

As Introduced

**125th General Assembly
Regular Session
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H. B. No. 361

**Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen,
Harwood**

A B I L L

To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 1
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 2
4931.48, 4931.49, 4931.50, 4931.99, 5727.39, and 3
5733.55; to amend, for the purpose of adopting a 4
new section number as shown in parentheses, 5
section 4931.55 (4931.75); and to enact sections 6
4931.60 to 4931.71 of the Revised Code to provide 7
for wireless enhanced 9-1-1, including 8
requirements for its operation, administration, 9
funding, and regulation, and to permit a telephone 10
company that is a wireline service provider to 11
fund through an existing tax credit mechanism the 12
total nonrecurring rates and charges for an 13
updating or modernization of the wireline 14
telephone network portion of a 9-1-1 system or a 15
modification of that telephone network to provide 16
wireless enhanced 9-1-1; and to amend the versions 17
of sections 4931.45, 4931.47, and 4931.48 of the 18
Revised Code that are scheduled to take effect 19
December 31, 2004, and to continue the provisions 20
of this act on and after that effective date. 21

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

Section 1. That sections 2307.64, 2913.01, 4931.40, 4931.41, 22
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 23
4931.50, 4931.99, 5727.39, and 5733.55 be amended; section 4931.55 24
(4931.75) be amended for the purpose of adopting a new section 25
number as indicated in parentheses; and sections 4931.60, 4931.61, 26
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.68, 27
4931.69, 4931.70, and 4931.71 of the Revised Code be enacted to 28
read as follows: 29

Sec. 2307.64. (A) As used in this section: 30

(1) "Advertisement" has the same meaning as in section 31
~~4931.55~~ 4931.75 of the Revised Code. 32

(2) "Computer," "computer network," "computer program," 33
"computer services," and "telecommunications device" have the same 34
meanings as in section 2913.01 of the Revised Code. 35

(3) "Electronic mail" means an electronic message that is 36
transmitted between two or more telecommunications devices or 37
electronic devices capable of receiving electronic messages, 38
whether or not the message is converted to hard copy format after 39
receipt, and whether or not the message is viewed upon the 40
transmission or stored for later retrieval. "Electronic mail" 41
includes electronic messages that are transmitted through a local, 42
regional, or global computer network. 43

(4) "Electronic mail advertisement" means electronic mail 44
containing an advertisement. 45

(5) "Electronic mail service provider" means any person that 46
is an intermediary in sending and receiving electronic mail and 47
that provides to users of electronic mail services the ability to 48
send or receive electronic mail. "Electronic mail service 49
provider" includes an internet service provider. 50

(6) "Internet" has the same meaning as in section 341.42 of the Revised Code. 51
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(7) "Originating address" means the string of characters used to specify the source of any electronic mail message. 53
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(8) "Person" has the same meaning as in section 1.59 of the Revised Code, but when a person is not an individual, the person responsible for transmitting or causing to be transmitted an electronic mail advertisement is the particular division of the partnership, corporation, or other business entity actually responsible for the transmission of the electronic mail advertisement. 55
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(9) "Pre-existing business relationship" means that there was a business transaction between the initiator and the recipient of a commercial electronic mail message during the five-year period preceding the receipt of that message. A pre-existing business relationship includes a transaction involving the free provision of information, goods, or services requested by the recipient. A pre-existing business relationship does not exist after a recipient requests to be removed from the distribution lists of an initiator pursuant to division (B) of this section and a reasonable amount of time has expired since that request. 62
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(10) "Receiving address" means the string of characters used to specify a recipient with each receiving address creating a unique and separate recipient. 72
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(11) "Recipient" means a person who receives an electronic mail advertisement at any one of the following receiving addresses: 75
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(a) A receiving address furnished by an electronic mail service provider that bills for furnishing and maintaining that receiving address to a mailing address within this state; 78
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(b) A receiving address ordinarily accessed from a computer located within this state;	81 82
(c) A receiving address ordinarily accessed by a person domiciled within this state;	83 84
(d) Any other receiving address with respect to which the obligations imposed by this section can be imposed consistent with the United States Constitution.	85 86 87
(B)(1) Except as otherwise provided in division (B)(3) of this section, a person that transmits or causes to be transmitted to a recipient an electronic mail advertisement shall clearly and conspicuously provide to the recipient, within the body of the electronic mail advertisement, both of the following:	88 89 90 91 92
(a) The person's name and complete residence or business address and the electronic mail address of the person transmitting the electronic mail advertisement;	93 94 95
(b) A notice that the recipient may decline to receive from the person transmitting or causing to be transmitted the electronic mail advertisement any additional electronic mail advertisements and a detailed procedure for declining to receive any additional electronic mail advertisements at no cost. The notice shall be of the same size of type as the majority of the text of the message and shall not require that the recipient provide any information other than the receiving address.	96 97 98 99 100 101 102 103
(2) If the recipient of an electronic mail advertisement uses the procedure contained in the notice described in division (B)(1)(b) of this section to decline to receive any additional electronic mail advertisements, the person that transmitted or caused to be transmitted the original electronic mail advertisement, within a reasonable period of time, shall cease transmitting or causing to be transmitted to the receiving address any additional electronic mail advertisements.	104 105 106 107 108 109 110 111

(3) A person does not violate division (B) of this section if 112
the person transmits or causes to be transmitted to the recipient 113
an electronic mail advertisement when any of the following apply: 114

(a) The person has a pre-existing business or personal 115
relationship with the recipient. 116

(b) The recipient has consented or has agreed as a condition 117
of service to receive the electronic mail advertisement. 118

(c) The recipient receives the electronic mail advertisement 119
because another recipient forwarded the advertisement to that 120
recipient via an internet web site or another recipient made a 121
direct referral of that recipient to receive the advertisement. 122

(C) No person shall use a computer, a computer network, or 123
the computer services of an electronic mail service provider to 124
transmit an electronic mail advertisement in contravention of the 125
authority granted by, or in violation of the policies related to 126
electronic mail advertisements set by, the electronic mail service 127
provider if the electronic mail service provider has provided the 128
person notice of those policies. For the purposes of this 129
division, notice of those policies shall be deemed sufficient if 130
an electronic mail service provider maintains an easily accessible 131
web page containing its policies regarding electronic mail 132
advertisements and can demonstrate that notice was supplied via 133
electronic means between the sending and receiving computers. 134

(D) No electronic mail service provider shall be liable for 135
transmitting another person's electronic mail advertisement 136
through its service in violation of this section, or shall be 137
liable for any action it voluntarily takes in good faith to block 138
the receipt or transmission through its service of any electronic 139
mail advertisement that it believes is, or will be sent, in 140
violation of this section. 141

(E) A recipient of an electronic mail advertisement 142

transmitted in violation of division (B) of this section may bring 143
a civil action against a person who transmitted that advertisement 144
or caused it to be transmitted. In that action, the recipient may 145
recover the following: 146

(1) One hundred dollars for each violation, not to exceed a 147
total of fifty thousand dollars; 148

(2) Reasonable attorney's fees, court costs, and other costs 149
of bringing the action. 150

(F) An electronic mail service provider whose authority or 151
policy has been contravened in violation of division (C) of this 152
section may bring a civil action against a person who transmitted 153
that advertisement or caused it to be transmitted. In that action, 154
the electronic mail service provider may recover the following: 155

(1)(a) Fifty dollars for each violation of division (C) of 156
this section, not to exceed fifty thousand dollars; 157

(b) If a violation of division (C) of this section is a 158
willful or knowing violation, the court may increase the amount 159
recoverable to an amount not to exceed five hundred thousand 160
dollars. 161

(c) If a violation of division (C) of this section is 162
accompanied by a violation of division (H) of this section, there 163
shall be no limit on the amount that may be recovered pursuant to 164
this section. 165

(2) Reasonable attorney's fees, court costs, and other costs 166
of bringing the action. 167

(G) In addition to any recovery that is allowed under 168
divisions (E) or (F) of this section, the recipient of an 169
electronic mail advertisement transmitted in violation of division 170
(B) of this section or the electronic mail service provider of an 171
advertisement transmitted in violation of division (C) of this 172

section may apply to the court of common pleas of the county in 173
which the recipient resides or the service provider is located for 174
an order enjoining the person who transmitted or caused to be 175
transmitted that electronic mail advertisement from transmitting 176
or causing to be transmitted to the recipient any additional 177
electronic mail advertisement. 178

(H) No person shall use a computer, a computer network, a 179
computer program, or the computer services of an electronic mail 180
service provider with the intent to forge an originating address 181
or other routing information, in any manner, in connection with 182
the transmission of an electronic mail advertisement through or 183
into the network of an electronic mail service provider or its 184
subscribers. Each use of a computer, a computer network, a 185
computer program, or the computer services of an electronic mail 186
service provider in violation of this division constitutes a 187
separate offense. A person who violates this division is guilty of 188
forgery under section 2913.31 of the Revised Code. 189

Sec. 2913.01. As used in this chapter, unless the context 190
requires that a term be given a different meaning: 191

(A) "Deception" means knowingly deceiving another or causing 192
another to be deceived by any false or misleading representation, 193
by withholding information, by preventing another from acquiring 194
information, or by any other conduct, act, or omission that 195
creates, confirms, or perpetuates a false impression in another, 196
including a false impression as to law, value, state of mind, or 197
other objective or subjective fact. 198

(B) "Defraud" means to knowingly obtain, by deception, some 199
benefit for oneself or another, or to knowingly cause, by 200
deception, some detriment to another. 201

(C) "Deprive" means to do any of the following: 202

(1) Withhold property of another permanently, or for a period 203
that appropriates a substantial portion of its value or use, or 204
with purpose to restore it only upon payment of a reward or other 205
consideration; 206

(2) Dispose of property so as to make it unlikely that the 207
owner will recover it; 208

(3) Accept, use, or appropriate money, property, or services, 209
with purpose not to give proper consideration in return for the 210
money, property, or services, and without reasonable justification 211
or excuse for not giving proper consideration. 212

(D) "Owner" means, unless the context requires a different 213
meaning, any person, other than the actor, who is the owner of, 214
who has possession or control of, or who has any license or 215
interest in property or services, even though the ownership, 216
possession, control, license, or interest is unlawful. 217

(E) "Services" include labor, personal services, professional 218
services, public utility services including wireless service as 219
defined in section 4931.40 of the Revised Code, common carrier 220
services, and food, drink, transportation, entertainment, and 221
cable television services and, for purposes of section 2913.04 of 222
the Revised Code, include cable services as defined in that 223
section. 224

(F) "Writing" means any computer software, document, letter, 225
memorandum, note, paper, plate, data, film, or other thing having 226
in or upon it any written, typewritten, or printed matter, and any 227
token, stamp, seal, credit card, badge, trademark, label, or other 228
symbol of value, right, privilege, license, or identification. 229

(G) "Forge" means to fabricate or create, in whole or in part 230
and by any means, any spurious writing, or to make, execute, 231
alter, complete, reproduce, or otherwise purport to authenticate 232
any writing, when the writing in fact is not authenticated by that 233

conduct.	234
(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.	235 236
(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:	237 238
(1) Receive a coin, bill, or token made for that purpose;	239
(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.	240 241 242
(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.	243 244 245 246
(K) "Theft offense" means any of the following:	247
(1) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, former section 2913.47 or 2913.48, or section 2913.51, 2915.05, or 2921.41 of the Revised Code;	248 249 250 251 252 253
(2) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any section listed in division (K)(1) of this section or a violation of section 2913.41, 2913.81, or 2915.06 of the Revised Code as it existed prior to July 1, 1996;	254 255 256 257 258
(3) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;	259 260 261 262 263

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K)(1), (2), or (3) of this section. 264
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(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network. 267
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(M) "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature. 271
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(N) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks. 278
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(O) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities. 283
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(P) "Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data. 288
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(Q) "Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system. 291
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(R) "Data" means a representation of information, knowledge, 294
facts, concepts, or instructions that are being or have been 295
prepared in a formalized manner and that are intended for use in a 296
computer, computer system, or computer network. For purposes of 297
section 2913.47 of the Revised Code, "data" has the additional 298
meaning set forth in division (A) of that section. 299

(S) "Cable television service" means any services provided by 300
or through the facilities of any cable television system or other 301
similar closed circuit coaxial cable communications system, or any 302
microwave or similar transmission service used in connection with 303
any cable television system or other similar closed circuit 304
coaxial cable communications system. 305

