

As Passed by the Senate

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 361

**Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen,
Harwood, Martin, Daniels, Strahorn, Carmichael, Beatty, D. Evans, Hagan,
Sferra, Sykes**

**Senators Roberts, Schuler, Blessing, DiDonato, Robert Gardner, Goodman,
Mallory**

—

A BILL

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, 4931.55, 4931.99, 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 4931.70 of the Revised Code to 7
facilitate the provision of wireless enhanced 8
9-1-1 by local governments, by establishing 9
requirements for operation, administration, and 10
funding; to permit a wireline telephone company to 11
fund through an existing tax credit nonrecurring 12
rates and charges for an updating or modernization 13
of the wireline network portion of a 9-1-1 system 14
that is not related to wireless enhanced 9-1-1; 15
and to allow a civil action against certain 16
unauthorized facsimile transmissions. 17
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2307.64, 2913.01, 4931.40, 4931.41, 19
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 20
4931.50, 4931.55, 4931.99, and 5733.55 be amended; section 4931.55 21
(4931.75) be amended for the purpose of adopting a new section 22
number as indicated in parentheses; and sections 4931.60, 4931.61, 23
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.68, 24
4931.69, and 4931.70 of the Revised Code be enacted to read as 25
follows: 26

Sec. 2307.64. (A) As used in this section: 27

(1) "Advertisement" has the same meaning as in section 28
~~4931.55~~ 4931.75 of the Revised Code. 29

(2) "Computer," "computer network," "computer program," 30
"computer services," and "telecommunications device" have the same 31
meanings as in section 2913.01 of the Revised Code. 32

(3) "Electronic mail" means an electronic message that is 33
transmitted between two or more telecommunications devices or 34
electronic devices capable of receiving electronic messages, 35
whether or not the message is converted to hard copy format after 36
receipt, and whether or not the message is viewed upon the 37
transmission or stored for later retrieval. "Electronic mail" 38
includes electronic messages that are transmitted through a local, 39
regional, or global computer network. 40

(4) "Electronic mail advertisement" means electronic mail 41
containing an advertisement. 42

(5) "Electronic mail service provider" means any person that 43
is an intermediary in sending and receiving electronic mail and 44
that provides to users of electronic mail services the ability to 45
send or receive electronic mail. "Electronic mail service 46
provider" includes an internet service provider. 47

(6) "Internet" has the same meaning as in section 341.42 of the Revised Code. 48
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(7) "Originating address" means the string of characters used to specify the source of any electronic mail message. 50
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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. 52
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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. 59
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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. 69
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(11) "Recipient" means a person who receives an electronic mail advertisement at any one of the following receiving addresses: 72
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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; 75
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(b) A receiving address ordinarily accessed from a computer	78
located within this state;	79
(c) A receiving address ordinarily accessed by a person	80
domiciled within this state;	81
(d) Any other receiving address with respect to which the	82
obligations imposed by this section can be imposed consistent with	83
the United States Constitution.	84
(B)(1) Except as otherwise provided in division (B)(3) of	85
this section, a person that transmits or causes to be transmitted	86
to a recipient an electronic mail advertisement shall clearly and	87
conspicuously provide to the recipient, within the body of the	88
electronic mail advertisement, both of the following:	89
(a) The person's name and complete residence or business	90
address and the electronic mail address of the person transmitting	91
the electronic mail advertisement;	92
(b) A notice that the recipient may decline to receive from	93
the person transmitting or causing to be transmitted the	94
electronic mail advertisement any additional electronic mail	95
advertisements and a detailed procedure for declining to receive	96
any additional electronic mail advertisements at no cost. The	97
notice shall be of the same size of type as the majority of the	98
text of the message and shall not require that the recipient	99
provide any information other than the receiving address.	100
(2) If the recipient of an electronic mail advertisement uses	101
the procedure contained in the notice described in division	102
(B)(1)(b) of this section to decline to receive any additional	103
electronic mail advertisements, the person that transmitted or	104
caused to be transmitted the original electronic mail	105
advertisement, within a reasonable period of time, shall cease	106
transmitting or causing to be transmitted to the receiving address	107
any additional electronic mail advertisements.	108

(3) A person does not violate division (B) of this section if 109
the person transmits or causes to be transmitted to the recipient 110
an electronic mail advertisement when any of the following apply: 111

(a) The person has a pre-existing business or personal 112
relationship with the recipient. 113

(b) The recipient has consented or has agreed as a condition 114
of service to receive the electronic mail advertisement. 115

(c) The recipient receives the electronic mail advertisement 116
because another recipient forwarded the advertisement to that 117
recipient via an internet web site or another recipient made a 118
direct referral of that recipient to receive the advertisement. 119

(C) No person shall use a computer, a computer network, or 120
the computer services of an electronic mail service provider to 121
transmit an electronic mail advertisement in contravention of the 122
authority granted by, or in violation of the policies related to 123
electronic mail advertisements set by, the electronic mail service 124
provider if the electronic mail service provider has provided the 125
person notice of those policies. For the purposes of this 126
division, notice of those policies shall be deemed sufficient if 127
an electronic mail service provider maintains an easily accessible 128
web page containing its policies regarding electronic mail 129
advertisements and can demonstrate that notice was supplied via 130
electronic means between the sending and receiving computers. 131

(D) No electronic mail service provider shall be liable for 132
transmitting another person's electronic mail advertisement 133
through its service in violation of this section, or shall be 134
liable for any action it voluntarily takes in good faith to block 135
the receipt or transmission through its service of any electronic 136
mail advertisement that it believes is, or will be sent, in 137
violation of this section. 138

(E) A recipient of an electronic mail advertisement 139

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

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

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

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

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

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

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

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

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

section may apply to the court of common pleas of the county in 170
which the recipient resides or the service provider is located for 171
an order enjoining the person who transmitted or caused to be 172
transmitted that electronic mail advertisement from transmitting 173
or causing to be transmitted to the recipient any additional 174
electronic mail advertisement. 175

(H) No person shall use a computer, a computer network, a 176
computer program, or the computer services of an electronic mail 177
service provider with the intent to forge an originating address 178
or other routing information, in any manner, in connection with 179
the transmission of an electronic mail advertisement through or 180
into the network of an electronic mail service provider or its 181
subscribers. Each use of a computer, a computer network, a 182
computer program, or the computer services of an electronic mail 183
service provider in violation of this division constitutes a 184
separate offense. A person who violates this division is guilty of 185
forgery under section 2913.31 of the Revised Code. 186

Sec. 2913.01. As used in this chapter, unless the context 187
requires that a term be given a different meaning: 188

(A) "Deception" means knowingly deceiving another or causing 189
another to be deceived by any false or misleading representation, 190
by withholding information, by preventing another from acquiring 191
information, or by any other conduct, act, or omission that 192
creates, confirms, or perpetuates a false impression in another, 193
including a false impression as to law, value, state of mind, or 194
other objective or subjective fact. 195

(B) "Defraud" means to knowingly obtain, by deception, some 196
benefit for oneself or another, or to knowingly cause, by 197
deception, some detriment to another. 198

(C) "Deprive" means to do any of the following: 199

(1) Withhold property of another permanently, or for a period 200
that appropriates a substantial portion of its value or use, or 201
with purpose to restore it only upon payment of a reward or other 202
consideration; 203

(2) Dispose of property so as to make it unlikely that the 204
owner will recover it; 205

(3) Accept, use, or appropriate money, property, or services, 206
with purpose not to give proper consideration in return for the 207
money, property, or services, and without reasonable justification 208
or excuse for not giving proper consideration. 209

(D) "Owner" means, unless the context requires a different 210
meaning, any person, other than the actor, who is the owner of, 211
who has possession or control of, or who has any license or 212
interest in property or services, even though the ownership, 213
possession, control, license, or interest is unlawful. 214

(E) "Services" include labor, personal services, professional 215
services, public utility services including wireless service as 216
defined in division (F)(1) of section 4931.40 of the Revised Code, 217
common carrier services, and food, drink, transportation, 218
entertainment, and cable television services and, for purposes of 219
section 2913.04 of the Revised Code, include cable services as 220
defined in that section. 221

(F) "Writing" means any computer software, document, letter, 222
memorandum, note, paper, plate, data, film, or other thing having 223
in or upon it any written, typewritten, or printed matter, and any 224
token, stamp, seal, credit card, badge, trademark, label, or other 225
symbol of value, right, privilege, license, or identification. 226

(G) "Forge" means to fabricate or create, in whole or in part 227
and by any means, any spurious writing, or to make, execute, 228
alter, complete, reproduce, or otherwise purport to authenticate 229
any writing, when the writing in fact is not authenticated by that 230

conduct.	231
(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.	232 233
(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:	234 235
(1) Receive a coin, bill, or token made for that purpose;	236
(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.	237 238 239
(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.	240 241 242 243
(K) "Theft offense" means any of the following:	244
(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;	245 246 247 248 249 250
(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;	251 252 253 254 255
(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;	256 257 258 259 260

