during that 26
year, to defray the costs incurred. ~~If~~ The bill's amount shall be 27
as follows: 28

(1) For the fourth false alarm of that year\$50.00; 29

(2) For the fifth false alarm of that year\$100.00; 30

(3) For all false alarms in that year occurring after the 31
fifth false alarm\$150.00. 32

If payment of the bill is not received within thirty days, 33
the township clerk shall send a notice by certified mail to the 34
manager and to the owner, if different, of the real estate of 35
which the commercial establishment is a part, or to the occupant, 36
lessee, agent, or tenant and to the owner, if different, of the 37
real estate of which the residence is a part, indicating that 38
failure to pay the bill within thirty days, or to show just cause 39
why the bill should not be paid, will result in the assessment of 40
a ~~twenty five dollar~~ lien upon the real estate in the amount of 41
the bill. If payment is not received within those thirty days or 42
if just cause is not shown, the ~~sum of twenty five dollars~~ amount 43
of the bill shall be entered upon the tax duplicate, shall be a 44
lien upon the real estate from the date of the entry, and shall be 45
collected as other taxes and returned to the township ~~general fund~~ 46
treasury to be earmarked for use for police services. ~~The~~ 47

The board of township trustees shall not cause the township clerk to send a bill pursuant to this division if a bill has already been sent pursuant to division (B) of this section for the same false alarm.

(B) The county sheriff may, after the county sheriff or the sheriff's deputy, police constables, the township police, and a law enforcement agency with which the township contracts for police services have answered a combined total of three false alarms ~~resulting from the malfunction of~~ the same commercial or residential security alarm system within the unincorporated area of the county in the same calendar year, mail the manager of the commercial establishment or the occupant, lessee, agent, or tenant of the residence a bill ~~for twenty five dollars~~ for each subsequent false alarm from the same alarm system during that year, to defray the costs incurred. ~~if~~ The bill's amount shall be as follows:

(1) For the fourth false alarm of that year\$50.00;

(2) For the fifth false alarm of that year\$100.00;

(3) For all false alarms in that year occurring after the fifth false alarm\$150.00.

If payment of the bill is not received within thirty days, the sheriff shall send a notice by certified mail to the manager and to the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent, or tenant and to the owner, if different, of the real estate of which the residence is a part, indicating that ~~the~~ failure to pay the bill within thirty days, or to show just cause why the bill should not be paid, will result in the assessment of a ~~twenty five dollar~~ lien upon the real estate in the amount of the bill. If payment is not received within those thirty days or if just cause is not shown, the ~~sum of twenty five dollars~~ amount

of the bill shall be entered upon the tax duplicate, shall be a 79
lien upon the real estate from the date of the entry, and shall be 80
collected as other taxes and returned to the county treasury. ~~The~~ 81

The sheriff shall not send a bill pursuant to this division 82
if a bill has already been sent pursuant to division (A) of this 83
section for the same false alarm. 84

(C) As used in this section, "commercial establishment" has 85
the same meaning as in section 505.391 of the Revised Code. 86

Sec. 505.84. As used in this section, "authorized ~~Medicare~~ 87
medicare reimbursement rate" means such rate established for the 88
locality under Title XVIII of the "Social Security Act," 49 Stat. 89
620 (1935), 42 U.S.C.A. 301, as amended. 90

A board of township trustees may establish reasonable charges 91
for the use of fire and rescue services, ambulance services, or 92
emergency medical services. The board may establish different 93
charges for township residents and nonresidents, and may ~~at,~~ in 94
its discretion, waive all or part of the charge for any resident. 95
The charge for ambulance transportation for nonresidents shall be 96
an amount not less than the authorized ~~Medicare~~ medicare 97
reimbursement rate, except that, ~~if prior to the effective date of~~ 98
~~this amendment~~ September 9, 1988, the board had different charges 99
for residents and nonresidents and the charge for nonresidents was 100
less than the authorized ~~Medicare~~ medicare reimbursement rate, the 101
board may charge nonresidents less than the authorized ~~Medicare~~ 102
medicare reimbursement rate. 103