(T) "Gain access" means to approach, instruct, communicate 306
with, store data in, retrieve data from, or otherwise make use of 307
any resources of a computer, computer system, or computer network, 308
or any cable service or cable system both as defined in section 309
2913.04 of the Revised Code. 310

(U) "Credit card" includes, but is not limited to, a card, 311
code, device, or other means of access to a customer's account for 312
the purpose of obtaining money, property, labor, or services on 313
credit, or for initiating an electronic fund transfer at a 314
point-of-sale terminal, an automated teller machine, or a cash 315
dispensing machine. It also includes a county procurement card 316
issued under section 301.29 of the Revised Code. 317

(V) "Electronic fund transfer" has the same meaning as in 92 318
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 319

(W) "Rented property" means personal property in which the 320
right of possession and use of the property is for a short and 321
possibly indeterminate term in return for consideration; the 322
rentee generally controls the duration of possession of the 323
property, within any applicable minimum or maximum term; and the 324

amount of consideration generally is determined by the duration of 325
possession of the property. 326

(X) "Telecommunication" means the origination, emission, 327
dissemination, transmission, or reception of data, images, 328
signals, sounds, or other intelligence or equivalence of 329
intelligence of any nature over any communications system by any 330
method, including, but not limited to, a fiber optic, electronic, 331
magnetic, optical, digital, or analog method. 332

(Y) "Telecommunications device" means any instrument, 333
equipment, machine, or other device that facilitates 334
telecommunication, including, but not limited to, a computer, 335
computer network, computer chip, computer circuit, scanner, 336
telephone, cellular telephone, pager, personal communications 337
device, transponder, receiver, radio, modem, or device that 338
enables the use of a modem. 339

(Z) "Telecommunications service" means the providing, 340
allowing, facilitating, or generating of any form of 341
telecommunication through the use of a telecommunications device 342
over a telecommunications system. 343

(AA) "Counterfeit telecommunications device" means a 344
telecommunications device that, alone or with another 345
telecommunications device, has been altered, constructed, 346
manufactured, or programmed to acquire, intercept, receive, or 347
otherwise facilitate the use of a telecommunications service or 348
information service without the authority or consent of the 349
provider of the telecommunications service or information service. 350
"Counterfeit telecommunications device" includes, but is not 351
limited to, a clone telephone, clone microchip, tumbler telephone, 352
or tumbler microchip; a wireless scanning device capable of 353
acquiring, intercepting, receiving, or otherwise facilitating the 354
use of telecommunications service or information service without 355
immediate detection; or a device, equipment, hardware, or software 356

designed for, or capable of, altering or changing the electronic 357
serial number in a wireless telephone. 358

(BB)(1) "Information service" means, subject to division 359
(BB)(2) of this section, the offering of a capability for 360
generating, acquiring, storing, transforming, processing, 361
retrieving, utilizing, or making available information via 362
telecommunications, including, but not limited to, electronic 363
publishing. 364

(2) "Information service" does not include any use of a 365
capability of a type described in division (BB)(1) of this section 366
for the management, control, or operation of a telecommunications 367
system or the management of a telecommunications service. 368

(CC) "Elderly person" means a person who is sixty-five years 369
of age or older. 370

(DD) "Disabled adult" means a person who is eighteen years of 371
age or older and has some impairment of body or mind that makes 372
the person unfit to work at any substantially remunerative 373
employment that the person otherwise would be able to perform and 374
that will, with reasonable probability, continue for a period of 375
at least twelve months without any present indication of recovery 376
from the impairment, or who is eighteen years of age or older and 377
has been certified as permanently and totally disabled by an 378
agency of this state or the United States that has the function of 379
so classifying persons. 380

(EE) "Firearm" and "dangerous ordnance" have the same 381
meanings as in section 2923.11 of the Revised Code. 382

(FF) "Motor vehicle" has the same meaning as in section 383
4501.01 of the Revised Code. 384

(GG) "Dangerous drug" has the same meaning as in section 385
4729.01 of the Revised Code. 386

(HH) "Drug abuse offense" has the same meaning as in section 387
2925.01 of the Revised Code. 388

Sec. 4931.40. As used in sections 4931.40 to ~~4931.54~~ 4931.71 389
of the Revised Code: 390

(A) "9-1-1 system" means a system through which individuals 391
can request emergency service using the telephone number 9-1-1. 392

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 393
provides information on the nature of and the location of an 394
emergency, and the personnel receiving the call must determine the 395
appropriate emergency service provider to respond at that 396
location. 397

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 398
providing both enhanced wireline 9-1-1 and wireless enhanced 399
9-1-1. 400

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 401
the wireline telephone network ~~system, in providing wireline~~ 402
9-1-1, automatically provides to personnel receiving the call, 403
~~immediately on answering the 9-1-1 call, information on the~~ 404
~~location and the telephone number from which the call is being~~ 405
~~made, and routes the call to emergency service providers that~~ 406
serve the location from which the call is made and immediately 407
provides to personnel answering the 9-1-1 call information on the 408
location and the telephone number from which the call is being 409
made. 410

~~(D)~~(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 411
in providing wireless 9-1-1, has the capabilities of phase I and, 412
to the extent available, phase II enhanced 9-1-1 services as 413
described in 47 C.F.R. 20.18 (d) to (h). 414

(F) "Wireless service" means federally licensed commercial 415
mobile service as defined in 47 U.S.C. 332(d) and further defined 416

as commercial mobile radio service in 47 C.F.R. 20.3, and includes 417
service provided by any wireless, two-way communications device, 418
including a radio-telephone communications line used in cellular 419
telephone service or personal communications service, a network 420
radio access line, or any functional or competitive equivalent of 421
such a radio-telephone communications or network radio access 422
line. 423

(G) "Wireless service provider" means a facilities-based 424
provider of wireless service to one or more end users in this 425
state. 426

(H) "Wireless 9-1-1" means the emergency call response 427
service provided by a 9-1-1 system pursuant to a call originating 428
in the network of a wireless service provider. 429

(I) "Wireless 9-1-1 service funds" means the funds created 430
under divisions (A) and (B) of section 4931.63 of the Revised 431
Code. 432

(J) "Wireline 9-1-1" means the emergency call response 433
service provided by a 9-1-1 system pursuant to a call originating 434
in the network of a wireline service provider. 435

(K) "Wireline service provider" means a facilities-based 436
provider of wireline service to one or more end-users in this 437
state. 438

(L) "Wireline service" means basic local exchange service, as 439
defined in section 4927.01 of the Revised Code, that is 440
transmitted by means of interconnected wires or cables by a 441
wireline service provider authorized by the public utilities 442
commission. 443

(M) "Wireline telephone network" means the selective router 444
and data base processing systems, trunking and data wiring cross 445
connection points at the public safety answering point, and all 446

other voice and data components of the 9-1-1 system. 447

(N) "Subdivision" means a county, municipal corporation, 448
township, township fire district, joint fire district, township 449
police district, joint ambulance district, or joint emergency 450
medical services district that provides emergency service within 451
its territory, or that contracts with another municipal 452
corporation, township, or district or with a private entity to 453
provide such service; and a state college or university, port 454
authority, or park district of any kind that employs law 455
enforcement officers that act as the primary police force on the 456
grounds of the college or university or port authority or in the 457
parks operated by the district. 458

~~(E)~~(O) "Emergency service" means emergency ~~police law~~ 459
enforcement, firefighting, ambulance, rescue, and medical service. 460

~~(F)~~(P) "Emergency service provider" means the state highway 461
patrol and an emergency service department or unit of a 462
subdivision or that ~~operates in~~ provides emergency service to a 463
subdivision under contract with the subdivision. 464

~~(G)~~(Q) "Public safety answering point" means a facility to 465
which 9-1-1 system calls for a specific territory are initially 466
routed for response and where ~~subdivision~~ personnel respond to 467
specific requests for emergency service by directly dispatching 468
the appropriate emergency service provider, relaying a message to 469
the appropriate provider, or transferring the call to the 470
appropriate provider. 471

~~(H)~~(R) "Customer premises equipment" means telecommunications 472
equipment, including telephone instruments, on the premises of a 473
public safety answering point that is used in answering and 474
responding to 9-1-1 system calls. 475

~~(I)~~(S) "Municipal corporation in the county" includes any 476
municipal corporation that is wholly contained in the county and 477

each municipal corporation located in more than one county that 478
has a greater proportion of its territory in the county to which 479
the term refers than in any other county. 480

~~(J)~~(T) "Board of county commissioners" includes the 481
legislative authority of a county established under Section 3 of 482
Article X, Ohio Constitution, or Chapter 302. of the Revised Code. 483

~~(K)~~(U) "Final plan" means a final plan adopted under division 484
(B) of section 4931.44 of the Revised Code and, except as 485
otherwise expressly provided, an amended final plan adopted under 486
section 4931.45 of the Revised Code. 487

~~(L)~~(V) "Subdivision served by a public safety answering 488
point" means a subdivision that provides emergency service for any 489
part of its territory that is located within the territory of a 490
public safety answering point whether the subdivision provides the 491
emergency service with its own employees or pursuant to a 492
contract. 493

~~(M)~~(W) A township's population includes only population of 494
the unincorporated portion of the township. 495

~~(N)~~(X) "Telephone company" means a company engaged in the 496
business of providing local exchange telephone service by making 497
available or furnishing access and a dial tone to persons within a 498
local calling area for use in originating and receiving voice 499
grade communications over a switched network operated by the 500
provider of the service within the area and gaining access to 501
other telecommunications services. "Telephone company" includes a 502
wireline service provider and a wireless service provider unless 503
otherwise expressly specified, except that, for purposes of 504
sections 4931.52 and 4931.53 of the Revised Code, "telephone 505
company" means a wireline service provider. 506

Sec. 4931.41. (A)(1) A countywide 9-1-1 system shall include 507

all of the territory of the townships and municipal corporations 508
in the county and any portion of such a municipal corporation that 509
extends into an adjacent county. 510

(2) The system shall exclude any territory served by a 511
~~telephone company~~ wireline service provider that is not capable of 512
reasonably meeting the technical and economic requirements of 513
providing the wireline telephone network portion of the countywide 514
system for that territory. The system shall exclude from enhanced 515
9-1-1 ~~service~~ any territory served by a ~~telephone company~~ wireline 516
service provider that is not capable of reasonably meeting the 517
technical and economic requirements of providing the wireline 518
telephone network portion of ~~an~~ enhanced 9-1-1 ~~service~~ for that 519
territory. If a 9-1-1 planning committee and a ~~telephone company~~ 520
wireline service provider do not agree on whether the ~~telephone~~ 521
~~company~~ provider is so capable, the committee shall notify the 522
public utilities commission, and the commission shall determine 523
whether the ~~company~~ wireline service provider is so capable. The 524
committee shall ascertain whether such disagreement exists before 525
making its implementation proposal under division (A) of section 526
4931.43 of the Revised Code. The commission's determination shall 527
be in the form of an order. No final plan shall require a 528
~~telephone company~~ wireline service provider to provide the 529
wireline telephone network portion of a 9-1-1 system that the 530
commission has determined the ~~company~~ provider is not reasonably 531
capable of providing. 532

(B) A countywide 9-1-1 system may be a basic or enhanced 533
9-1-1 system, or a combination of the two, and shall be for the 534
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 535

(C) Every emergency service provider that provides emergency 536
service within the territory of a countywide 9-1-1 system shall 537
participate in the countywide system. 538

(D)(1) Each public safety answering point shall be operated 539
by a subdivision and shall be operated constantly. 540

(2) A subdivision that operates a public safety answering 541
point shall pay all of the costs associated with establishing, 542
equipping, furnishing, operating, and maintaining that facility 543
and shall allocate those costs among itself and the subdivisions 544
served by the answering point based on the allocation formula in a 545
final plan. The ~~telephone company~~ wireline service provider or 546
other entity that provides or maintains the customer premises 547
equipment shall bill the operating subdivision for the cost of 548
providing such equipment, or its maintenance. A wireless service 549
provider and a subdivision operating a public safety answering
point may enter into a service agreement for providing wireless 550
enhanced 9-1-1 pursuant to a final plan adopted under sections 551
4931.40 to 4931.71 of the Revised Code. 552
553

(E) Except to the extent provided in a final plan that 554
provides for funding of a 9-1-1 system in part through charges 555
imposed under section 4931.51 of the Revised Code, each 556
subdivision served by a public safety answering point shall pay 557
the subdivision that operates the answering point the amount 558
computed in accordance with the allocation formula set forth in 559
the final plan. 560