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K)(1), (2), or (3) of this section. 261
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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. 264
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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. 268
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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. 275
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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. 280
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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. 285
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(Q) "Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system. 288
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(R) "Data" means a representation of information, knowledge, 291
facts, concepts, or instructions that are being or have been 292
prepared in a formalized manner and that are intended for use in a 293
computer, computer system, or computer network. For purposes of 294
section 2913.47 of the Revised Code, "data" has the additional 295
meaning set forth in division (A) of that section. 296

(S) "Cable television service" means any services provided by 297
or through the facilities of any cable television system or other 298
similar closed circuit coaxial cable communications system, or any 299
microwave or similar transmission service used in connection with 300
any cable television system or other similar closed circuit 301
coaxial cable communications system. 302

(T) "Gain access" means to approach, instruct, communicate 303
with, store data in, retrieve data from, or otherwise make use of 304
any resources of a computer, computer system, or computer network, 305
or any cable service or cable system both as defined in section 306
2913.04 of the Revised Code. 307

(U) "Credit card" includes, but is not limited to, a card, 308
code, device, or other means of access to a customer's account for 309
the purpose of obtaining money, property, labor, or services on 310
credit, or for initiating an electronic fund transfer at a 311
point-of-sale terminal, an automated teller machine, or a cash 312
dispensing machine. It also includes a county procurement card 313
issued under section 301.29 of the Revised Code. 314

(V) "Electronic fund transfer" has the same meaning as in 92 315
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 316

(W) "Rented property" means personal property in which the 317
right of possession and use of the property is for a short and 318
possibly indeterminate term in return for consideration; the 319
rentee generally controls the duration of possession of the 320
property, within any applicable minimum or maximum term; and the 321

amount of consideration generally is determined by the duration of 322
possession of the property. 323

(X) "Telecommunication" means the origination, emission, 324
dissemination, transmission, or reception of data, images, 325
signals, sounds, or other intelligence or equivalence of 326
intelligence of any nature over any communications system by any 327
method, including, but not limited to, a fiber optic, electronic, 328
magnetic, optical, digital, or analog method. 329

(Y) "Telecommunications device" means any instrument, 330
equipment, machine, or other device that facilitates 331
telecommunication, including, but not limited to, a computer, 332
computer network, computer chip, computer circuit, scanner, 333
telephone, cellular telephone, pager, personal communications 334
device, transponder, receiver, radio, modem, or device that 335
enables the use of a modem. 336

(Z) "Telecommunications service" means the providing, 337
allowing, facilitating, or generating of any form of 338
telecommunication through the use of a telecommunications device 339
over a telecommunications system. 340

(AA) "Counterfeit telecommunications device" means a 341
telecommunications device that, alone or with another 342
telecommunications device, has been altered, constructed, 343
manufactured, or programmed to acquire, intercept, receive, or 344
otherwise facilitate the use of a telecommunications service or 345
information service without the authority or consent of the 346
provider of the telecommunications service or information service. 347
"Counterfeit telecommunications device" includes, but is not 348
limited to, a clone telephone, clone microchip, tumbler telephone, 349
or tumbler microchip; a wireless scanning device capable of 350
acquiring, intercepting, receiving, or otherwise facilitating the 351
use of telecommunications service or information service without 352

immediate detection; or a device, equipment, hardware, or software 353
designed for, or capable of, altering or changing the electronic 354
serial number in a wireless telephone. 355

(BB)(1) "Information service" means, subject to division 356
(BB)(2) of this section, the offering of a capability for 357
generating, acquiring, storing, transforming, processing, 358
retrieving, utilizing, or making available information via 359
telecommunications, including, but not limited to, electronic 360
publishing. 361

(2) "Information service" does not include any use of a 362
capability of a type described in division (BB)(1) of this section 363
for the management, control, or operation of a telecommunications 364
system or the management of a telecommunications service. 365

(CC) "Elderly person" means a person who is sixty-five years 366
of age or older. 367

(DD) "Disabled adult" means a person who is eighteen years of 368
age or older and has some impairment of body or mind that makes 369
the person unfit to work at any substantially remunerative 370
employment that the person otherwise would be able to perform and 371
that will, with reasonable probability, continue for a period of 372
at least twelve months without any present indication of recovery 373
from the impairment, or who is eighteen years of age or older and 374
has been certified as permanently and totally disabled by an 375
agency of this state or the United States that has the function of 376
so classifying persons. 377

(EE) "Firearm" and "dangerous ordnance" have the same 378
meanings as in section 2923.11 of the Revised Code. 379

(FF) "Motor vehicle" has the same meaning as in section 380
4501.01 of the Revised Code. 381

(GG) "Dangerous drug" has the same meaning as in section 382

4729.01 of the Revised Code. 383

(HH) "Drug abuse offense" has the same meaning as in section 384
2925.01 of the Revised Code. 385

Sec. 4931.40. As used in sections 4931.40 to ~~4931.54~~ 4931.70 386
of the Revised Code: 387

(A) "9-1-1 system" means a system through which individuals 388
can request emergency service using the telephone number 9-1-1. 389

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 390
provides information on the nature of and the location of an 391
emergency, and the personnel receiving the call must determine the 392
appropriate emergency service provider to respond at that 393
location. 394

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 395
providing both enhanced wireline 9-1-1 and wireless enhanced 396
9-1-1. 397

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 398
the wireline telephone network ~~system, in providing wireline~~ 399
9-1-1, automatically provides to personnel receiving the call, 400
~~immediately on answering the 9-1-1 call, information on the~~ 401
~~location and the telephone number from which the call is being~~ 402
~~made, and routes the call to emergency service providers that~~ 403
serve the location from which the call is made and immediately 404
provides to personnel answering the 9-1-1 call information on the 405
location and the telephone number from which the call is being 406
made. 407

~~(D)~~(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 408
in providing wireless 9-1-1, has the capabilities of phase I and, 409
to the extent available, phase II enhanced 9-1-1 services as 410
described in 47 C.F.R. 20.18 (d) to (h). 411

(F)(1) "Wireless service" means federally licensed commercial 412

mobile service as defined in 47 U.S.C. 332(d) and further defined 413
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 414
service provided by any wireless, two-way communications device, 415
including a radio-telephone communications line used in cellular 416
telephone service or personal communications service, a network 417
radio access line, or any functional or competitive equivalent of 418
such a radio-telephone communications or network radio access 419
line. 420

(2) Nothing in sections 4931.40 to 4931.70 of the Revised 421
Code applies to paging or any service that cannot be used to call 422
9-1-1. 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 calling service 427
provided by a 9-1-1 system pursuant to a call originating in the 428
network of a wireless service provider. 429

(I) "Wireline 9-1-1" means the emergency calling service 430
provided by a 9-1-1 system pursuant to a call originating in the 431
network of a wireline service provider. 432

(J) "Wireline service provider" means a facilities-based 433
provider of wireline service to one or more end-users in this 434
state. 435

(K) "Wireline service" means basic local exchange service, as 436
defined in section 4927.01 of the Revised Code, that is 437
transmitted by means of interconnected wires or cables by a 438
wireline service provider authorized by the public utilities 439
commission. 440

(L) "Wireline telephone network" means the selective router 441
and data base processing systems, trunking and data wiring cross 442

connection points at the public safety answering point, and all
other voice and data components of the 9-1-1 system.

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

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

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

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

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

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~~(I)~~(R) "Municipal corporation in the county" includes any

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municipal corporation that is wholly contained in the county and 474
each municipal corporation located in more than one county that 475
has a greater proportion of its territory in the county to which 476
the term refers than in any other county. 477

~~(J)~~(S) "Board of county commissioners" includes the 478
legislative authority of a county established under Section 3 of 479
Article X, Ohio Constitution, or Chapter 302. of the Revised Code. 480

~~(K)~~(T) "Final plan" means a final plan adopted under division 481
(B) of section 4931.44 of the Revised Code and, except as 482
otherwise expressly provided, an amended final plan adopted under 483
section 4931.45 of the Revised Code. 484

~~(L)~~(U) "Subdivision served by a public safety answering 485
point" means a subdivision that provides emergency service for any 486
part of its territory that is located within the territory of a 487
public safety answering point whether the subdivision provides the 488
emergency service with its own employees or pursuant to a 489
contract. 490

~~(M)~~(V) A township's population includes only population of 491
the unincorporated portion of the township. 492

~~(N)~~(W) "Telephone company" means a company engaged in the 493
business of providing local exchange telephone service by making 494
available or furnishing access and a dial tone to persons within a 495
local calling area for use in originating and receiving voice 496
grade communications over a switched network operated by the 497
provider of the service within the area and gaining access to 498
other telecommunications services. "Telephone company" includes a 499
wireline service provider and a wireless service provider unless 500
otherwise expressly specified. For purposes of sections 4931.52 501
and 4931.53 of the Revised Code, "telephone company" means a 502
wireline service provider. 503

Sec. 4931.41. (A)(1) A countywide 9-1-1 system shall include 504
all of the territory of the townships and municipal corporations 505
in the county and any portion of such a municipal corporation that 506
extends into an adjacent county. 507