Charges collected under this section shall be kept in a 104
separate fund designated as "the fire and rescue services, 105
ambulance services, and emergency medical services fund," and 106
shall be appropriated and administered by the board. ~~Such funds~~ 107
The fund shall be used for the payment of the costs of the 108
management, maintenance, and operation of fire and rescue 109

services, ambulance services, and emergency medical services in 110
the township. If the fire and rescue services, ambulance services, 111
and emergency medical services are discontinued in the township, 112
any balance remaining in the fund shall be paid into the general 113
fund of the township. 114

Sec. 1753.281. (A) A health insuring corporation policy, 115
contract, or agreement providing coverage for 9-1-1 emergency 116
services shall provide in the policy, contract, or agreement that 117
all payments for 9-1-1 emergency services be paid directly to a 118
nonparticipating 9-1-1 emergency services provider or to the 119
provider's assigned agent for billing purposes, when such a 120
provider is used. 121

(B) As used in this section, "9-1-1 emergency services" 122
includes, but is not limited to, the following services: 123

(1) Transportation provided by an ambulance or other vehicle 124
providing medical service that responds to a call placed to the 125
9-1-1 system, as defined in section 4931.40 of the Revised Code, 126
and transfers a person to a hospital emergency department; 127

(2) All services performed by an emergency room physician 128
that are not covered under the direct payment to hospitals under 129
section 3901.386 of the Revised Code. 130

(C) Section 3901.71 of the Revised Code does not apply to 131
this section. 132

Sec. 3743.75. (A) During the period beginning on ~~the~~ 133
~~effective date of this section~~ June 29, 2001, and ending on 134
December 15, ~~2005~~ 2008, the state fire marshal shall not do any of 135
the following: 136

(1) Issue a license as a manufacturer of fireworks under 137
sections 3743.02 and 3743.03 of the Revised Code to a person for a 138
particular fireworks plant unless that person possessed such a 139

license for that fireworks plant immediately prior to ~~the~~ 140
~~effective date of this section June 29, 2001;~~ 141

(2) Issue a license as a wholesaler of fireworks under 142
sections 3743.15 and 3743.16 of the Revised Code to a person for a 143
particular location unless that person possessed such a license 144
for that location immediately prior to ~~the effective date of this~~ 145
~~section June 29, 2001;~~ 146

(3) Except as provided in division (B) of this section, 147
approve the transfer of a license as a manufacturer or wholesaler 148
of fireworks issued under this chapter to any location other than 149
a location for which a license was issued under this chapter 150
immediately prior to ~~the effective date of this section June 29,~~ 151
~~2001.~~ 152

(B) Division (A)(3) of this section does not apply to a 153
transfer that the state fire marshal approves under division 154
(D)(2) of section 3743.17 of the Revised Code. Section 3743.59 of 155
the Revised Code does not apply to this section. 156

~~(C) The department of commerce and the division of state fire 157
marshal shall devise, by December 15, 2005, a proposal to provide 158
for the issuance of manufacturer and wholesaler of fireworks 159
licenses that is based upon demographics and designed to ensure 160
the safety of the public and send a copy of the proposal to the 161
president of the senate and speaker of the house of 162
representatives.~~ 163

Sec. 3923.651. (A) Every individual or group policy of 164
sickness and accident insurance that provides coverage for 9-1-1 165
emergency services shall provide that reimbursement under that 166
policy for 9-1-1 emergency services be paid directly to the 167
provider of 9-1-1 emergency services or to the provider's assigned 168
agent for billing purposes. 169

(B) As used in this section, "9-1-1 emergency services" 170
includes, but is not limited to, the following services: 171

(1) Transportation provided by an ambulance or other vehicle 172
providing medical service that responds to a call placed to the 173
9-1-1 system, as defined in section 4931.40 of the Revised Code, 174
and transfers a person to a hospital emergency department; 175

(2) All services performed by an emergency room physician 176
that are not covered under the direct payment to hospitals under 177
section 3901.386 of the Revised Code. 178

(C) Section 3901.71 of the Revised Code does not apply to 179
this section. 180

Section 2. That existing sections 505.511, 505.84, and 181
3743.75 of the Revised Code are hereby repealed. 182