(F) Notwithstanding any other provision of law, the purchase 561
or other acquisition, installation, and maintenance of the 562
telephone network for a 9-1-1 system and the purchase or other 563
acquisition, the installation, and maintenance of customer 564
premises equipment at a public safety answering point made in 565
compliance with a final plan or an agreement under section 4931.48 566
of the Revised Code, including customer premises equipment used to 567
provide wireless enhanced 9-1-1, are not subject to any 568
requirement of competitive bidding. 569

(G) Each emergency service provider participating in a 570
countywide 9-1-1 system shall maintain a telephone number in 571
addition to 9-1-1. 572

(H) Whenever a final plan provides for the implementation of 573
basic 9-1-1 service, the planning committee shall so notify the 574
public utilities commission, which shall determine whether the 575
~~telephone companies~~ wireline service providers serving the 576
territory covered by the plan are capable of reasonably meeting 577
the technical and economic requirements of providing the wireline 578
telephone network portion of an enhanced 9-1-1 system. The 579
determination shall be made solely for purposes of division 580
(C)(2)(a) of section 4931.47 of the Revised Code. 581

(I) If the public safety answering point personnel reasonably 582
determine that a 9-1-1 call is not an emergency, the personnel, as 583
applicable, shall provide the caller with the telephone number of 584
the any appropriate emergency service provider subdivision agency. 585

(J) Nothing in sections 4931.40 to 4931.71 of the Revised 586
Code precludes a final plan adopted in accordance with those 587
sections from providing that, by agreement included in the plan, 588
the state highway patrol or one or more public safety answering 589
points of another countywide 9-1-1 system is the public safety 590
answering point or points for the provision of wireless enhanced 591
9-1-1 for all or part of the territory of a countywide 9-1-1 592
system. In that event, the county for which the wireless enhanced 593
9-1-1 is provided shall be deemed the subdivision operating the 594
public safety answering point or points for purposes of sections 595
4931.40 to 4931.71 of the Revised Code, except that, for the 596
purpose of division (D)(2) of this section, the county shall pay 597
only so much of the costs associated with establishing, equipping, 598
furnishing, operating, or maintaining any such public safety 599
answering point as are specified in the agreement. 600

Sec. 4931.43. (A) The 9-1-1 planning committee shall prepare 601
a proposal on the implementation of a countywide 9-1-1 system and 602
shall hold a public meeting on the proposal to explain the system 603
to and receive comments from public officials. At least thirty but 604
not more than sixty days before the meeting, the committee shall 605
send a copy of the implementation proposal and written notice of 606
the meeting: 607

(1) By certified mail, to the board of county commissioners, 608
the legislative authority of each municipal corporation in the 609
county, and to the board of trustees of each township in the 610
county; and 611

(2) To the board of trustees, directors, or park 612
commissioners of each subdivision that will be served by a public 613
safety answering point under the plan. 614

(B) The proposal and the final plan adopted by the committee 615
shall specify: 616

(1) Which telephone companies serving customers in the county 617
and, as authorized in division (A) of section 4931.42 of the 618
Revised Code, in an adjacent county will participate in the 9-1-1 619
system; 620

(2) The location and number of public safety answering 621
points; how they will be connected to a company's telephone 622
network; from what geographic territory each will receive 9-1-1 623
calls; whether basic or enhanced 9-1-1 service will be provided 624
within such territory; what subdivisions will be served by the 625
answering point; and whether an answering point will respond to 626
calls by directly dispatching an emergency service provider, by 627
relaying a message to the appropriate provider, or by transferring 628
the call to the appropriate provider; 629

(3) What subdivision will establish, equip, furnish, operate, 630

and maintain each public safety answering point; 631

(4) A projection of the initial cost of establishing, 632
equipping, and furnishing and of the annual cost of the first five 633
years of operating and maintaining each public safety answering 634
point; 635

(5) Whether the cost of establishing, equipping, furnishing, 636
operating, or maintaining each public safety answering point 637
should be funded through charges imposed under section 4931.51 of 638
the Revised Code or will be allocated among the subdivisions 639
served by the answering point and, if any such cost is to be 640
allocated, the formula for so allocating it; 641

(6) How each emergency service provider will respond to a 642
misdirected call. 643

(C) Following the meeting required by this section, the 9-1-1 644
planning committee may modify the implementation proposal and, no 645
later than nine months after the resolution authorized by section 646
~~4931.41~~ 4931.42 of the Revised Code is adopted, may adopt, by 647
majority vote, ~~adopt~~ a final plan for implementing a countywide 648
9-1-1 system. If a planning committee and ~~telephone company~~ 649
wireline service provider do not agree on whether the ~~telephone~~ 650
~~company~~ wireline service provider is capable of providing the 651
wireline telephone network as described under division (A) of 652
section 4931.41 of the Revised Code and the planning committee 653
refers that question to the public utilities commission, the 654
commission may extend the nine-month deadline established by this 655
division to twelve months. Immediately on completion of the plan, 656
the committee shall send a copy of the final plan: 657

(1) By certified mail to the board of county commissioners of 658
the county, to the legislative authority of each municipal 659
corporation in the county, and to the board of township trustees 660
of each township in the county; and 661

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

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

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 shall 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~~ the board or authority. 693

(B) As used in this division, "county's population" excludes 694
the population of any municipal corporation or township that, 695
under the plan, is completely excluded from 9-1-1 service in the 696
county's final plan. A countywide plan ~~will become~~ is effective if 697
all of the following entities approve the plan in accordance with 698
this section: 699

(1) The board of county commissioners; 700

(2) The legislative authority of a municipal corporation that 701
contains at least thirty per cent of the county's population, if 702
any; 703

(3) The legislative authorities of municipal corporations and 704
townships that contain at least sixty per cent of the county's 705
population or, if the plan has been approved by a municipal 706
corporation that contains at least sixty per cent of the county's 707
population, by the legislative authorities of municipal 708
corporations and townships that contain at least seventy-five per 709
cent of the county's population. 710

(C) After a countywide plan approved in accordance with this 711
section is adopted, all of the telephone companies and 712
subdivisions included in the plan are subject to the specific 713
requirements of the plan and to sections 4931.40 to ~~4931.54~~ 714
4931.70 of the Revised Code. 715

Sec. 4931.45. (A) A An amended final plan ~~may be amended to~~ 716
~~expand~~ is required for any of the following purposes: 717

(1) Expanding the territory included in the countywide 9-1-1 718
system, ~~to upgrade;~~ 719

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 720
enhanced 9-1-1 service, ~~to adjust;~~ 721

(3) Adjusting the territory served by a public safety answering point, to re-~~re~~prescribe; 722
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(4) Re-~~re~~prescribing 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; 724
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(5) Providing for wireless enhanced 9-1-1; 727

(6) Adding a telephone company as a participant in a countywide 9-1-1 system after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1; 728
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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 all or part of the territory of the system, as contemplated under division (J) of section 4931.41 of the Revised Code; 731
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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. 737
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Adoption 744

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 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 (A)(6) of this section upon the filing, with the board of county 745
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commissioners of the county that approved the final plan for the 753
countywide 9-1-1 system, of a written letter of intent by the 754
entity to be added as a participant in the 9-1-1 system. The 755
entity shall send written notice of the filing to all subdivisions 756
and telephone companies participating in the system. Further, 757
adoption of any resolution under section 4931.51 of the Revised 758
Code pursuant to a final plan that both has been adopted and 759
provides for funding through charges imposed under that section is 760
not an amendment of a final plan for the purpose of this division. 761

(B) When a final plan is amended ~~to expand the territory that~~ 762
~~receives 9-1-1 service or to upgrade a 9-1-1 system from basic to~~ 763
~~enhanced 9-1-1 service~~ for any purpose described in division 764
(A)(1), (2), (5), or (6) of this section, the provisions of 765
sections 4931.47 and 5727.39 of the Revised Code apply with 766
respect to the ~~telephone company's~~ recovery of the nonrecurring 767
and recurring rates and charges for the wireline telephone network 768
portion of the 9-1-1 system. 769

Sec. 4931.46. (A) Within three years from the date a an 770
initial final plan becomes effective under division (B) of section 771
4931.44 of the Revised Code, the ~~telephone companies~~ wireline 772
service providers designated in the plan shall have installed the 773
wireline telephone network portion of the 9-1-1 system according 774
to the terms, conditions, requirements, and specifications set 775
forth in that plan. 776

(B)(1) Upon installation of a countywide 9-1-1 system, the 777
board of county commissioners may direct the county engineer to 778
erect and maintain at the county boundaries on county roads and 779
state and interstate highways, signs indicating the availability 780
of a countywide 9-1-1 system. Any sign erected by a county under 781
this section shall be erected in accordance with and meet the 782
specifications established under division (B)(2) of this section. 783

All expenses incurred in erecting and maintaining the signs shall 784
be paid by the county. 785

(2) The director of transportation shall develop design 786
specifications for signs giving notice of the availability of a 787
countywide 9-1-1 system. The director also shall establish 788
standards for the erection of the signs and, in accordance with 789
federal law and regulations and recognized engineering practices, 790
specify those locations where the signs shall not be erected. 791

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 792
4905., 4909., and 4931. of the Revised Code, the public utilities 793
commission shall determine the just, reasonable, and compensatory 794
rates, tolls, classifications, charges, or rentals to be observed 795
and charged for the wireline telephone network portion of a basic 796
~~and or~~ enhanced 9-1-1 system, and each telephone company that is a 797
wireline service provider participating in the system shall be 798
subject to such chapters, to the extent they apply, as to the 799
service provided by its portion of the wireline telephone network 800
for the system as described in the final plan or to be installed 801
pursuant to agreements under section 4931.48 of the Revised Code, 802
and as to the rates, tolls, classifications, charges, or rentals 803
to be observed and charged for that service. 804

(B) Only the customers of a participating telephone company 805
described in division (A) of this section that are served within 806
the area covered by a 9-1-1 system shall pay the recurring rates 807
for the maintenance and operation of the company's portion of the 808
wireline telephone network ~~in providing 9-1-1 service of the~~ 809
system. Such rates shall be computed by dividing the total monthly 810
recurring rates set forth in ~~a telephone~~ the company's schedule as 811
filed in accordance with section 4905.30 of the Revised Code, by 812
the total number of residential and business customer access 813
lines, or their equivalent, within the area served. Each 814

residential and business customer within the area served shall pay 815
the recurring rates based on the number of its residential and 816
business customer access lines or their equivalent. No company ~~may~~ 817
shall include such amount on any customer's bill until the company 818
has completed its portion of the wireline telephone network in 819
accordance with the terms, conditions, requirements, and 820
specifications of the final plan or an agreement made under 821
section 4931.48 of the Revised Code. 822

(C)(1) Except as otherwise provided in division (C)(2)(a) or 823
(b) of this section, a participating telephone company described 824
in division (A) of this section may receive through the credit 825
authorized by section 5733.55 of the Revised Code the total 826
nonrecurring charges for its portion of the wireline telephone 827
network ~~used in providing 9-1-1 service, of the system, including~~ 828
wireless 9-1-1, and the total nonrecurring charges for any 829
updating or modernization of that wireline telephone network in 830
accordance with the terms, conditions, requirements, and 831
specifications of the final plan or pursuant to agreements under 832
section 4931.48 of the Revised Code, as any such charges are set 833
forth in the schedule filed by a telephone company in accordance 834
with section 4905.30 of the Revised Code, ~~on completion of the~~ 835
~~installation of the network in accordance with the terms,~~ 836
~~conditions, requirements, and specifications of the final plan or~~ 837
~~pursuant to section 4931.48 of the Revised Code shall be recovered~~ 838
~~by the company through the credit authorized by section 5727.39 of~~ 839
~~the Revised Code. As applicable, the receipt of those charges~~ 840
shall occur only upon the completion of the installation of the 841
network or the completion of the updating or modernization. 842

(2)(a) The credit shall not be allowed under division (C)(1) 843
of this section for the upgrading of a system from basic to 844
enhanced wireline 9-1-1 ~~service when if both of the following~~ 845
apply: 846

~~(a)(i)~~ The telephone company received the credit for the wireline telephone network portion of the basic 9-1-1 system now proposed to be upgraded ~~and~~. 847
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~~(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 wireline 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. 850
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(b) The credit shall not be allowed under division (C)(1) of this section for any portion of the total nonrecurring charges for the wireline 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 received those charges through the credit authorized by section 5733.55 of the Revised Code, or receives or received those charges from a wireless service provider pursuant to a tariff or contract. 859
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(3) When the credit is not allowed under division (C)(2)(a) 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 869
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made. 879