(2) The system shall exclude any territory served by a 508
~~telephone company~~ wireline service provider that is not capable of 509
reasonably meeting the technical and economic requirements of 510
providing the wireline telephone network portion of the countywide 511
system for that territory. The system shall exclude from enhanced 512
9-1-1 ~~service~~ any territory served by a ~~telephone company~~ wireline 513
service provider that is not capable of reasonably meeting the 514
technical and economic requirements of providing the wireline 515
telephone network portion of ~~an~~ enhanced 9-1-1 ~~service~~ for that 516
territory. If a 9-1-1 planning committee and a ~~telephone company~~ 517
wireline service provider do not agree on whether the ~~telephone~~ 518
~~company~~ provider is so capable, the committee shall notify the 519
public utilities commission, and the commission shall determine 520
whether the ~~company~~ wireline service provider is so capable. The 521
committee shall ascertain whether such disagreement exists before 522
making its implementation proposal under division (A) of section 523
4931.43 of the Revised Code. The commission's determination shall 524
be in the form of an order. No final plan shall require a 525
~~telephone company~~ wireline service provider to provide the 526
wireline telephone network portion of a 9-1-1 system that the 527
commission has determined the ~~company~~ provider is not reasonably 528
capable of providing. 529

(B) A countywide 9-1-1 system may be a basic or enhanced 530
9-1-1 system, or a combination of the two, and shall be for the 531
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 532

(C) Every emergency service provider that provides emergency 533
service within the territory of a countywide 9-1-1 system shall 534

participate in the countywide system. 535

(D)(1) Each public safety answering point shall be operated 536
by a subdivision and shall be operated constantly. 537

(2) A subdivision that operates a public safety answering 538
point shall pay all of the costs associated with establishing, 539
equipping, furnishing, operating, and maintaining that facility 540
and shall allocate those costs among itself and the subdivisions 541
served by the answering point based on the allocation formula in a 542
final plan. The ~~telephone company~~ wireline service provider or 543
other entity that provides or maintains the customer premises 544
equipment shall bill the operating subdivision for the cost of 545
providing such equipment, or its maintenance. A wireless service 546
provider and a subdivision operating a public safety answering 547
point may enter into a service agreement for providing wireless 548
enhanced 9-1-1 pursuant to a final plan adopted under sections 549
4931.40 to 4931.70 of the Revised Code. 550

(E) Except to the extent provided in a final plan that 551
provides for funding of a 9-1-1 system in part through charges 552
imposed under section 4931.51 of the Revised Code, each 553
subdivision served by a public safety answering point shall pay 554
the subdivision that operates the answering point the amount 555
computed in accordance with the allocation formula set forth in 556
the final plan. 557

(F) Notwithstanding any other provision of law, the purchase 558
or other acquisition, installation, and maintenance of the 559
telephone network for a 9-1-1 system and the purchase or other 560
acquisition, ~~the~~ installation, and maintenance of customer 561
premises equipment at a public safety answering point made in 562
compliance with a final plan or an agreement under section 4931.48 563
of the Revised Code, including customer premises equipment used to 564
provide wireless enhanced 9-1-1, are not subject to any 565

requirement of competitive bidding. 566

(G) Each emergency service provider participating in a 567
countywide 9-1-1 system shall maintain a telephone number in 568
addition to 9-1-1. 569

(H) Whenever a final plan provides for the implementation of 570
basic 9-1-1 ~~service~~, the planning committee shall so notify the 571
public utilities commission, which shall determine whether the 572
~~telephone companies~~ wireline service providers serving the 573
territory covered by the plan are capable of reasonably meeting 574
the technical and economic requirements of providing the wireline 575
telephone network portion of an enhanced 9-1-1 system. The 576
determination shall be made solely for purposes of division (C)(2) 577
of section 4931.47 of the Revised Code. 578

(I) If the public safety answering point personnel reasonably 579
determine that a 9-1-1 call is not an emergency, the personnel 580
shall provide the caller with the telephone number of ~~the~~ an 581
~~appropriate emergency service provider~~ subdivision agency as 582
applicable. 583

(J) A final plan adopted under sections 4931.40 to 4931.70 of 584
the Revised Code, or an agreement under section 4931.48 of the 585
Revised Code, may provide that, by further agreement included in 586
the plan or agreement, the state highway patrol or one or more 587
public safety answering points of another 9-1-1 system is the 588
public safety answering point or points for the provision of 589
wireline or wireless 9-1-1 for all or part of the territory of the 590
9-1-1 system established under the plan or agreement. In that 591
event, the subdivision for which the wireline or wireless 9-1-1 is 592
provided as named in the agreement shall be deemed the subdivision 593
operating the public safety answering point or points for purposes 594
of sections 4931.40 to 4931.70 of the Revised Code, except that, 595
for the purpose of division (D)(2) of this section, that 596
subdivision shall pay only so much of the costs of establishing, 597

equipping, furnishing, operating, or maintaining any such public 598
safety answering point as are specified in the agreement with the 599
patrol or other system. 600

(K) A final plan for the provision of wireless enhanced 9-1-1 601
shall provide that any wireless 9-1-1 calls routed to a state 602
highway patrol-operated public safety answering point by default, 603
due to a wireless service provider so routing all such calls of 604
its subscribers without prior permission, are instead to be routed 605
as provided under the plan. Upon the implementation of countywide 606
wireless enhanced 9-1-1 pursuant to a final plan, the state 607
highway patrol shall cease any functioning as a public safety 608
answering point providing wireless 9-1-1 within the territory 609
covered by the countywide 9-1-1 system so established, unless the 610
patrol functions as a public safety answering point providing 611
wireless enhanced 9-1-1 pursuant to an agreement included in the 612
plan as authorized under division (J) of this section. 613

Sec. 4931.43. (A) The 9-1-1 planning committee shall prepare 614
a proposal on the implementation of a countywide 9-1-1 system and 615
shall hold a public meeting on the proposal to explain the system 616
to and receive comments from public officials. At least thirty but 617
not more than sixty days before the meeting, the committee shall 618
send a copy of the implementation proposal and written notice of 619
the meeting: 620

(1) By certified mail, to the board of county commissioners, 621
the legislative authority of each municipal corporation in the 622
county, and to the board of trustees of each township in the 623
county; and 624

(2) To the board of trustees, directors, or park 625
commissioners of each subdivision that will be served by a public 626
safety answering point under the plan. 627

(B) The proposal and the final plan adopted by the committee shall specify: 628
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(1) Which telephone companies serving customers in the county and, as authorized in division (A)(1) of section 4931.41 of the Revised Code, in an adjacent county will participate in the 9-1-1 system; 630
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(2) The location and number of public safety answering points; how they will be connected to a company's telephone network; from what geographic territory each will receive 9-1-1 calls; whether basic or enhanced 9-1-1 service will be provided within such territory; what subdivisions will be served by the answering point; and whether an answering point will respond to calls by directly dispatching an emergency service provider, by relaying a message to the appropriate provider, or by transferring the call to the appropriate provider; 634
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(3) ~~What~~ Which subdivision will establish, equip, furnish, operate, and maintain ~~each~~ a particular public safety answering point; 643
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(4) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point; 646
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(5) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section 4931.51 of the Revised Code or will be allocated among the subdivisions served by the answering point and, if any such cost is to be allocated, the formula for so allocating it; 650
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(6) How each emergency service provider will respond to a misdirected call. 656
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(C) Following the meeting required by this section, the 9-1-1 658
planning committee may modify the implementation proposal and, no 659
later than nine months after the resolution authorized by section 660
~~4931.41~~ 4931.42 of the Revised Code is adopted, may adopt, by 661
majority vote, ~~adopt~~ a final plan for implementing a countywide 662
9-1-1 system. If a planning committee and ~~telephone company~~ 663
wireline service provider do not agree on whether the ~~telephone~~ 664
~~company~~ wireline service provider is capable of providing the 665
wireline telephone network as described under division (A) of 666
section 4931.41 of the Revised Code and the planning committee 667
refers that question to the public utilities commission, the 668
commission may extend the nine-month deadline established by this 669
division to twelve months. Immediately on completion of the plan, 670
the committee shall send a copy of the final plan: 671

(1) By certified mail to the board of county commissioners of 672
the county, to the legislative authority of each municipal 673
corporation in the county, and to the board of township trustees 674
of each township in the county; and 675

(2) To the board of trustees, directors, or park 676
commissioners of each subdivision that will be served by a public 677
safety answering point under the plan. 678

(D) If the committee has not adopted a final plan on or 679
before the deadline in division (C) of this section, the committee 680
shall cease to exist. A new 9-1-1 planning committee may be 681
convened in the manner established in section 4931.42 of the 682
Revised Code to develop an implementation proposal and final plan 683
in accordance with the requirements of sections 4931.42 to 4931.44 684
of the Revised Code. 685