(D) Where customer premises equipment for a public safety 880
answering point is supplied by a telephone company that is 881
required to file a schedule under section 4905.30 of the Revised 882
Code pertaining to customer premises equipment, the recurring and 883
nonrecurring rates and charges for the installation and 884
maintenance of the equipment specified in the schedule shall 885
apply. 886

Sec. 4931.48. (A) If a final plan is disapproved under 887
division (B) of section 4931.44 of the Revised Code, by 888
resolution, the legislative authority of a municipal corporation 889
or township that contains at least thirty per cent of the county's 890
population may establish within its boundaries, or the legislative 891
authorities of a group of municipal corporations or townships each 892
of which is contiguous with at least one other such municipal 893
corporation or township in the group, together containing at least 894
thirty per cent of the county's population, may jointly establish 895
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 896
municipal corporation or township may enter into an agreement, and 897
the contiguous municipal corporations or townships may jointly 898
enter into an agreement with a one or more telephone ~~company~~ 899
~~providing service in the municipal corporations or townships to~~ 900
~~provide for the telephone network portion of the system~~ companies. 901

(B) If no resolution has been adopted to convene a 9-1-1 902
planning committee under section 4931.42 of the Revised Code, ~~but~~ 903
~~not sooner than eighteen months after the effective date of such~~ 904
~~section,~~ by resolution, the legislative authority of any municipal 905
corporation in the county may establish within its boundaries, or 906
the legislative authorities of a group of municipal corporations 907
and townships each of which is contiguous to at least one of the 908
other such municipal corporations or townships in the group may 909

jointly establish within their boundaries, a 9-1-1 system. ~~The For~~ 910
~~that purpose, the~~ municipal corporation, or contiguous municipal 911
corporations and townships, may enter into an agreement with a one 912
or more telephone ~~company serving customers within the boundaries~~ 913
~~of the municipal corporation or contiguous municipal corporations~~ 914
~~and townships, to provide for the telephone network portion of a~~ 915
~~9-1-1 system~~ companies. 916

(C) Whenever a telephone company that is a wireline service 917
provider and one or more municipal corporations and townships 918
enter into an agreement under division (A) or (B) of this section 919
to provide for the wireline telephone network portion of a basic 920
9-1-1 system, the telephone company shall so notify the public 921
utilities commission, which shall determine whether the telephone 922
company is capable of reasonably meeting the technical and 923
economic requirements of providing the wireline telephone network 924
for an enhanced system within the territory served by the company 925
and covered by the agreement. The determination shall be made 926
solely for the purposes of division (C)(2) of section 4931.47 of 927
the Revised Code. 928

(D) Within three years from the date of entering into an 929
initial agreement under division ~~(A) or (B)~~ (C) of this section, 930
the telephone company shall have installed the wireline telephone 931
network portion of the 9-1-1 system according to the terms, 932
conditions, requirements, and specifications set forth in the 933
agreement. 934

(E) ~~The~~ A telephone company that is a wireline service 935
provider shall recover the cost of installing the wireline 936
telephone network system pursuant to agreements made under this 937
section as provided in sections 4931.47 and 5727.39 of the Revised 938
Code. 939

Sec. 4931.49. (A)(1) The state, the state highway patrol, or 940

a subdivision participating in a 9-1-1 system established under 941
sections 4931.40 to 4931.71 of the Revised Code or in any other 942
public safety calling or alerting system under contract with state 943
or local government and any officer, agent, ~~or~~ employee, or 944
independent contractor of the state, the state highway patrol, or 945
such a participating subdivision is not liable in damages in a 946
civil action for injuries, death, or loss to persons or property 947
arising from any act or omission, except willful or wanton 948
misconduct, in connection with developing, adopting, or approving 949
any final plan or any agreement made under section 4931.48 of the 950
Revised Code or otherwise bringing into operation a the 9-1-1 951
system pursuant to ~~those provisions~~ sections 4931.40 to 4931.71 of 952
the Revised Code. 953

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 954
group, and any member of that council or group are not liable in 955
damages in a civil action for injuries, death, or loss to persons 956
or property arising from any act or omission, except willful or 957
wanton misconduct, in connection with the development or operation 958
of a 9-1-1 system established under sections 4931.40 to 4931.71 of 959
the Revised Code. 960

(B) Except as otherwise provided in ~~sections 701.02 and~~ 961
section 4765.49 of the Revised Code, an individual who gives 962
emergency instructions through a 9-1-1 system established under 963
sections 4931.40 to ~~4931.54~~ 4931.71 of the Revised Code or through 964
any other public safety calling or alerting system under contract 965
with state or local government, and the principals for whom the 966
person acts, including both employers and independent contractors, 967
public and private, and an individual who follows emergency 968
instructions and the principals for whom that person acts, 969
including both employers and independent contractors, public and 970
private, are not liable in damages in a civil action for injuries, 971
death, or loss to persons or property arising from the issuance or 972

following of emergency instructions, except where the issuance or 973
following of the instructions constitutes willful or wanton 974
misconduct. 975

(C) A telephone company, and any other installer, maintainer, 976
or provider, through the sale or otherwise, of customer premises 977
equipment, and their respective officers, directors, employees, 978
agents, and suppliers are not liable in damages in a civil action 979
for injuries, death, or loss to persons or property incurred by 980
any person resulting from such an entity's or its officers', 981
directors', employees', agents', or suppliers' participation in or 982
acts or omissions in connection with ~~that participation~~ 983
participating in or developing, maintaining, or operating a 9-1-1 984
system, whether that system is established pursuant to sections 985
4931.40 to ~~4931.54~~ 4931.71 of the Revised Code or otherwise in 986
accordance with ~~the telephone company's~~ schedules regarding 9-1-1 987
systems filed with the public utilities commission pursuant to 988
section 4905.30 of the Revised Code by a telephone company that is 989
a wireline service provider; or in connection with participating 990
in or developing, maintaining, or operating any other public 991
safety calling or alerting system under contract with state or 992
local government. 993

(D) No person shall knowingly use the telephone number of ~~the~~ 994
a 9-1-1 system established under sections 4931.40 to 4931.71 of 995
the Revised Code or of any other public safety calling or alerting 996
system under contract with state or local government to report an 997
emergency if the person knows that no emergency exists. 998

(E) No person shall knowingly use a 9-1-1 system, or any 999
other public safety calling or alerting system under contract with 1000
state or local government, for a purpose other than obtaining 1001
emergency service. 1002

(F) No person shall disclose or use, ~~for any purpose other~~ 1003
~~than for the 9-1-1 system,~~ any information concerning telephone 1004

numbers, addresses, or names obtained from the data base that 1005
serves the public safety answering point of a 9-1-1 system 1006
established under sections 4931.40 to ~~4931.54~~ 4931.71 of the 1007
Revised Code, except ~~that~~ for any of the following purposes or 1008
under any of the following circumstances: 1009

(1) For the purpose of the 9-1-1 system; 1010

(2) For the purpose of another public safety calling or 1011
alerting system under contract with state or local government; 1012

(3) For the purpose of responding to an emergency call to an 1013
emergency service provider; 1014

(4) In the circumstance of the inadvertent disclosure of such 1015
information due solely to technology of the wireline telephone 1016
network portion of the 9-1-1 system not allowing access to the 1017
data base to be restricted to 9-1-1 specific answering lines at a 1018
public safety answering point; 1019

(5) In the circumstance of assistance given by a telephone 1020
company ~~may disclose or use such information that is a wireline~~ 1021
service provider to assist a public utility or municipal utility 1022
in handling customer calls in times of public emergency or service 1023
outages. The charge, terms, and conditions for the disclosure or 1024
use of such information ~~by the telephone company~~ for the purpose 1025
of such assistance shall be subject to the jurisdiction of the 1026
public utilities commission. ~~In no event shall such information be~~ 1027
disclosed or used for any purpose not permitted by this division. 1028

Sec. 4931.50. (A) The attorney general, upon request of the 1029
public utilities commission or on the attorney general's own 1030
initiative, shall begin proceedings against a ~~subdivision or~~ 1031
telephone company that is a wireline service provider to enforce 1032
compliance with sections 4931.40 to ~~4931.54~~ 4931.71 of the Revised 1033
Code, or with the terms, conditions, requirements, or 1034

specifications of a final plan or of an agreement under section 1035
4931.48 of the Revised Code as to wireline or wireless 9-1-1. 1036

(B) The attorney general, upon the attorney general's own 1037
initiative, or any prosecutor, upon the prosecutor's initiative, 1038
shall begin proceedings against a subdivision as to wireline or 1039
wireless 9-1-1 to enforce compliance with sections 4931.40 to 1040
4931.71 of the Revised Code or with the terms, conditions, 1041
requirements, or specifications of a final plan or of an agreement 1042
under section 4931.48 of the Revised Code as to wireline or 1043
wireless 9-1-1. 1044

Sec. 4931.60. There is hereby created in the department of 1045
public safety the 9-1-1 services program, headed by an Ohio 9-1-1 1046
coordinator in the unclassified civil service pursuant to division 1047
(A)(9) of section 124.11 of the Revised Code. The coordinator 1048
shall be appointed by and serve at the pleasure of the governor 1049
and shall report directly to the director of public safety. In 1050
making the appointment, the governor shall consider nominees 1051
proposed by the Ohio 9-1-1 council pursuant to section 4931.69 of 1052
the Revised Code, but may request the council to submit additional 1053
nominees and may reject any of the nominees. The director of 1054
public safety shall fix the compensation of the coordinator. The 1055
performance of the coordinator shall be evaluated by the director 1056
after considering the evaluation and recommendations of the 1057
council under section 4931.69 of the Revised Code. 1058

The Ohio 9-1-1 coordinator shall administer the wireless 1059
9-1-1 service funds under sections 4931.60 to 4931.71 of the 1060
Revised Code and otherwise carry out the coordinator's duties 1061
under those sections. The director of public safety may establish 1062
additional duties of the coordinator based on a list of 1063
recommended duties submitted by the Ohio 9-1-1 council pursuant to 1064
section 4931.69 of the Revised Code. The director may assign one 1065

or more employees of the department to assist the coordinator in 1066
carrying out the coordinator's duties. Additionally, the public 1067
utilities commission shall provide the coordinator with any 1068
technical assistance the coordinator requests in carrying out 1069
those duties. 1070

Sec. 4931.61. (A) As used in sections 4931.61 to 4931.71 of 1072
the Revised Code, "effective date of the wireless 9-1-1 charge" 1073
means, as applicable, the first day of the third month following 1074
the effective date of sections 4931.40 to 4931.71 of the Revised 1075
Code as amended or enacted by .B. of the 125th general assembly; 1076
the first day of the respective budget biennium for which the Ohio 1077
9-1-1 coordinator submits a recommendation under section 4931.70 1078
of the Revised Code; or the first day of the third month following 1079
the effective date of an act adjusting the amount of the wireless 1080
9-1-1 charge, unless the act establishes another effective date 1081
for the adjustment. 1082

(B) Beginning on the effective date of the wireless 9-1-1 1083
charge, there is hereby imposed, on each wireless telephone number 1084
of a wireless service subscriber who has a billing address in this 1085
state, a wireless 9-1-1 charge in such amount per month as is 1086
prescribed pursuant to section 4931.71 of the Revised Code. The 1087
subscriber shall pay the wireless 9-1-1 charge for each such 1088
wireless telephone number assigned to the subscriber. Each 1089
wireless service provider and each reseller of wireless service 1090
shall collect the wireless 9-1-1 charge from its subscribers as 1091
part of the wireless provider's or reseller's monthly billing 1092
process and as a separate line item on the monthly bill and shall 1093
designate that the charge is a charge for wireless enhanced 9-1-1. 1094
However, for any subscriber of prepaid wireless service, the 1095
wireless service provider or reseller shall collect the charge at 1096
the point of sale or, if the subscriber has a positive account 1097

balance on the last day of the month, shall collect the charge by 1098
reducing the subscriber's account at the end of each such month by 1099
the amount of the charge or an equivalent number of air time 1100
minutes. 1101

(C) The wireless 9-1-1 charge shall be exempt from state or 1102
local taxation. 1103