Sec. 4931.44. (A) Within sixty days after receipt of the 686
final plan pursuant to division (C) of section 4931.43 of the 687
Revised Code, the board of county commissioners of the county and 688

the legislative authority of each municipal corporation in the 689
county and of each township whose territory is proposed to be 690
included in a countywide 9-1-1 system shall act by resolution to 691
approve or disapprove the plan, except that, with respect to a 692
final plan that provides for funding of the 9-1-1 system in part 693
through charges imposed under section 4931.51 of the Revised Code, 694
the board of county commissioners shall not act by resolution to 695
approve or disapprove the plan until after a resolution adopted 696
under section 4931.51 of the Revised Code has become effective as 697
provided in division (D) of that section. A municipal corporation 698
or township whose territory is proposed to be included in the 699
system includes any municipal corporation or township in which a 700
part of its territory is excluded pursuant to division (A)(2) of 701
section 4931.41 of the Revised Code. Each such authority ~~shall~~ 702
immediately shall notify the board of county commissioners in 703
writing of its approval or disapproval of the final plan. Failure 704
by a board or legislative authority to notify the board of county 705
commissioners of approval or disapproval within such sixty-day 706
period shall be deemed disapproval by ~~such~~ the board or authority. 707

(B) As used in this division, "county's population" excludes 708
the population of any municipal corporation or township that, 709
under the plan, is completely excluded from 9-1-1 service in the 710
county's final plan. A countywide plan ~~will become~~ is effective if 711
all of the following entities approve the plan in accordance with 712
this section: 713

(1) The board of county commissioners; 714

(2) The legislative authority of a municipal corporation that 715
contains at least thirty per cent of the county's population, if 716
any; 717

(3) The legislative authorities of municipal corporations and 718
townships that contain at least sixty per cent of the county's 719
population or, if the plan has been approved by a municipal 720

corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the county's population.

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

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

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

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

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

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

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

(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;

(7) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under

division (J) of section 4931.41 of the Revised Code;

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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.~~
Adoption

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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
commissioners of the county that approved the final plan for the
countywide 9-1-1 system, of a written letter of intent by the
entity to be added as a participant in the 9-1-1 system. The
entity shall send written notice of the filing to all subdivisions
and telephone companies participating in the system. Further,
adoption of any resolution under section 4931.51 of the Revised
Code pursuant to a final plan that both has been adopted and
provides for funding through charges imposed under that section is
not an amendment of a final plan for the purpose of this division.

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~~(B) When a final plan is amended to expand the territory that
receives 9-1-1 service or to upgrade a 9-1-1 system from basic to
enhanced 9-1-1 service for a purpose described in division (A)(1),
(2), or (6) of this section, sections 4931.47 and 5733.55 of the
Revised Code apply with respect to the telephone company's
recovery receipt of the nonrecurring and recurring rates and~~

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charges for the wireline telephone network portion of the 9-1-1 782
system. 783

Sec. 4931.46. (A) Within three years from the date a an 784
initial final plan becomes effective under division (B) of section 785
4931.44 of the Revised Code, the ~~telephone companies~~ wireline 786
service providers designated in the plan shall have installed the 787
wireline telephone network portion of the 9-1-1 system according 788
to the terms, conditions, requirements, and specifications set 789
forth in that plan. 790

(B)(1) Upon installation of a countywide 9-1-1 system, the 791
board of county commissioners may direct the county engineer to 792
erect and maintain at the county boundaries on county roads and 793
state and interstate highways, signs indicating the availability 794
of a countywide 9-1-1 system. Any sign erected by a county under 795
this section shall be erected in accordance with and meet the 796
specifications established under division (B)(2) of this section. 797
All expenses incurred in erecting and maintaining the signs shall 798
be paid by the county. 799

(2) The director of transportation shall develop design 800
specifications for signs giving notice of the availability of a 801
countywide 9-1-1 system. The director also shall establish 802
standards for the erection of the signs and, in accordance with 803
federal law and regulations and recognized engineering practices, 804
specify those locations where the signs shall not be erected. 805

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 806
4905., 4909., and 4931. of the Revised Code, the public utilities 807
commission shall determine the just, reasonable, and compensatory 808
rates, tolls, classifications, charges, or rentals to be observed 809
and charged for the wireline telephone network portion of a basic 810
~~and~~ or enhanced 9-1-1 system, and each telephone company that is a 811

wireline service provider participating in the system shall be 812
subject to such chapters, to the extent they apply, as to the 813
service provided by its portion of the wireline telephone network 814
for the system as described in the final plan or to be installed 815
pursuant to agreements under section 4931.48 of the Revised Code, 816
and as to the rates, tolls, classifications, charges, or rentals 817
to be observed and charged for that service. 818

(B) Only the customers of a participating telephone company 819
described in division (A) of this section that are served within 820
the area covered by a 9-1-1 system shall pay the recurring rates 821
for the maintenance and operation of the company's portion of the 822
wireline telephone network ~~in providing 9-1-1 service of the~~ 823
system. Such rates shall be computed by dividing the total monthly 824
recurring rates set forth in ~~a telephone~~ the company's schedule as 825
filed in accordance with section 4905.30 of the Revised Code, by 826
the total number of residential and business customer access 827
lines, or their equivalent, within the area served. Each 828
residential and business customer within the area served shall pay 829
the recurring rates based on the number of its residential and 830
business customer access lines or their equivalent. No company ~~may~~ 831
shall include such amount on any customer's bill until the company 832
has completed its portion of the wireline telephone network in 833
accordance with the terms, conditions, requirements, and 834
specifications of the final plan or an agreement made under 835
section 4931.48 of the Revised Code. 836

(C)(1) Except as otherwise provided in division (C)(2) of 837
this section, a participating telephone company described in 838
division (A) of this section may receive through the credit 839
authorized by section 5733.55 of the Revised Code the total 840
nonrecurring charges for its portion of the wireline telephone 841
network ~~used in providing 9-1-1 service, of the system and the~~ 842
total nonrecurring charges for any updating or modernization of 843

that wireline telephone network in accordance with the terms, 844
conditions, requirements, and specifications of the final plan or 845
pursuant to agreements under section 4931.48 of the Revised Code, 846
as such charges are set forth in the schedule filed by a the 847
telephone company in accordance with section 4905.30 of the 848
Revised Code, ~~on completion of the installation of the network in~~ 849
~~accordance with the terms, conditions, requirements, and~~ 850
~~specifications of the final plan or pursuant to section 4931.48 of~~ 851
~~the Revised Code shall be recovered by the company through the~~ 852
~~credit authorized by section 5733.55 of the Revised Code. However,~~ 853
that portion, updating, or modernization shall not be for or 854
include the provision of wireless 9-1-1. As applicable, the 855
receipt of permissible charges shall occur only upon the 856
completion of the installation of the network or the completion of 857
the updating or modernization. 858

(2) The credit shall not be allowed under division (C)(1) of 859
this section for the upgrading of a system from basic to enhanced 860
wireline 9-1-1 service when if both of the following apply: 861

(a) The telephone company received the credit for the 862
wireline telephone network portion of the basic 9-1-1 system now 863
proposed to be upgraded; ~~and.~~ 864

(b) At the time the final plan or agreement pursuant to 865
section 4931.48 of the Revised Code calling for the basic 9-1-1 866
system was agreed to, the telephone company was capable of 867
reasonably meeting the technical and economic requirements of 868
providing the wireline telephone network portion of an enhanced 869
9-1-1 system within the territory proposed to be upgraded, as 870
determined by the public utilities commission under division (A) 871
or (H) of section 4931.41 or division (C) of section 4931.48 of 872
the Revised Code. 873

(3) ~~When~~ If the credit is not allowed under division (C)(2) 874
of this section, the total nonrecurring charges for the wireline 875

telephone network used in providing 9-1-1 service, as set forth in 876
the schedule filed by a telephone company in accordance with 877
section 4905.30 of the Revised Code, on completion of the 878
installation of the network in accordance with the terms, 879
conditions, requirements, and specifications of the final plan or 880
pursuant to section 4931.48 of the Revised Code, shall be paid by 881
the municipal corporations and townships with any territory in the 882
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 883
made. 884

(D) ~~Where~~ If customer premises equipment for a public safety 885
answering point is supplied by a telephone company that is 886
required to file a schedule under section 4905.30 of the Revised 887
Code pertaining to customer premises equipment, the recurring and 888
nonrecurring rates and charges for the installation and 889
maintenance of the equipment specified in the schedule shall 890
apply. 891

Sec. 4931.48. (A) If a final plan is disapproved under 892
division (B) of section 4931.44 of the Revised Code, by 893
resolution, the legislative authority of a municipal corporation 894
or township that contains at least thirty per cent of the county's 895
population may establish within its boundaries, or the legislative 896
authorities of a group of municipal corporations or townships each 897
of which is contiguous with at least one other such municipal 898
corporation or township in the group, together containing at least 899
thirty per cent of the county's population, may jointly establish 900
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 901
municipal corporation or township may enter into an agreement, and 902
the contiguous municipal corporations or townships may jointly 903
enter into an agreement with a one or more telephone ~~company~~ 904
~~providing service in the municipal corporations or townships to~~ 905
~~provide for the telephone network portion of the system~~ companies. 906