Sec. 4931.62. (A)(1) Beginning with the second month 1104
following the month in which the wireless 9-1-1 charge is first 1105
imposed under section 4931.61 of the Revised Code, a wireless 1106
service provider or reseller of wireless service, not later than 1107
the last day of each month, shall remit the full amount of all 1108
wireless 9-1-1 charges it collected for the second preceding 1109
calendar month to the Ohio 9-1-1 coordinator, with the exception 1110
of charges equivalent to the amount authorized as a billing and 1111
collection fee under division (A)(2) of this section. In doing so, 1112
the provider or reseller may remit the requisite amount in any 1113
reasonable manner consistent with its existing operating or 1114
technological capabilities, such as by customer address, location 1115
associated with the wireless telephone number, or another 1116
allocation method based on comparable, relevant data. If the 1117
wireless service provider or reseller receives a partial payment 1118
for a bill from a wireless service subscriber, the wireless 1119
service provider or reseller shall apply the payment first against 1120
the amount the subscriber owes the wireless service provider or 1121
reseller and shall remit to the coordinator such lesser amount, if 1122
any, as results from that invoice. 1123

(2) A wireless service provider or reseller of wireless 1124
service may retain as a billing and collection fee two per cent of 1125
the total wireless 9-1-1 charges it collects in any month and 1126
shall account to the coordinator for the amount retained. 1127

(B) Each subscriber on which a wireless 9-1-1 charge is 1128

imposed under division (B) of section 4931.61 of the Revised Code 1129
is liable to the state for the amount so billed. If a wireless 1130
service provider or reseller fails to collect a charge as required 1131
by that division, the wireless service provider or reseller is 1132
liable to the state for the amount not collected. If a wireless 1133
service provider or reseller collects charges under that division 1134
and fails to remit the money to the coordinator, the wireless 1135
service provider or reseller is liable to the state for any amount 1136
collected and not remitted. 1137

(C)(1) Based upon information in the tax commissioner's 1138
possession, the tax commissioner may make an assessment against 1139
any provider or reseller described in division (B) of this section 1140
that fails to collect or remit the wireless 9-1-1 charge as 1141
required by this section. The tax commissioner shall give the 1142
assessed party written notice of the assessment in the manner 1143
provided in section 5703.37 of the Revised Code. With the notice, 1144
the tax commissioner shall provide instructions on how to petition 1145
for reassessment and how to request a hearing on the petition. An 1146
assessment does not discharge a subscriber's liability to 1147
reimburse the provider or reseller for the wireless 9-1-1 charge. 1148

(2) When information in the possession of the tax 1149
commissioner indicates that the amount required to be collected or 1150
remitted is greater than the amount remitted by the provider or 1151
reseller, the tax commissioner may audit a sample of the 1152
provider's or reseller's collections and remittances for a 1153
representative period and may issue an assessment based on that 1154
audit. The tax commissioner shall make a good faith effort to 1155
reach agreement with the provider or reseller in selecting a 1156
representative sample. The tax commissioner may issue an 1157
assessment for any remittance that was due and unpaid on the date 1158
the provider or reseller was informed of the audit by an agent of 1159
the tax commissioner. If, after the provider or reseller was 1160

informed of the audit, a subscriber pays a wireless 9-1-1 charge 1161
for the period covered by the assessment, the payment shall be 1162
credited against the assessment. 1163

(3) The portion of any assessment not paid within sixty days 1164
after the date of service of the assessment notice shall bear 1165
interest from that date until paid at the rate per annum 1166
prescribed by section 5703.47 of the Revised Code. Interest shall 1167
be remitted in the same manner as the wireless 9-1-1 charge and 1168
may be collected by making an assessment under this division. 1169

(4) An assessment is final and due and payable to the 1170
treasurer of state and shall be remitted to the tax commissioner, 1171
unless the assessed party, either personally or by certified mail 1172
within sixty days after the date of service of the assessment 1173
notice, files with the tax commissioner a written petition for 1174
reassessment, signed by the party or its authorized agent having 1175
knowledge of the facts. The petition shall indicate the objections 1176
of the assessed party, but additional objections may be raised in 1177
writing if received by the tax commissioner prior to the date 1178
shown on the final determination. If the petition has been 1179
properly filed, the tax commissioner shall proceed in a manner 1180
consistent with section 5703.60 of the Revised Code. 1181

(5) After an assessment becomes final, if any portion of the 1182
assessment remains unpaid, including accrued interest, a certified 1183
copy of the tax commissioner's entry making the assessment final 1184
may be filed in the office of the clerk of the court of common 1185
pleas in the county in which the place of business of the assessed 1186
party is located. If the party maintains no place of business in 1187
this state, the certified copy of the entry may be filed in the 1188
office of the clerk of the court of common pleas of Franklin 1189
county. Immediately upon the filing, the clerk shall enter a 1190
judgment for the state against the assessed party in the amount 1191
shown on the entry. The judgment may be filed by the clerk in a 1192

loose-leaf book entitled "special judgments for wireless 9-1-1 charges" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner. 1193
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(6) All money collected by the tax commissioner under this division shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 service funds. 1197
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Sec. 4931.63. (A) There is hereby created the wireless 9-1-1 administrative fund in the state treasury. A sufficient percentage, determined by the Ohio 9-1-1 coordinator but not to exceed two per cent, of the periodic remittances of the wireless 9-1-1 charge to the coordinator under section 4931.62 of the Revised Code shall be deposited to the credit of the fund, to be used by the director of public safety to cover such nonpayroll costs and, at the discretion of the director such payroll costs, of the department of public safety as are incurred in assisting the coordinator in carrying out sections 4931.60 to 4931.71 of the Revised Code. In addition, the compensation and expenses of the coordinator shall be paid from the fund. 1200
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(B) There are hereby created the wireless 9-1-1 government assistance fund and the wireless 9-1-1 service provider reimbursement fund, both of which shall be in the custody of the treasurer of state but shall not be part of the state treasury. Except as otherwise provided under division (C)(2) of section 4931.71 of the Revised Code, one-half of the periodic remittances of the wireless 9-1-1 charge to the Ohio 9-1-1 coordinator pursuant to section 4931.62 of the Revised Code, remaining after the deposit required by division (A) of this section, shall be deposited to the credit of the wireless 9-1-1 government assistance fund and the wireless 9-1-1 service provider reimbursement fund, respectively. The treasurer of state shall 1212
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deposit or invest the moneys in these funds in accordance with 1224
Chapter 135. of the Revised Code and any other provision of law 1225
governing public moneys of the state as defined in section 135.01 1226
of the Revised Code. The treasurer of state shall credit the 1227
interest earned to the respective fund. The treasurer of state 1228
shall disburse money from the funds solely upon order of the 1229
coordinator as authorized under sections 4931.64 and 4931.66 of 1230
the Revised Code. Annually, the treasurer of state shall certify 1231
to the coordinator the amount of moneys in the treasurer of 1232
state's custody belonging to each fund. 1233

Sec. 4931.64. (A) Prior to the first disbursement under this 1234
section and annually not later than the twenty-fifth day of July 1235
thereafter, the Ohio 9-1-1 coordinator shall do all of the 1236
following: 1237

(1) Determine, for the county, the number of wireless 1238
telephone numbers assigned to wireless service subscribers who 1239
have billing addresses within each countywide 9-1-1 system; 1240

(2) To the extent that the state highway patrol operates 1241
within all or part of a county as a public safety answering point 1242
for wireless 9-1-1 calls, not pursuant to a final plan under 1243
section 4931.44 of the Revised Code or an agreement under division 1244
(J) of section 4931.42 of the Revised Code but by default solely 1245
due to a wireless service provider so routing all such calls of 1246
its subscribers without prior permission, determine for the state 1247
highway patrol the number of wireless telephone numbers assigned 1248
to wireless service subscribers of that wireless service provider 1249
who have billing addresses within the county. Such numbers shall 1250
not be counted under division (A)(1) of this section. 1251

(3) Determine under that circumstance the state highway 1252
patrol's, and under division (A)(1) of this section each such 1253
county's, proportionate share of the wireless 9-1-1 government 1254

assistance fund for the ensuing calendar year on the basis set 1255
forth in division (B) of this section; estimate the ensuing 1256
calendar year's fund balance; compute each such county's estimated 1257
proceeds for the ensuing calendar year based on its proportionate 1258
share and the estimated fund balance; and certify such amount of 1259
proceeds to the county auditor of each such county. 1260

(B)(1) The Ohio 9-1-1 coordinator, not later than the last 1261
day of each month, shall disburse the amount credited as 1262
remittances to the wireless 9-1-1 government assistance fund 1263
during the second preceding month, plus any accrued interest on 1264
the fund except interest accrued on set aside moneys under 1265
division (B)(2) of this section. The disbursement shall be paid to 1266
each county treasurer, and to the state treasurer in the case of a 1267
disbursement to the state highway patrol as provided under 1268
division (A)(2) of this section. 1269

For the first three years of disbursements, except as 1270
provided under division (B)(2) of this section, the amount to be 1271
so disbursed monthly shall be a proportionate share of the 1272
wireless 9-1-1 government assistance fund balance based on the 1273
ratio between the following: 1274

(a) As determined for each county or for the state highway 1275
patrol by the Ohio 9-1-1 coordinator pursuant to division (A) of 1276
section 4931.67 of the Revised Code, the number of wireless 1277
telephone numbers assigned to wireless service subscribers who 1278
have billing addresses within the respective countywide 9-1-1 1279
system during the second preceding month or, for the state highway 1280
patrol, within the county during such month; and 1281

(b) The total number of wireless telephone numbers assigned 1282
to subscribers who have billing addresses within this state. 1283
However, the disbursement for each county and the state highway 1284
patrol shall not be less than twenty-five thousand dollars 1285

annually.

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After that time, only each county that has adopted a final plan for countywide provision of wireless enhanced 9-1-1, and the state highway patrol as provided under division (A)(2) of this section, shall receive a monthly disbursement in the amount of a proportionate share of the fund balance based on the ratio between the number of wireless telephone numbers assigned to wireless service subscribers who have billing addresses within the countywide 9-1-1 system or, for the state highway patrol, within the county, as such number is determined by the coordinator pursuant to division (A) of section 4931.67 of the Revised Code, and the total number of wireless telephone numbers assigned to subscribers who have billing addresses within all such countywide systems and counties.

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(2) The coordinator shall not make a disbursement under division (B)(1) of this section to a county for which a final plan for the countywide provision of wireless enhanced 9-1-1 has not been adopted in accordance with sections 4931.40 to 4931.71 of the Revised Code but instead shall retain in the wireless 9-1-1 government assistance fund an amount equal to what would be the county's disbursement, to be set aside for that county for the first three years of disbursements under division (B)(1) of this section and until notification to the coordinator that a final plan for the provision of countywide wireless enhanced 9-1-1 has been adopted in accordance with sections 4931.40 to 4931.71 of the Revised Code. Upon that notification, the coordinator shall disburse and pay to the county treasurer the total amount so accrued for the county plus any interest accrued on the amount set aside. Any moneys and interest so retained and not disbursed by the end of the third year of disbursements under division (B)(1) of this section shall be disbursed pursuant to that division to each county for which a final plan for the countywide provision of

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wireless enhanced 9-1-1 has been adopted in accordance with 1318
sections 4931.40 to 4931.71 of the Revised Code. 1319

(3)(a) Immediately upon receipt by a county treasurer of a 1320
disbursement under division (B)(1) or (2) of this section, the 1321
county shall disburse, in accordance with the allocation formula 1322
set forth in the final plan, the amount the county so received to 1323
those subdivisions in the county that pay the costs of a public 1324
safety answering point providing wireless enhanced 9-1-1 under the 1325
plan. 1326

(b) Immediately upon receipt by the state treasurer of a 1327
disbursement under division (B)(1) of this section, the state 1328
treasurer shall deposit the disbursement to the credit of the SHP 1329
wireless 9-1-1 fund, which is hereby created in the state 1330
treasury, to be used by the state highway patrol for the purpose 1331
of paying any costs of a public safety answering point it operates 1332
as described in division (A)(2) of section 4931.64 of the Revised 1333
Code that otherwise would be eligible costs under division (A) or 1334
(B) of section 4931.65 of the Revised Code. 1335

(C) Nothing in sections 4931.40 to 4931.71 of the Revised 1336
Code affects the authority of a subdivision operating or served by 1337
a public safety answering point of a countywide 9-1-1 system to 1338
use, as provided in the final plan for the system, any other 1339
authorized revenue of the subdivision for the purposes of 1340
providing wireline 9-1-1 or wireless 9-1-1 through the system. 1341