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

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

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

the agreement. 939

(E) ~~The~~ A telephone company that is a wireline service 940
provider shall recover the cost of installing the wireline 941
telephone network system pursuant to agreements made under this 942
section as provided in ~~section~~ sections 4931.47 ~~of the Revised~~ 943
~~Code, as authorized under section~~ and 5733.55 of the Revised Code. 944

Sec. 4931.49. (A) (1) The state, the state highway patrol, or 945
a subdivision participating in a 9-1-1 system established under 946
sections 4931.40 to 4931.70 of the Revised Code and any officer, 947
agent, ~~or~~ employee, or independent contractor of the state, the 948
state highway patrol, or such a participating subdivision is not 949
liable in damages in a civil action for injuries, death, or loss 950
to persons or property arising from any act or omission, except 951
willful or wanton misconduct, in connection with developing, 952
adopting, or approving any final plan or any agreement made under 953
section 4931.48 of the Revised Code or otherwise bringing into 954
operation a the 9-1-1 system pursuant to ~~those provisions~~ sections 955
4931.40 to 4931.70 of the Revised Code. 956

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 957
board, and any member of that council or board are not liable in 958
damages in a civil action for injuries, death, or loss to persons 959
or property arising from any act or omission, except willful or 960
wanton misconduct, in connection with the development or operation 961
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 962
the Revised Code. 963

(B) Except as otherwise provided in ~~sections 701.02 and~~ 964
section 4765.49 of the Revised Code, an individual who gives 965
emergency instructions through a 9-1-1 system established under 966
sections 4931.40 to ~~4931.54~~ 4931.70 of the Revised Code, and the 967
principals for whom the person acts, including both employers and 968
independent contractors, public and private, and an individual who 969

follows emergency instructions and the principals for whom that 970
person acts, including both employers and independent contractors, 971
public and private, are not liable in damages in a civil action 972
for injuries, death, or loss to persons or property arising from 973
the issuance or following of emergency instructions, except where 974
the issuance or following of the instructions constitutes willful 975
or wanton misconduct. 976

(C) ~~A~~ Except for willful or wanton misconduct, a telephone 977
company, and any other installer, maintainer, or provider, through 978
the sale or otherwise, of customer premises equipment, and their 979
respective officers, directors, employees, agents, and suppliers 980
are not liable in damages in a civil action for injuries, death, 981
or loss to persons or property incurred by any person resulting 982
from such an entity's or its officers', directors', employees', 983
agents', or suppliers' participation in or acts or omissions in 984
connection with ~~that participation~~ participating in or developing, 985
maintaining, or operating a 9-1-1 system, whether that system is 986
established pursuant to sections 4931.40 to ~~4931.54~~ 4931.70 of the 987
Revised Code or otherwise in accordance with ~~the telephone~~ 988
~~company's~~ schedules regarding 9-1-1 systems filed with the public 989
utilities commission pursuant to section 4905.30 of the Revised 990
Code by a telephone company that is a wireline service provider. 991

(D) No person shall knowingly use the telephone number of ~~the~~ 992
a 9-1-1 system established under sections 4931.40 to 4931.70 of 993
the Revised Code to report an emergency if the person knows that 994
no emergency exists. 995

(E) No person shall knowingly use a 9-1-1 system for a 996
purpose other than obtaining emergency service. 997

(F) No person shall disclose or use, ~~for any purpose other~~ 998
~~than for the 9-1-1 system,~~ any information concerning telephone 999
numbers, addresses, or names obtained from the data base that 1000
serves the public safety answering point of a 9-1-1 system 1001

established under sections 4931.40 to ~~4931.54~~ 4931.70 of the 1002
Revised Code, except ~~that~~ for any of the following purposes or 1003
under any of the following circumstances: 1004

(1) For the purpose of the 9-1-1 system; 1005

(2) For the purpose of responding to an emergency call to an 1006
emergency service provider; 1007

(3) In the circumstance of the inadvertent disclosure of such 1008
information due solely to technology of the wireline telephone 1009
network portion of the 9-1-1 system not allowing access to the 1010
data base to be restricted to 9-1-1 specific answering lines at a 1011
public safety answering point; 1012

(4) In the circumstance of assistance given by a telephone 1013
company ~~may disclose or use such information that is a wireline~~ 1014
~~service provider~~ to assist a public utility or municipal utility 1015
in handling customer calls in times of public emergency or service 1016
outages. The charge, terms, and conditions for the disclosure or 1017
use of such information ~~by the telephone company~~ for the purpose 1018
of such assistance shall be subject to the jurisdiction of the 1019
public utilities commission. ~~In no event shall such information be~~ 1020
~~disclosed or used for any purpose not permitted by this division.~~ 1021

Sec. 4931.50. (A) The attorney general, upon request of the 1022
public utilities commission or on the attorney general's own 1023
initiative, shall begin proceedings against a ~~subdivision or~~ 1024
telephone company that is a wireline service provider to enforce 1025
compliance with sections 4931.40 to ~~4931.54~~ 4931.70 of the Revised 1026
Code, or with the terms, conditions, requirements, or 1027
specifications of a final plan or of an agreement under section 1028
4931.48 of the Revised Code as to wireline or wireless 9-1-1. 1029

(B) The attorney general, upon the attorney general's own 1030
initiative, or any prosecutor, upon the prosecutor's initiative, 1031

shall begin proceedings against a subdivision as to wireline or wireless 9-1-1 to enforce compliance with sections 4931.40 to 4931.70 of the Revised Code or with the terms, conditions, requirements, or specifications of a final plan or of an agreement under section 4931.48 of the Revised Code as to wireline or wireless 9-1-1.

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Sec. 4931.60. There is hereby created within the public utilities commission the 9-1-1 service program, headed by an Ohio 9-1-1 coordinator in the unclassified civil service pursuant to division (A)(9) of section 124.11 of the Revised Code. The coordinator shall be appointed by and serve at the pleasure of the commission chairperson and shall report directly to the chairperson. Upon the effective date of this section, the chairperson shall appoint an interim coordinator and, upon submission of a list of nominees by the Ohio 9-1-1 council pursuant to section 4931.69 of the Revised Code, shall consider those nominees in making the final appointment and in appointing any subsequent coordinator. The chairperson may request the council to submit additional nominees and may reject any of the nominees. The chairperson shall fix the compensation of the coordinator. The chairperson shall evaluate the performance of the coordinator after considering the evaluation and recommendations of the council under section 4931.68 of the Revised Code.

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The Ohio 9-1-1 coordinator shall administer the wireless 9-1-1 government assistance fund as specified in sections 4931.63 and 4931.64 of the Revised Code and otherwise carry out the coordinator's duties under sections 4931.60 to 4931.70 of the Revised Code. The chairperson may establish additional duties of the coordinator based on a list of recommended duties submitted by the Ohio 9-1-1 council pursuant to section 4931.68 of the Revised Code. The chairperson may assign one or more commission employees

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to assist the coordinator in carrying out the coordinator's
duties.

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Sec. 4931.61. (A) Beginning on the first day of the third
month following the effective date of this section and ending
December 31, 2008, there is hereby imposed, on each wireless
telephone number of a wireless service subscriber who has a
billing address in this state, a wireless 9-1-1 charge of
thirty-two cents per month. The subscriber shall pay the wireless
9-1-1 charge for each such wireless telephone number assigned to
the subscriber. Each wireless service provider and each reseller
of wireless service shall collect the wireless 9-1-1 charge as a
specific line item on each subscriber's monthly bill. The line
item shall be expressly designated "State/Local Wireless-E911
Costs (\$0.32/billed number)." If a provider bills a subscriber for
any wireless enhanced 9-1-1 costs that the provider may incur, the
charge or amount is not to appear in the same line item as the
state/local line item. If the charge or amount is to appear in its
own, separate line item on the bill, the charge or amount shall be
expressly designated "[Name of Provider] Federal Wireless-E911
Costs." For any subscriber of prepaid wireless service, a wireless
service provider or reseller shall collect the wireless 9-1-1
charge in any of the following manners:

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(1) At the point of sale. For purposes of prepaid wireless
services, point of sale includes the purchasing of additional
minutes by the subscriber along with any necessary activation of
those minutes.