Sec. 4931.65. The countywide 9-1-1 system of each county 1342
receiving a disbursement under division (B) of section 4931.64 of 1343
the Revised Code shall provide countywide wireless enhanced 9-1-1 1344
in accordance with sections 4931.40 to 4931.71 of the Revised 1345
Code, beginning as soon as reasonably possible after receipt of 1346
the first disbursement under division (B) of section 4931.64 of 1347
the Revised Code, or if that service is already implemented, shall 1348

continue to provide such service. A disbursement under division 1349
(B)(3) of section 4931.64 of the Revised Code shall be used solely 1350
for the purpose of paying any of the following: 1351

(A) Any costs of designing, upgrading, purchasing, leasing, 1352
programming, installing, testing, or maintaining the necessary 1353
data, hardware, software, and trunking required for the public 1354
safety answering point or points of the 9-1-1 system to provide 1355
wireless enhanced 9-1-1, which costs are incurred before or on or 1356
after the effective date of this section and consist of such 1357
additional costs of the 9-1-1 system over and above any costs 1358
incurred to provide wireline 9-1-1; 1359

(B) Any costs of staffing, and training staff of, the public 1360
safety answering points of the 9-1-1 system, which costs result 1361
from the answering, routing, or proper disposition of wireless 1362
9-1-1 calls, are incurred before or on or after the effective date 1363
of this section, and consist of such additional costs of the 9-1-1 1364
system over and above any costs incurred to provide wireline 1365
9-1-1. 1366

The costs described in divisions (A) and (B) of this section 1367
may include any such costs payable pursuant to an agreement under 1368
division (J) of section 4931.41 of the Revised Code. 1369

Sec. 4931.66. (A) In accordance with this section, the Ohio 1370
9-1-1 coordinator shall authorize payment of a specified amount of 1371
moneys from the wireless 9-1-1 service provider reimbursement fund 1372
to a wireless service provider that submits an invoice to the 1373
coordinator. The invoice shall contain an itemization of those 1374
eligible costs the wireless service provider incurred before or on 1375
or after the effective date of this section, either directly or 1376
through contractors, to comply with 47 C.F.R. 20.18 (d) to (h) and 1377
for which the wireless service provider is seeking reimbursement 1378

pursuant to the invoice. Eligible costs under this section consist 1379
only of the costs to the wireless service provider of upgrading, 1380
purchasing, maintaining, programming, or installing any necessary 1381
data, hardware, or software, and any associated administrative 1382
costs and overhead, and exclude any profit or other return on 1383
investment. The invoice submitted to the coordinator shall be 1384
accompanied both by adequate supporting documentation of the 1385
eligible costs for which the wireless service provider is seeking 1386
reimbursement, including a copy of the wireless service provider's 1387
acknowledgement of the governmental request for wireless enhanced 1388
9-1-1 that generated those costs, and by a certification signed by 1389
an officer of the wireless service provider or the officer's 1390
designee as to both of the following: 1391

(1) The total amount of costs shown on the invoice represents 1392
such eligible costs as the wireless service provider incurred 1393
before or on or after the effective date of this section, either 1394
directly or through contractors, to comply with 47 C.F.R. 20.18(d) 1395
to (h). 1396

(2) The total amount of costs shown on the invoice does not 1397
exceed one hundred twenty-five per cent of the total amount of 1398
those wireless 9-1-1 charges both remitted by the wireless service 1399
provider to the coordinator under section 4931.62 of the Revised 1400
Code in the second month preceding the month in which the invoice 1401
is submitted and credited to the wireless 9-1-1 service provider 1402
reimbursement fund under section 4931.63 of the Revised Code; or 1403
the wireless service provider has received prior written approval 1404
under division (D)(3) of section 4931.70 of the Revised Code to 1405
submit an invoice that exceeds that cap. 1406

(B) Except as otherwise provided in division (C) of this 1407
section, payment to a wireless service provider under this section 1408
shall be made not later than one month after the date on which the 1409

coordinator receives from the wireless service provider a 1410
certified invoice and adequate supporting documentation in 1411
compliance with division (A) of this section and with any rules 1412
adopted under section 4931.68 of the Revised Code. The coordinator 1413
shall not establish by rule or otherwise any other standard for or 1414
condition regarding payment. 1415

The amount authorized for payment to a wireless service 1416
provider under this section and so paid shall equal the total 1417
amount of costs shown on the invoice as certified unless the total 1418
amount of all certified invoices submitted to the coordinator in a 1419
given month exceeds the amount in the wireless 9-1-1 service 1420
provider reimbursement fund. In that case, payment shall be 1421
subject to both of the following conditions: 1422

(1) The amount authorized for reimbursement to a particular 1423
wireless service provider shall be a pro rata share of the 1424
wireless 9-1-1 service provider reimbursement fund balance at the 1425
time of payment, based on the total dollar amount of the wireless 1426
service provider's certified invoice relative to the total dollar 1427
amount of all certified invoices submitted that month. 1428

(2) The balance of the certified invoices shall be carried 1429
forward to the following month or months, as necessary, until all 1430
of the authorized reimbursements are made, with any such later 1431
payment subject to the payment of interest at the rate prescribed 1432
in section 126.30 of the Revised Code. 1433

(C) The coordinator shall deny reimbursement to a wireless 1434
service provider if the coordinator determines that the provider 1435
has failed to submit the certification required by division (A)(1) 1436
of this section and shall deny reimbursement of a particular 1437
itemized cost if the coordinator, in consultation with the 1438
wireless 9-1-1 advisory board, determines that it is not an 1439
eligible cost specified in division (A) of this section or it 1440

lacks adequate supporting documentation. Denial of reimbursement 1441
based on either of the latter two determinations is subject to 1442
adjudication under sections 119.01 to 119.13 of the Revised Code. 1443
Payment of any reimbursement as a result of such adjudication 1444
shall be within one month after the date of issuance of a decision 1445
in the adjudication and shall be subject to divisions (B)(1) and 1446
(2) of this section. 1447

(D) In carrying out divisions (A) to (C) of this section, the 1448
Ohio 9-1-1 coordinator shall ensure that no wireless service 1449
provider is reimbursed for a cost for which any wireless service 1450
provider has already been reimbursed in the case of wireless 1451
enhanced 9-1-1 technology shared by two or more wireless service 1452
providers. 1453

(E) A certification submitted under this section is a 1454
statement for the purpose of division (A)(4) of section 2921.13 of 1455
the Revised Code. 1456

Sec. 4931.67. (A)(1) A wireless service provider, and each 1457
subdivision operating one or more public safety answering points 1458
for a countywide system providing wireless 9-1-1, shall provide 1459
the Ohio 9-1-1 coordinator with such information as the 1460
coordinator requests for the purposes of carrying out the 1461
coordinator's duties under sections 4931.60 to 4931.71 of the 1462
Revised Code, including, but not limited to, duties regarding the 1463
collection of the wireless 9-1-1 charge and regarding the 1464
provision of a report under division (B) of section 4931.71 of the 1465
Revised Code. 1466

(2) A wireless service provider shall provide an official, 1467
employee, agent, or representative of a subdivision operating a 1468
public safety answering point, or of the state highway patrol as 1469
described in division (A)(2) of section 4931.64 of the Revised 1470
Code, with such technical, service, and location information as 1471

the official, employee, agent, or representative requests for the 1472
purpose of providing wireless 9-1-1 pursuant to sections 4931.40 1473
to 4931.71 of the Revised Code. 1474

(3) A subdivision operating one or more public safety 1475
answering points of a 9-1-1 system, and a telephone company, shall 1476
provide to the Ohio 9-1-1 council such information as the council 1477
requires for the purpose of making any recommendation or report 1478
pursuant to division (D)(2) of section 4931.69 of the Revised 1479
Code. 1480

(B)(1) Any information provided under division (A) of this 1481
section that consists of trade secrets as defined in section 1482
1333.61 of the Revised Code or of information regarding the 1483
customers, revenues, expenses, or network information of a 1484
telephone company shall be confidential and does not constitute a 1485
public record for the purpose of section 149.43 of the Revised 1486
Code. 1487

(2) The director of public safety, the Ohio 9-1-1 1488
coordinator, and any official, employee, agent, or representative 1489
of the director or coordinator, of the state highway patrol or 1490
another law enforcement agency functioning as a public safety 1491
answering point, or of a subdivision operating a public safety 1492
answering point, while acting or claiming to act in the capacity 1493
of the director or coordinator or such official, employee, agent, 1494
or representative, shall not disclose any information provided 1495
under division (A) of this section regarding a telephone company's 1496
customers, revenues, expenses, or network information. Nothing in 1497
division (B)(1) of this section precludes any such information 1498
from being aggregated and included in any report required under 1499
division (D)(2) of section 4931.69 of the Revised Code or division 1500
(B) of section 4931.71 of the Revised Code, provided the 1501
aggregated information does not identify the number of any 1502
particular company's customers or the amount of its revenues or 1503

expenses or identify a particular company as to any network 1504
information. 1505

Sec. 4931.68. The director of public safety, in consultation 1506
with the Ohio 9-1-1 coordinator, shall adopt rules in accordance 1507
with Chapter 119. of the Revised Code to carry out sections 1508
4931.60 to 4931.71 of the Revised Code, including rules concerning 1509
the disbursement of moneys from the wireless 9-1-1 government 1510
assistance fund and the wireless 9-1-1 service provider 1511
reimbursement fund and specifying what constitutes adequate 1512
supporting documentation under division (A) of section 4931.66 of 1513
the Revised Code; rules prescribing the necessary accounting for a 1514
wireless service provider's or reseller's billing and collection 1515
fee under division (B)(2) of section 4931.62 of the Revised Code; 1516
and rules establishing a fair and reasonable process for 1517
recommending the amount of the wireless 9-1-1 charge as authorized 1518
under division (B) of section 4931.71 of the Revised Code. 1519

Sec. 4931.69. (A) There is hereby created the Ohio 9-1-1 1520
council, consisting of eleven members as follows: the Ohio 9-1-1 1521
coordinator; a designee of the public utilities commission, 1522
selected by the commission chairperson; and nine members appointed 1523
by the governor. In appointing the nine members, the governor 1524
shall select one representative of public safety communications 1525
officials in this state, one representative of administrators of 1526
9-1-1 service in this state, one representative of countywide 1527
9-1-1 systems in this state, three representatives of wireline 1528
service providers in this state, and three representatives of 1529
wireless service providers in this state. For each such 1530
appointment, the governor shall consider a nominee proposed, 1531
respectively, by the Ohio chapter of the association of 1532
public-safety communications officials, the Ohio chapter of the 1533
national emergency number association, the county commissioners 1534

association of Ohio; and nominees proposed, respectively, by the 1535
Ohio telecommunications industry association and the wireless 1536
operators of Ohio; or any successor organization of each such 1537
entity. 1538

Initial appointments shall be made not later than thirty days 1539
after the effective date of this section. Nothing in this section 1540
shall prevent the governor from rejecting any of the nominees or 1541
requesting that a nominating entity under this division submit the 1542
names of alternative nominees for consideration. 1543

(B) The term of the initial appointee to the council 1544
representing public safety communications officials and the terms 1545
of one of the initial appointees representing wireline service 1546
providers and one representing wireless service providers shall 1547
expire on January 31, 2007. The term of the initial appointee to 1548
the council representing administrators of 9-1-1 service and the 1549
terms of another one of the initial appointees representing 1550
wireline service providers and another representing wireless 1551
service providers shall expire on January 31, 2008. The term of 1552
the initial appointee to the council representing countywide 9-1-1 1553
systems and the terms of another one of the initial appointees 1554
representing wireline service providers and another representing 1555
wireless service providers shall expire on January 31, 2009. 1556
Thereafter, terms of appointed members shall be for three years, 1557
with each term ending on the same day of the same month as the 1558
term it succeeds. 1559

Each council member shall hold office from the date of the 1560
member's appointment until the end of the term for which the 1561
member was appointed. Members may be reappointed. 1562

Vacancies shall be filled in the manner provided for original 1563
appointments. Any member appointed to fill a vacancy occurring 1564
prior to the expiration date of the term for which the member's 1565

predecessor was appointed shall hold office as a member for the 1566
remainder of that term. A member shall continue in office after 1567
the expiration date of the member's term until the member's 1568
successor takes office or until a period of sixty days has 1569
elapsed, whichever occurs first. 1570

Appointed members shall serve without compensation and shall 1571
not be reimbursed for expenses. 1572

(C) The council shall select a chairperson from among the 1573
appointed members. Each appointed member shall have one vote in 1574
all deliberations of the council. The Ohio 9-1-1 coordinator shall 1575
be a voting member of the council only in the case of a tie but 1576
shall not be eligible to vote on a matter described in division 1577
(D)(3) of this section. A majority of the voting members 1578
constitutes a quorum. 1579