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(2) If the subscriber has a positive account balance on the
last day of the month and has used the service during that month,
by reducing that balance not later than the end of the first week
of the following month by the amount of the charge or an
equivalent number of air time minutes;

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(3) By dividing the total earned prepaid wireless telephone revenue from sales within this state received by the wireless service provider or reseller during the month by fifty, multiplying the quotient by thirty-two cents, and remitting this amount pursuant to division (A)(1) of section 4931.62 of the Revised Code. 1094
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(B) The wireless 9-1-1 charge shall be exempt from state or local taxation. 1100
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Sec. 4931.62. (A)(1) Beginning with the second month following the month in which the wireless 9-1-1 charge is first imposed under section 4931.61 of the Revised Code, a wireless service provider or reseller of wireless service, not later than the last day of each month, shall remit the full amount of all wireless 9-1-1 charges it collected for the second preceding calendar month to the Ohio 9-1-1 coordinator, with the exception of charges equivalent to the amount authorized as a billing and collection fee under division (A)(2) of this section. In doing so, the provider or reseller may remit the requisite amount in any reasonable manner consistent with its existing operating or technological capabilities, such as by customer address, location associated with the wireless telephone number, or another allocation method based on comparable, relevant data. If the wireless service provider or reseller receives a partial payment for a bill from a wireless service subscriber, the wireless service provider or reseller shall apply the payment first against the amount the subscriber owes the wireless service provider or reseller and shall remit to the coordinator such lesser amount, if any, as results from that invoice. 1102
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(2) A wireless service provider or reseller of wireless service may retain as a billing and collection fee two per cent of the total wireless 9-1-1 charges it collects in any month and 1122
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shall account to the coordinator for the amount retained. 1125

(B) Each subscriber on which a wireless 9-1-1 charge is 1126
imposed under division (A) of section 4931.61 of the Revised Code 1127
is liable to the state for the amount of the charge. If a wireless 1128
service provider or reseller fails to collect the charge under 1129
that division from a subscriber of prepaid wireless service, or 1130
fails to bill any other subscriber for the charge, the wireless 1131
service provider or reseller is liable to the state for the amount 1132
not collected or billed. If a wireless service provider or 1133
reseller collects charges under that division and fails to remit 1134
the money to the coordinator, the wireless service provider or 1135
reseller is liable to the state for any amount collected and not 1136
remitted. 1137

(C)(1) If the public utilities commission has reason to 1138
believe that a wireless service provider or reseller has failed to 1139
bill, collect, or remit the wireless 9-1-1 charge as required by 1140
divisions (A)(1) and (B) of this section or has retained more than 1141
the amount authorized under division (A)(2) of this section, and 1142
after written notice to the provider or reseller, the commission 1143
may audit the provider or reseller for the sole purpose of making 1144
such a determination. The audit may be of a sample of the 1145
provider's or reseller's billings, collections, remittances, or 1146
retentions for a representative period, and the commission shall 1147
make a good faith effort to reach agreement with the provider or 1148
reseller in selecting that sample. 1149

(2) Upon written notice to the wireless service provider or 1150
reseller, the commission, by order after completion of the audit, 1151
may make an assessment against the provider or reseller if, 1152
pursuant to the audit, the commission determines that the provider 1153
or reseller has failed to bill, collect, or remit the wireless 1154
9-1-1 charge as required by divisions (A)(1) and (B) of this 1155
section or has retained more than the amount authorized under 1156

division (A)(2) of this section. The assessment shall be in the 1157
amount of any remittance that was due and unpaid on the date 1158
notice of the audit was sent by the commission to the provider or 1159
reseller or, as applicable, in the amount of the excess amount 1160
under division (A)(2) of this section retained by the provider or 1161
reseller as of that date. 1162

(3) The portion of any assessment not paid within sixty days 1163
after the date of service by the commission of the assessment 1164
notice under division (C)(2) of this section shall bear interest 1165
from that date until paid at the rate per annum prescribed by 1166
section 5703.47 of the Revised Code. That interest may be 1167
collected by making an assessment under division (C)(2) of this 1168
section. An assessment under this division and any interest due 1169
shall be remitted in the same manner as the wireless 9-1-1 charge. 1170

(4) An assessment is final and due and payable and shall be 1171
remitted to the commission unless the assessed party petitions for 1172
rehearing under section 4903.10 of the Revised Code. The 1173
proceedings of the commission specified in division (C)(4) of this 1174
section are subject to and governed by Chapter 4903. of the 1175
Revised Code, except that the court of appeals of Franklin county 1176
has exclusive, original jurisdiction to review, modify, or vacate 1177
an order of the commission under division (C)(2) of this section. 1178
The court shall hear and determine such appeal in the same manner 1179
and under the same standards as the Ohio supreme court hears and 1180
determines appeals under Chapter 4903. of the Revised Code. 1181

The judgment of the court of appeals is final and conclusive 1182
unless reversed, vacated, or modified on appeal. Such an appeal 1183
may be made by the commission or the person to whom the order 1184
under division (C)(2) of this section was issued and shall proceed 1185
as in the case of appeals in civil actions as provided in Chapter 1186
2505. of the Revised Code. 1187

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

(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge. If, after the date of service of the audit notice under division (C)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.

(7) All money collected by the commission under this division shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.

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 chairperson of the public utilities commission but not to exceed four per cent through the first full fiscal year and two per cent thereafter, of the periodic remittances of the wireless 9-1-1 charge under section 4931.62 of the Revised Code shall be deposited to the credit of the fund, to be used by the commission to cover such nonpayroll costs and, at

the discretion of the commission such payroll costs, of the 1219
commission as are incurred in assisting the coordinator in 1220
carrying out sections 4931.60 to 4931.70 of the Revised Code and 1221
in conducting audits under division (C) of section 4931.62 of the 1222
Revised Code. In addition, the compensation of the Ohio 9-1-1 1223
coordinator, and any expenses of the coordinator in carrying out 1224
those sections, shall be paid from the fund. 1225

(B) There is hereby created the wireless 9-1-1 government 1226
assistance fund, which shall be in the custody of the treasurer of 1227
state but shall not be part of the state treasury. The periodic 1228
remittances of the wireless 9-1-1 charge remaining after the 1229
deposit required by division (A) of this section shall be 1230
deposited to the credit of the wireless 9-1-1 government 1231
assistance fund. The treasurer of state shall deposit or invest 1232
the moneys in this fund in accordance with Chapter 135. of the 1233
Revised Code and any other provision of law governing public 1234
moneys of the state as defined in section 135.01 of the Revised 1235
Code. The treasurer of state shall credit the interest earned to 1236
the fund. The treasurer of state shall disburse money from the 1237
fund solely upon order of the coordinator as authorized under 1238
section 4931.64 of the Revised Code. Annually, until the fund is 1239
depleted, the treasurer of state shall certify to the coordinator 1240
the amount of moneys in the treasurer of state's custody belonging 1241
to the fund. 1242

Sec. 4931.64. (A) Prior to the first disbursement under this 1243
section and annually thereafter not later than the twenty-fifth 1244
day of January, until the wireless 9-1-1 government assistance 1245
fund is depleted, the Ohio 9-1-1 coordinator shall do both of the 1246
following for the purposes of division (B) of this section: 1247

(1) Determine, for a county that has adopted a final plan 1248

under sections 4931.40 to 4931.70 of the Revised Code for the 1249
provision of wireless enhanced 9-1-1 within the territory covered 1250
by the countywide 9-1-1 system established under the plan, the 1251
number of wireless telephone numbers assigned to wireless service 1252
subscribers that have billing addresses within the county. That 1253
number shall be adjusted between any two counties so that the 1254
number of wireless telephone numbers assigned to wireless service 1255
subscribers who have billing addresses within any portion of a 1256
municipal corporation that territorially lies primarily in one of 1257
the two counties but extends into the other county is added to the 1258
number already determined for that primary county and subtracted 1259
for the other county. 1260

(2) Determine each county's proportionate share of the 1261
wireless 9-1-1 government assistance fund for the ensuing calendar 1262
year on the basis set forth in division (B) of this section; 1263
estimate the ensuing calendar year's fund balance; compute each 1264
such county's estimated proceeds for the ensuing calendar year 1265
based on its proportionate share and the estimated fund balance; 1266
and certify such amount of proceeds to the county auditor of each 1267
such county. 1268

(B) The Ohio 9-1-1 coordinator, in accordance with this 1269
division and not later than the last day of each month, shall 1270
disburse the amount credited as remittances to the wireless 9-1-1 1271
government assistance fund during the second preceding month, plus 1272
any accrued interest on the fund. Such a disbursement shall be 1273
paid to each county treasurer. The amount to be so disbursed 1274
monthly to a particular county shall be a proportionate share of 1275
the wireless 9-1-1 government assistance fund balance based on the 1276
ratio between the following: 1277

(1) The number of wireless telephone numbers determined for 1278
the county by the coordinator pursuant to division (A) of this 1279
section; 1280

(2) The total number of wireless telephone numbers assigned to subscribers who have billing addresses within this state. To the extent that the fund balance permits, the disbursements to each county shall total at least twenty-five thousand dollars annually. 1281
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(C)(1) Each county that has not adopted a final plan for the provision of wireless enhanced 9-1-1 under sections 4931.40 to 4931.70 of the Revised Code shall be deemed as having done so for the purposes of making the determinations and disbursements under divisions (A)(1) and (2) and (B) of this section through the third full calendar year following the effective date of this section. 1286
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(2) For each county described in division (C)(1) of this section and through the third full calendar year following the effective date of this section, the coordinator shall retain in the wireless 9-1-1 government assistance fund an amount equal to what would be the county's disbursements under division (B) of this section if it had adopted such a final plan, plus any related accrued interest, to be set aside for that county until the board of county commissioners notifies the coordinator that a final plan for the provision of wireless enhanced 9-1-1 has been adopted, but not beyond the end of such third year. Provided notification is made prior to the end of that third year, the coordinator shall disburse and pay to the county treasurer, not later than the last day of the month following the month the notification is made, the total amount so set aside for the county plus any related accrued interest. After the end of the third full calendar year following the effective date of this section, any money and interest so retained and not disbursed as authorized under this division shall be available for disbursement only as provided in division (B) of this section. 1292
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(D) Immediately upon receipt by a county treasurer of a disbursement under division (B) or (C) of this section, the county 1311
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shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

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(E) Nothing in sections 4931.40 to 4931.70 of the Revised Code affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section 4931.48 of the Revised Code, any other authorized revenue of the subdivision for the purposes of providing basic or enhanced 9-1-1.