(D) The duties of the council shall consist of all of the 1580
following: 1581

(1) Arbitrating or establishing relative to 9-1-1 systems in 1582
this state nondiscriminatory, competitively neutral, and uniform 1583
technical and operational standards consistent with recognized 1584
industry standards and federal law. This authority does not 1585
include authority to prescribe the technology that a telephone 1586
company or reseller uses to deliver 9-1-1 calls. 1587

(2) Conducting research and providing to the Ohio 9-1-1 1588
coordinator, including, as necessary, for the purpose of the 1589
coordinator reporting to the general assembly, recommendations or 1590
reports regarding any wireline and wireless 9-1-1 issues, any 1591
improvements in the provision of service by 9-1-1 systems in this 1592
state, or any legislation or policies concerning such systems; 1593

(3) Regarding the position of Ohio 9-1-1 coordinator, 1594
submitting names of nominees and recommended duties as authorized 1595
under section 4931.60 of the Revised Code and, at least 1596

biennially, conducting and submitting with recommendations to the 1597
director of public safety a performance evaluation of the 1598
coordinator. 1599

(E) The council is not an agency, as defined in section 1600
101.82 of the Revised Code, for purposes of sections 101.82 to 1601
101.87 of the Revised Code. 1602

Sec. 4931.70. (A) There is hereby created the wireless 9-1-1 1603
advisory group, consisting of the Ohio 9-1-1 coordinator, the Ohio 1604
9-1-1 council appointee that represents public safety 1605
communications officials, and five members appointed by the 1606
governor as follows: one of the council appointees that represents 1607
wireless service providers in this state, whose council term 1608
expires after the council term of the council appointee 1609
representing public safety communications officials, one 1610
noncouncil representative of wireless service providers in this 1611
state, one noncouncil representative of public safety 1612
communications officials in this state, and two noncouncil 1613
representatives of municipal and county governments in this state. 1614

(B) The terms of the advisory group members who are also 1615
council members shall be concurrent with their terms as members of 1616
the council, as prescribed under division (B) of section 4931.69 1617
of the Revised Code. The terms of the initial noncouncil appointee 1618
to the advisory group who represents wireless service providers 1619
and of one of the initial noncouncil appointees who represents 1620
municipal and county government shall expire on January 31, 2009. 1621
The terms of the initial noncouncil appointee to the advisory 1622
group representing public safety communications officials and of 1623
the other initial noncouncil appointee representing municipal and 1624
county government shall expire on January 31, 2010. Thereafter, 1625
terms of the noncouncil appointees shall be for three years, with 1626
each term ending on the same day of the same month as the term it 1627

succeeds. The conditions of holding office, manner of filling
vacancies, and other matters concerning service by any member of
the advisory group shall be the same as set forth for council
members under division (B) of section 4931.69 of the Revised Code.

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(C) The Ohio 9-1-1 coordinator shall be the chairperson of
the advisory group. Each member of the group shall be a voting
member and shall have one vote in all deliberations of the group
except that the chairperson shall vote only in the case of a tie.
Excluding the coordinator, a majority of the members constitutes a
quorum.

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(D)(1) The advisory group, excluding the Ohio 9-1-1
coordinator, shall make a recommendation regarding the amount of
the wireless 9-1-1 charge or the proportion of the remittances to
be credited to each fund under division (B) of section 4931.63 of
the Revised Code, or both, to be included by the coordinator in
the report required by division (B) of section 4931.71 of the
Revised Code, and consult with the coordinator regarding that
report;

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(2) The advisory group, excluding the coordinator, shall make
recommendations to and consult with the director of public safety
and the coordinator regarding any rules to be adopted under
section 4931.68 of the Revised Code.

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(3) The advisory group shall provide written approval, on the
basis of good cause shown, of the submission of an invoice under
division (A)(3) of section 4931.66 of the Revised Code for an
amount that exceeds the cap specified in that division.

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(E) The advisory group is not an agency, as defined in
section 101.82 of the Revised Code, for purposes of sections
101.82 to 101.87 of the Revised Code.

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Sec. 4931.71. (A) Except as otherwise provided in division

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(C) of this section, the wireless 9-1-1 charge shall be sixty-five cents per month. 1658
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(B) Prior to the beginning of each budget biennium, the Ohio 9-1-1 coordinator shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, that contains both of the following: 1660
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(1) For the current biennium, a review of the implementation and provision of wireless enhanced 9-1-1 in this state and a description of how moneys disbursed from the wireless 9-1-1 service funds have been used. In preparing this portion of the report, the coordinator shall consult with the wireless 9-1-1 advisory group. 1664
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(2) The coordinator's recommendations of the wireless 9-1-1 charge and the proportion of the remittances to be credited to each fund created under division (B) of section 4931.63 of the Revised Code, to apply in the coming budget biennium. With respect to this recommendation, the report shall explain in sufficient detail the bases for the recommended amount of the wireless 9-1-1 charge and for the recommended crediting of remittances. The recommendations shall reflect the minimum amount necessary during the coming budget biennium, given any balance in the wireless 9-1-1 government assistance fund to be carried over to that biennium and the projected revenue from the charge, to fully cover the costs described in section 4931.65 of the Revised Code as projected for that biennium and, given any balance in the wireless 9-1-1 service provider reimbursement fund to be so carried over and the projected revenue from the charge, to provide for full reimbursement of the costs described in section 4931.66 of the Revised Code as projected for that period. The amount also shall reflect the minimum amount necessary for the wireless 9-1-1 charge to cover the costs described in division (A) of section 4931.63 of 1670
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the Revised Code as projected for the biennium, given the wireless 9-1-1 administrative fund balance to be carried over, and the costs described in division (B)(3)(b) of section 4931.64 of the Revised Code, given the SHP wireless 9-1-1 fund balance to be carried over. In making a recommendation under division (B)(2) of this section, the coordinator shall consider any recommendation of the wireless 9-1-1 advisory group authorized under division (D)(1) of section 4931.70 of the Revised Code.

(C)(1)(a) If the Ohio 9-1-1 coordinator's recommendation of the wireless 9-1-1 charge under division (B)(2) of this section is for an amount of sixty-five cents or less per month, the wireless 9-1-1 charge for the budget biennium for which the recommendation was made shall be the amount of the coordinator's recommendation.

(b) If the coordinator's recommendation of the wireless 9-1-1 charge under division (B)(2) of this section is for an amount exceeding sixty-five cents per month, the wireless 9-1-1 charge for that budget biennium shall be sixty-five cents per month, unless a different amount is established by the general assembly.

(2) The crediting of remittances for the coming budget biennium shall be the crediting recommended by the coordinator under division (B)(2) of this section, unless a different crediting is established by the general assembly.

(D) The Ohio 9-1-1 coordinator shall submit recommendations to the general assembly under this section at least three months, but not earlier than four months, before the respective effective date of the wireless 9-1-1 charge as prescribed in division (A) of section 4931.61 of the Revised Code.

Sec. ~~4931.55~~ 4931.75. (A) As used in this section:

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

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

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

(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 4931.66 of the Revised Code is 1748
guilty of a misdemeanor of the fourth degree on a first offense 1749
and a felony of the fifth degree on each subsequent offense. 1750

(F) Whoever violates section ~~4931.55~~ 4931.75 of the Revised 1751
Code is guilty of a minor misdemeanor for a first offense and a 1752
misdemeanor of the first degree on each subsequent offense. 1753

Sec. 5727.39. (A) As used in this section: 1754

(1) "9-1-1 system" has the meaning given in section 4931.40 1755
of the Revised Code. 1756

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 1757
approved by the public utilities commission for the telephone 1758
network portion of a 9-1-1 system pursuant to section 4931.47 of 1759
the Revised Code. 1760

(3) "Eligible nonrecurring 9-1-1 charges" means all 1761
nonrecurring 9-1-1 charges for a 9-1-1 system except: 1762

(a) Charges for a system that was not established pursuant to 1763
a plan adopted under section 4931.44 of the Revised Code or an 1764
agreement under section 4931.48 of the Revised Code; or 1765

(b) Charges for that part of a system established pursuant to 1766
such a plan or agreement that are excluded from the credit by 1767
division (C)(2)(a) or (b) of section 4931.47 of the Revised Code. 1768

(4) "Current year's percentage change in the consumer price 1769
index" means the greater of one or one plus the percentage 1770
increase in the consumer price index for all urban consumers (U.S. 1771
city average, all items), prepared by the United States department 1772
of labor, bureau of labor statistics, for December of the 1773
preceding year over the index for December of the second preceding 1774
year. 1775

(B) A telephone company shall be allowed a credit against the 1776
tax computed under section 5727.38 of the Revised Code equal to 1777

the amount of its eligible nonrecurring 9-1-1 charges. 1778

The credit shall be claimed in the company's annual statement 1779
required under division (A) of section 5727.31 of the Revised Code 1780
that covers the twelve-month period in which the 9-1-1 service for 1781
which the credit is claimed becomes available for use. If the tax 1782
commissioner determines that the credit claimed equals the amount 1783
of the company's eligible nonrecurring 9-1-1 charges, the 1784
commissioner shall credit such amount against the total taxes 1785
shown to be due from the company for the current year and shall 1786
refund the amount of any overpayment of taxes resulting from the 1787
application of such credit. If the credit allowed under this 1788
section exceeds the total taxes due for the current year, the 1789
commissioner shall credit such excess against taxes due for 1790
succeeding years until the full amount of the credit is granted. 1791

The estimated taxes required to be paid by section 5727.31 of 1792
the Revised Code shall be based on the taxes for the preceding 1793
year prior to any credit allowed under this section for that year. 1794

(C)(1) Within thirty days after June 18, 1985, the tax 1795
commissioner shall compute the amount that represents twenty-five 1796
per cent of the total taxes for all telephone companies computed 1797
under section 5727.38 of the Revised Code based on the annual 1798
statements required to be filed with the commissioner in 1799
September, 1984, under section 5727.31 of the Revised Code. Such 1800
amount shall constitute the credit ceiling for 1985. 1801

(2) Each September, beginning in 2001, the commissioner shall 1802
determine the credit ceiling by multiplying the preceding year's 1803
credit ceiling by the preceding calendar year's percentage change 1804
in the consumer price index for all urban consumers for the 1805
midwest region, as determined by the United States bureau of labor 1806
statistics. The product thus obtained shall constitute the credit 1807
ceiling for the current year. 1808

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

Sec. 5733.55. (A) As used in this section:

(1) "9-1-1 system" has the same meaning as in section 4931.40 of the Revised Code.

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

(3) "Eligible nonrecurring 9-1-1 charges" means all nonrecurring 9-1-1 charges for a 9-1-1 system, except both of the following:

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

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

(4) "Telephone company" has the same meaning as in section 5727.01 of the Revised Code.