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Sec. 4931.65. (A) A countywide 9-1-1 system receiving a disbursement under section 4931.64 of the Revised Code shall provide countywide wireless enhanced 9-1-1 in accordance with sections 4931.40 to 4931.70 of the Revised Code beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, shall continue to provide such service. Except as provided in divisions (B) and (C) of this section, disbursement shall be used solely for the purpose of paying either or both of the following:

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(1) Any costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for the public safety answering point or points of the 9-1-1 system to provide wireless enhanced 9-1-1, which costs are incurred before or on or after the effective date of this section and consist of such additional costs of the 9-1-1 system over and above any costs incurred to provide wireline 9-1-1. On or after the provision of technical and operational standards pursuant to division (D)(1) of section 4931.68 of the Revised Code, a subdivision shall consider

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the standards before incurring any costs described in this 1344
division. 1345

(2) Any costs of training the staff of the public safety 1346
answering point or points to provide wireless enhanced 9-1-1, 1347
which costs are incurred before or on or after the effective date 1348
of this section and consist of such additional costs of the 9-1-1 1349
system over and above any costs incurred to provide wireline 1350
9-1-1. 1351

(B) Beginning one year following the imposition of the 1352
wireless 9-1-1 charge under section 4931.61 of the Revised Code, a 1353
subdivision that certifies to the Ohio 9-1-1 coordinator that it 1354
has paid the costs described in divisions (A)(1) and (2) of this 1355
section and is providing countywide wireless enhanced 9-1-1 may 1356
use disbursements received under section 4931.64 of the Revised 1357
Code to pay any of its personnel costs of one or more public 1358
safety answering points providing countywide wireless enhanced 1359
9-1-1. 1360

(C) After receiving its April 2009, disbursement under 1361
section 4931.64 of the Revised Code, a subdivision may use any 1362
remaining balance of disbursements it received under that section 1363
to pay any of its costs of providing countywide wireless 9-1-1, 1364
including the personnel costs of one or more public safety 1365
answering points providing that service. 1366

(D) The costs described in divisions (A), (B), and (C) of 1367
this section may include any such costs payable pursuant to an 1368
agreement under division (J) of section 4931.41 of the Revised 1369
Code. 1370

Sec. 4931.66. (A)(1) A wireless service provider, the state 1371
highway patrol as described in division (J) of section 4931.41 of 1372
the Revised Code, and each subdivision operating one or more 1373

public safety answering points for a countywide system providing 1374
wireless 9-1-1, shall provide the Ohio 9-1-1 coordinator with such 1375
information as the coordinator requests for the purposes of 1376
carrying out the coordinator's duties under sections 4931.60 to 1377
4931.70 of the Revised Code, including, but not limited to, duties 1378
regarding the collection of the wireless 9-1-1 charge and 1379
regarding the provision of a report or recommendation under 1380
section 4931.70 of the Revised Code. 1381

(2) A wireless service provider shall provide an official, 1382
employee, agent, or representative of a subdivision operating a 1383
public safety answering point, or of the state highway patrol as 1384
described in division (J) of section 4931.41 of the Revised Code, 1385
with such technical, service, and location information as the 1386
official, employee, agent, or representative requests for the 1387
purpose of providing wireless 9-1-1. 1388

(3) A subdivision operating one or more public safety 1389
answering points of a 9-1-1 system, and a telephone company, shall 1390
provide to the Ohio 9-1-1 council such information as the council 1391
requires for the purpose of making any recommendation or report 1392
pursuant to division (D)(2) of section 4931.68 of the Revised 1393
Code. 1394

(B)(1) Any information provided under division (A) of this 1395
section that consists of trade secrets as defined in section 1396
1333.61 of the Revised Code or of information regarding the 1397
customers, revenues, expenses, or network information of a 1398
telephone company shall be confidential and does not constitute a 1399
public record for the purpose of section 149.43 of the Revised 1400
Code. 1401

(2) The public utilities commission, the Ohio 9-1-1 1402
coordinator, and any official, employee, agent, or representative 1403
of the commission, of the state highway patrol as described in 1404

division (J) of section 4931.41 of the Revised Code, or of a 1405
subdivision operating a public safety answering point, while 1406
acting or claiming to act in the capacity of the commission or 1407
coordinator or such official, employee, agent, or representative, 1408
shall not disclose any information provided under division (A) of 1409
this section regarding a telephone company's customers, revenues, 1410
expenses, or network information. Nothing in division (B)(2) of 1411
this section precludes any such information from being aggregated 1412
and included in any report required under section 4931.70 or 1413
division (D)(2) of section 4931.69 of the Revised Code, provided 1414
the aggregated information does not identify the number of any 1415
particular company's customers or the amount of its revenues or 1416
expenses or identify a particular company as to any network 1417
information. 1418

Sec. 4931.67. The public utilities commission, after 1419
consultation with the Ohio 9-1-1 coordinator, shall adopt rules in 1420
accordance with Chapter 119. of the Revised Code to carry out 1421
sections 4931.60 to 4931.70 of the Revised Code, including rules 1422
prescribing the necessary accounting for a wireless service 1423
provider's or reseller's billing and collection fee under division 1424
(A)(2) of section 4931.62 of the Revised Code and rules 1425
establishing a fair and reasonable process for recommending the 1426
amount of the wireless 9-1-1 charge as authorized under division 1427
(B) of section 4931.70 of the Revised Code. The amount of the 1428
wireless 9-1-1 charge shall be prescribed only by act of the 1429
general assembly. 1430

Sec. 4931.68. (A) There is hereby created the Ohio 9-1-1 1431
council, consisting of eleven members as follows: the Ohio 9-1-1 1432
coordinator; a designee of the department of public safety, 1433
selected by the director of public safety; and nine members 1434
appointed by the governor. In appointing the nine members, the 1435

governor shall select one representative of public safety 1436
communications officials in this state, one representative of 1437
administrators of 9-1-1 service in this state, one representative 1438
of countywide 9-1-1 systems in this state, three representatives 1439
of wireline service providers in this state, and three 1440
representatives of wireless service providers in this state. For 1441
each such appointment, the governor shall consider a nominee 1442
proposed, respectively, by the Ohio chapter of the association of 1443
public-safety communications officials, the Ohio chapter of the 1444
national emergency number association, the county commissioners 1445
association of Ohio; and nominees proposed, respectively, by the 1446
Ohio telecom association and the wireless operators of Ohio; or 1447
any successor organization of each such entity. 1448

Initial appointments shall be made not later than thirty days 1449
after the effective date of this section. Nothing in this section 1450
shall prevent the governor from rejecting any of the nominees or 1451
requesting that a nominating entity under this division submit the 1452
names of alternative nominees for consideration. 1453

(B) The term of the initial appointee to the council 1454
representing public safety communications officials and the terms 1455
of one of the initial appointees representing wireline service 1456
providers and one representing wireless service providers shall 1457
expire on January 31, 2007. The term of the initial appointee to 1458
the council representing administrators of 9-1-1 service and the 1459
terms of another one of the initial appointees representing 1460
wireline service providers and another representing wireless 1461
service providers shall expire on January 31, 2008. The term of 1462
the initial appointee to the council representing countywide 9-1-1 1463
systems and the terms of another one of the initial appointees 1464
representing wireline service providers and another representing 1465
wireless service providers shall expire on January 31, 2009. 1466
Thereafter, terms of appointed members shall be for three years, 1467

with each term ending on the same day of the same month as the 1468
term it succeeds. 1469

Each council member shall hold office from the date of the 1470
member's appointment until the end of the term for which the 1471
member was appointed. Members may be reappointed. 1472

Vacancies shall be filled in the manner provided for original 1473
appointments. Any member appointed to fill a vacancy occurring 1474
prior to the expiration date of the term for which the member's 1475
predecessor was appointed shall hold office as a member for the 1476
remainder of that term. A member shall continue in office after 1477
the expiration date of the member's term until the member's 1478
successor takes office or until a period of sixty days has 1479
elapsed, whichever occurs first. 1480