(B) Beginning in tax year 2005, a telephone company shall be 1839
allowed a nonrefundable credit against the tax imposed by section 1840
5733.06 of the Revised Code equal to the amount of its eligible 1841
nonrecurring 9-1-1 charges. The credit shall be claimed for the 1842
company's taxable year that covers the period in which the 9-1-1 1843
service for which the credit is claimed becomes available for use. 1844
The credit shall be claimed in the order required by section 1845
5733.98 of the Revised Code. If the credit exceeds the total taxes 1846
due under section 5733.06 of the Revised Code for the tax year, 1847
the tax commissioner shall credit the excess against taxes due 1848
under that section for succeeding tax years until the full amount 1849
of the credit is granted. 1850

(C) After the last day a return, with any extensions, may be 1851
filed by any telephone company that is eligible to claim a credit 1852
under this section, the commissioner shall determine whether the 1853
sum of the credits allowed for prior tax years commencing with tax 1854
year 2005 plus the sum of the credits claimed for the current tax 1855
year exceeds fifteen million dollars. If it does, the credits 1856
allowed under this section for the current tax year shall be 1857
reduced by a uniform percentage such that the sum of the credits 1858
allowed for the current tax year do not exceed fifteen million 1859
dollars claimed by all telephone companies for all tax years. 1860
Thereafter, no credit shall be granted under this section, except 1861
for the remaining portions of any credits allowed under division 1862
(B) of this section. 1863

(D) A telephone company that is entitled to carry forward a 1864
credit against its public utility excise tax liability under 1865
section 5727.39 of the Revised Code is entitled to carry forward 1866
any amount of that credit remaining after its last public utility 1867
excise tax payment for the period of July 1, 2003, through June 1868
30, 2004, and claim that amount as a credit against its 1869
corporation franchise tax liability under this section. Nothing in 1870

this section authorizes a telephone company to claim a credit 1871
under this section for any eligible nonrecurring 9-1-1 charges for 1872
which it has already claimed a credit under section 5727.39 of the 1873
Revised Code. 1874

Section 2. That existing sections 2307.64, 2913.01, 4931.40, 1875
4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 1876
4931.49, 4931.50, 4931.55, 4931.99, 5727.39, and 5733.55 of the 1877
Revised Code are hereby repealed. 1878

Section 3. That the versions of sections 4931.45, 4931.47, 1879
and 4931.48 of the Revised Code that are scheduled to take effect 1880
December 31, 2004, be amended to read as follows: 1881

Sec. 4931.45. (A) ~~A~~ An amended final plan ~~may be amended to~~ 1882
~~expand~~ is required for any of the following purposes: 1883

(1) Expanding the territory included in the countywide 9-1-1 1884
system, ~~to upgrade;~~ 1885

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 1886
enhanced wireline 9-1-1 ~~service, to adjust;~~ 1887

(3) Adjusting the territory served by a public safety 1888
answering point, ~~to represcribe;~~ 1889

(4) Represcribing the funding of public safety answering 1890
points as between the alternatives set forth in division (B)(5) of 1891
section 4931.43 of the Revised Code, ~~or to make;~~ 1892

(5) Providing for wireless enhanced 9-1-1; 1893

(6) Adding a telephone company as a participant in a 1894
countywide 9-1-1 system after the implementation of wireline 9-1-1 1895
or wireless enhanced 9-1-1; 1896

(7) Providing that the state highway patrol or one or more 1897
public safety answering points of another countywide 9-1-1 system 1898

function as a public safety answering point or points for the 1899
provision of wireless 9-1-1 for all or part of the territory of 1900
the system, as contemplated under division (J) of section 4931.41 1901
of the Revised Code; 1902

~~(8) Making any other necessary adjustments to the plan only~~ 1903
~~by convening a new 9-1-1 planning committee, and adopting an~~ 1904
~~amended final plan. The convening of a new 9-1-1 planning~~ 1905
~~committee and the proposal and adoption of an amended final plan~~ 1906
~~shall be made in the same manner required for the convening of an~~ 1907
~~initial committee and adoption of an original proposed and final~~ 1908
~~plan under sections 4931.42 to 4931.44 of the Revised Code.~~ 1909
Adoption 1910

The adoption of an amended final plan under this division 1911
shall be subject to, and accomplished in the manner of the 1912
adoption of an initial final plan under, sections 4931.42 to 1913
4931.44 of the Revised Code, including the requirements for the 1914
convening of a 9-1-1 planning committee and development of a 1915
proposed plan prior to the adoption of the final plan. However, a 1916
final plan is deemed amended for the purpose described in division 1917
(A)(6) of this section upon the filing, with the board of county 1918
commissioners of the county that approved the final plan for the 1919
countywide 9-1-1 system, of a written letter of intent by the 1920
entity to be added as a participant in the 9-1-1 system. The 1921
entity shall send written notice of the filing to all subdivisions 1922
and telephone companies participating in the system. Further, 1923
adoption of any resolution under section 4931.51 of the Revised 1924
Code pursuant to a final plan that both has been adopted and 1925
provides for funding through charges imposed under that section is 1926
not an amendment of a final plan for the purpose of this division. 1927

~~(B) When a final plan is amended to expand the territory that~~ 1928
~~receives 9-1-1 service or to upgrade a 9-1-1 system from basic to~~ 1929
~~enhanced 9-1-1 service~~ for any purpose described in division 1930

(A)(1), (2), (5), or (6) of this section, sections 4931.47 and 1931
5733.55 of the Revised Code apply with respect to the ~~telephone~~ 1932
~~company's recovery~~ receipt of the nonrecurring and recurring rates 1933
and charges for the wireline telephone network portion of the 1934
9-1-1 system. 1935

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 1936
4905., 4909., and 4931. of the Revised Code, the public utilities 1937
commission shall determine the just, reasonable, and compensatory 1938
rates, tolls, classifications, charges, or rentals to be observed 1939
and charged for the wireline telephone network portion of a basic 1940
and enhanced 9-1-1 system, and each telephone company that is a 1941
wireline service provider participating in the system shall be 1942
subject to such chapters, to the extent they apply, as to the 1943
service provided by its portion of the wireline telephone network 1944
for the system as described in the final plan or to be installed 1945
pursuant to agreements under section 4931.48 of the Revised Code, 1946
and as to the rates, tolls, classifications, charges, or rentals 1947
to be observed and charged for that service. 1948

(B) Only the customers of a participating telephone company 1949
described in division (A) of this section that are served within 1950
the area covered by a 9-1-1 system shall pay the recurring rates 1951
for the maintenance and operation of the company's portion of the 1952
wireline telephone network ~~in providing 9-1-1 service of the~~ 1953
system. Such rates shall be computed by dividing the total monthly 1954
recurring rates set forth in ~~a telephone~~ the company's schedule as 1955
filed in accordance with section 4905.30 of the Revised Code, by 1956
the total number of residential and business customer access 1957
lines, or their equivalent, within the area served. Each 1958
residential and business customer within the area served shall pay 1959
the recurring rates based on the number of its residential and 1960
business customer access lines or their equivalent. No company ~~may~~ 1961
shall include such amount on any customer's bill until the company 1962

has completed its portion of the wireline telephone network in 1963
accordance with the terms, conditions, requirements, and 1964
specifications of the final plan or an agreement made under 1965
section 4931.48 of the Revised Code. 1966

(C)(1) Except as otherwise provided in division (C)(2)(a) or 1967
(b) of this section, a participating telephone company described 1968
in division (A) of this section may receive through the credit 1969
authorized by section 5733.55 of the Revised Code the total 1970
nonrecurring charges for its portion of the wireline telephone 1971
network used in providing 9-1-1 service, of the system, including 1972
wireless 9-1-1, and the total nonrecurring charges for any 1973
updating or modernization of that wireline telephone network in 1974
accordance with the terms, conditions, requirements, and 1975
specifications of the final plan or pursuant to agreements under 1976
section 4931.48 of the Revised Code, as such charges are set forth 1977
in the schedule filed by a the telephone company in accordance 1978
with section 4905.30 of the Revised Code, on completion of the 1979
installation of the network in accordance with the terms, 1980
conditions, requirements, and specifications of the final plan or 1981
pursuant to section 4931.48 of the Revised Code shall be recovered 1982
by the company through the credit authorized by section 5733.55 of 1983
the Revised Code. As applicable, the receipt of those charges 1984
shall occur only upon the completion of the installation of the 1985
network or the completion of the updating or modernization. 1986

(2)(a) The credit shall not be allowed under division (C)(1) 1987
of this section for the upgrading of a system from basic to 1988
enhanced wireline 9-1-1 ~~service when~~ if both of the following 1989
apply: 1990

~~(a)(i)~~ The telephone company received the credit for the 1991
wireline telephone network portion of the basic 9-1-1 system now 1992
proposed to be upgraded; ~~and,~~ 1993

~~(b)(ii)~~ At the time the final plan or agreement pursuant to 1994

section 4931.48 of the Revised Code calling for the basic 9-1-1 1995
system was agreed to, the telephone company was capable of 1996
reasonably meeting the technical and economic requirements of 1997
providing the wireline telephone network portion of an enhanced 1998
9-1-1 system within the territory proposed to be upgraded, as 1999
determined by the public utilities commission under division (A) 2000
or (H) of section 4931.41 or division (C) of section 4931.48 of 2001
the Revised Code. 2002

(b) The credit shall not be allowed under division (C)(1) of 2003
this section for any portion of the total nonrecurring charges for 2004
the wireline telephone network used in providing wireless 9-1-1, 2005
as set forth in the schedule filed by the telephone company in 2006
accordance with section 4905.30 of the Revised Code, to the extent 2007
the telephone company, in otherwise providing 9-1-1 service, 2008
previously received those charges through the credit authorized by 2009
section 5733.55 of the Revised Code, or receives or received those 2010
charges from a wireless service provider pursuant to a tariff or 2011
contract. 2012

(3) ~~When~~ If the credit is not allowed under division 2013
(C)(2)(a) of this section, the total nonrecurring charges for the 2014
wireline telephone network used in providing 9-1-1 service, as set 2015
forth in the schedule filed by a telephone company in accordance 2016
with section 4905.30 of the Revised Code, on completion of the 2017
installation of the network in accordance with the terms, 2018
conditions, requirements, and specifications of the final plan or 2019
pursuant to section 4931.48 of the Revised Code, shall be paid by 2020
the municipal corporations and townships with any territory in the 2021
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 2022
made. 2023

(D) ~~Where~~ If customer premises equipment for a public safety 2024
answering point is supplied by a telephone company that is 2025
required to file a schedule under section 4905.30 of the Revised 2026

Code pertaining to customer premises equipment, the recurring and 2027
nonrecurring rates and charges for the installation and 2028
maintenance of the equipment specified in the schedule shall 2029
apply. 2030

Sec. 4931.48. (A) If a final plan is disapproved under 2031
division (B) of section 4931.44 of the Revised Code, by 2032
resolution, the legislative authority of a municipal corporation 2033
or township that contains at least thirty per cent of the county's 2034
population may establish within its boundaries, or the legislative 2035
authorities of a group of municipal corporations or townships each 2036
of which is contiguous with at least one other such municipal 2037
corporation or township in the group, together containing at least 2038
thirty per cent of the county's population, may jointly establish 2039
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 2040
municipal corporation or township may enter into an agreement, and 2041
the contiguous municipal corporations or townships may jointly 2042
enter into an agreement with a one or more telephone ~~company~~ 2043
~~providing service in the municipal corporations or townships to~~ 2044
~~provide for the telephone network portion of the system~~ companies. 2045

(B) If no resolution has been adopted to convene a 9-1-1 2046
planning committee under section 4931.42 of the Revised Code, ~~but~~ 2047
~~not sooner than eighteen months after the effective date of such~~ 2048
~~section,~~ by resolution, the legislative authority of any municipal 2049
corporation in the county may establish within its boundaries, or 2050
the legislative authorities of a group of municipal corporations 2051
and townships each of which is contiguous to at least one of the 2052
other such municipal corporations or townships in the group may 2053
jointly establish within their boundaries, a 9-1-1 system. ~~The~~ For 2054
that purpose, the municipal corporation, or contiguous municipal 2055
corporations and townships, may enter into an agreement with a one 2056
or more telephone ~~company serving customers within the boundaries~~ 2057
~~of the municipal corporation or contiguous municipal corporations~~ 2058

~~and townships, to provide for the telephone network portion of a~~ 2059
~~9-1-1 system companies.~~ 2060

(C) Whenever a telephone company that is a wireline service 2061
provider and one or more municipal corporations and townships 2062
enter into an agreement under division (A) or (B) of this section 2063
to provide for the wireline telephone network portion of a basic 2064
9-1-1 system, the telephone company shall so notify the public 2065
utilities commission, which shall determine whether the telephone 2066
company is capable of reasonably meeting the technical and 2067
economic requirements of providing the wireline telephone network 2068
for an enhanced system within the territory served by the company 2069
and covered by the agreement. The determination shall be made 2070
solely for the purposes of division (C)(2) of section 4931.47 of 2071
the Revised Code. 2072

(D) Within three years from the date of entering into an 2073
initial agreement described under division ~~(A) or (B)~~(C) of this 2074
section, the telephone company shall have installed the wireline 2075
telephone network portion of the 9-1-1 system according to the 2076
terms, conditions, requirements, and specifications set forth in 2077
the agreement. 2078

(E) ~~The A~~ telephone company that is a wireline service 2079
provider shall recover the cost of installing the wireline 2080
telephone network system pursuant to agreements made under this 2081
section as provided in section 4931.47 of the Revised Code, as 2082
authorized under section 5733.55 of the Revised Code. 2083

Section 4. That the existing versions of sections 4931.45, 2084
4931.47, and 4931.48 of the Revised Code that are scheduled to 2085
take effect December 31, 2004, are hereby repealed. 2086

Section 5. Sections 3 and 4 of this act shall take effect 2087
December 31, 2004. 2088

Section 6. The amendment by this act of section 5727.39 of 2089
the Revised Code is not intended to supersede its earlier repeal 2090
with delayed effective date of December 31, 2004. 2091