Appointed members shall serve without compensation and shall 1481
not be reimbursed for expenses. 1482

(C) The council shall select a chairperson from among the 1483
appointed members. Each member shall have one vote in all 1484
deliberations of the council, except that the Ohio 9-1-1 1485
coordinator shall not be eligible to vote on a matter described in 1486
division (D)(3) of this section. A majority of the voting members 1487
constitutes a quorum. 1488

(D) The duties of the council shall consist of all of the 1489
following: 1490

(1) Arbitrating or establishing relative to 9-1-1 systems in 1491
this state nondiscriminatory, competitively neutral, and uniform 1492
technical and operational standards consistent with recognized 1493
industry standards and federal law. This authority does not 1494
include authority to prescribe the technology that a telephone 1495
company or reseller uses to deliver 9-1-1 calls. 1496

(2) Including for the purpose of the Ohio 9-1-1 coordinator 1497

reporting to the general assembly, conducting research and making 1498
recommendations or reports regarding any wireline and wireless 1499
9-1-1 issues, any improvements in the provision of service by 1500
9-1-1 systems in this state, or any legislation or policies 1501
concerning such systems; 1502

(3) Regarding the position of Ohio 9-1-1 coordinator, 1503
submitting names of nominees and recommended duties as authorized 1504
under section 4931.60 of the Revised Code and, at least 1505
biennially, conducting and submitting with recommendations to the 1506
public utilities commission a performance evaluation of the 1507
coordinator. 1508

(E) The council is not an agency, as defined in section 1509
101.82 of the Revised Code, for purposes of sections 101.82 to 1510
101.87 of the Revised Code. 1511

Sec. 4931.69. (A) There is hereby created the wireless 9-1-1 1512
advisory board, consisting of the Ohio 9-1-1 council appointee 1513
that represents public safety communications officials and five 1514
members appointed by the governor as follows: one of the council 1515
appointees that represents wireless service providers in this 1516
state, whose council term expires after the council term of the 1517
council appointee representing public safety communications 1518
officials, one noncouncil representative of wireless service 1519
providers in this state, one noncouncil representative of public 1520
safety communications officials in this state, and two noncouncil 1521
representatives of municipal and county governments in this state. 1522

(B) The terms of the advisory board members who are also 1523
council members shall be concurrent with their terms as members of 1524
the council, as prescribed under division (B) of section 4931.68 1525
of the Revised Code. The terms of the initial noncouncil appointee 1526
to the advisory board who represents wireless service providers 1527
and of one of the initial noncouncil appointees who represents 1528

municipal and county government shall expire on January 31, 2009. 1529
The terms of the initial noncouncil appointee to the advisory 1530
board representing public safety communications officials and of 1531
the other initial noncouncil appointee representing municipal and 1532
county government shall expire on January 31, 2010. Thereafter, 1533
terms of the noncouncil appointees shall be for three years, with 1534
each term ending on the same day of the same month as the term it 1535
succeeds. The conditions of holding office, manner of filling 1536
vacancies, and other matters concerning service by any member of 1537
the advisory board shall be the same as set forth for council 1538
members under division (B) of section 4931.68 of the Revised Code. 1539

(C) The Ohio 9-1-1 coordinator shall appoint the chairperson 1540
of the advisory board. Each member of the board shall be a voting 1541
member and shall have one vote in all deliberations of the board. 1542
A majority of the members constitutes a quorum. 1543

(D)(1) The advisory board shall make a recommendation to the 1544
coordinator regarding the amount of the wireless 9-1-1 charge to 1545
be included in the report required by division (B) of section 1546
4931.70 of the Revised Code and shall consult with the coordinator 1547
regarding that report. 1548

(2) The advisory board shall make recommendations to and 1549
consult with the public utilities commission and the coordinator 1550
regarding any rules to be adopted under section 4931.67 of the 1551
Revised Code. 1552

(E) The advisory board is not an agency, as defined in 1553
section 101.82 of the Revised Code, for purposes of sections 1554
101.82 to 101.87 of the Revised Code. 1555

Sec. 4931.70. On the first day of November preceding the 1556
2007-2009 budget biennium, the Ohio 9-1-1 coordinator shall submit 1557
a report to the general assembly, in accordance with section 1558

101.68 of the Revised Code, that contains both of the following: 1559

(A) A review of the implementation and provision of wireless enhanced 9-1-1 in this state and a description of how moneys disbursements from the wireless government assistance fund have been used. In preparing the report, the coordinator shall consult with the wireless 9-1-1 advisory board. 1560
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(B) The coordinator's recommendation for the coming budget biennium of any change in the amount of the wireless 9-1-1 charge and the basis for that recommendation. The recommendation 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 division (A) of section 4931.65 of the Revised Code as projected for that biennium. 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 the Revised Code as projected for the biennium, given the wireless 9-1-1 administrative fund balance to be carried over. In making a recommendation under this division, the coordinator shall consider any recommendation of the wireless 9-1-1 advisory board. 1565
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Sec. ~~4931.55~~ 4931.75. (A) As used in this section: 1580

(1) "Advertisement" means a message or material intended to cause the sale of realty, goods, or services. 1581
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(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. 1583
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(3) "Pre-existing business relationship" does not include transmitting an advertisement to the owner's or lessee's facsimile 1587
1588

device. 1589

(B)(1) No person shall transmit an advertisement to a 1590
facsimile device unless the person has received prior permission 1591
from the owner or, if the device is leased, from the lessee of the 1592
device to which the message is to be sent to transmit the 1593
advertisement; or the person has a pre-existing business 1594
relationship with such owner or lessee. Division (B)(1) of this 1595
section does not apply to a person who transmits an advertisement 1596
to a facsimile device located on residential premises. 1597

(2) No person shall transmit an advertisement to a facsimile 1598
device located on residential premises unless the person has 1599
received prior written permission from the owner or, if the device 1600
is leased, from the lessee of the device to which the message is 1601
to be sent to transmit the advertisement. In addition to any other 1602
penalties or remedies, a recipient of an advertisement transmitted 1603
in violation of division (B)(2) of this section may bring a civil 1604
action against the person who transmitted that advertisement or 1605
caused it to be transmitted. In that action, the recipient may 1606
recover one thousand dollars for each violation. 1607

(C) When requested by the owner or lessee, the transmission 1608
shall occur between seven p.m. and five a.m. 1609

This section applies to all such advertisements intended to 1610
be so transmitted within this state. 1611

Sec. 4931.99. (A) Whoever violates division (D) of section 1612
4931.49 of the Revised Code is guilty of a misdemeanor of the 1613
fourth degree. 1614

(B) Whoever violates section 4931.25, 4931.26, 4931.27, 1615
4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor 1616
of the third degree. 1617

(C) Whoever violates section 4931.28 of the Revised Code is 1618

guilty of a felony of the fourth degree. 1619

(D) Whoever violates section 4931.29 or division (B) of 1620
section 4931.35 of the Revised Code is guilty of a misdemeanor in 1621
the first degree. 1622

(E) Whoever violates division (E) or (F) of section 4931.49 1623
or division (B)(2) of section 4931.66 of the Revised Code is 1624
guilty of a misdemeanor of the fourth degree on a first offense 1625
and a felony of the fifth degree on each subsequent offense. 1626

(F) Whoever violates section ~~4931.55~~ 4931.75 of the Revised 1627
Code is guilty of a minor misdemeanor for a first offense and a 1628
misdemeanor of the first degree on each subsequent offense. 1629

Sec. 5733.55. (A) As used in this section: 1630

(1) "9-1-1 system" has the same meaning as in section 4931.40 1631
of the Revised Code. 1632

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 1633
approved by the public utilities commission for the telephone 1634
network portion of a 9-1-1 system pursuant to section 4931.47 of 1635
the Revised Code. 1636

(3) "Eligible nonrecurring 9-1-1 charges" means all 1637
nonrecurring 9-1-1 charges for a 9-1-1 system, except both of the 1638
following: 1639

(a) Charges for a system that was not established pursuant to 1640
a plan adopted under section 4931.44 of the Revised Code or an 1641
agreement under section 4931.48 of the Revised Code; 1642

(b) Charges for that part of a system established pursuant to 1643
such a plan or agreement that are excluded from the credit by 1644
division (C)(2) of section 4931.47 of the Revised Code. 1645

(4) "Telephone company" has the same meaning as in section 1646
5727.01 of the Revised Code. 1647

(B) Beginning in tax year 2005, a telephone company shall be 1648
allowed a nonrefundable credit against the tax imposed by section 1649
5733.06 of the Revised Code equal to the amount of its eligible 1650
nonrecurring 9-1-1 charges. The credit shall be claimed for the 1651
company's taxable year that covers the period in which the 9-1-1 1652
service for which the credit is claimed becomes available for use. 1653
The credit shall be claimed in the order required by section 1654
5733.98 of the Revised Code. If the credit exceeds the total taxes 1655
due under section 5733.06 of the Revised Code for the tax year, 1656
the tax commissioner shall credit the excess against taxes due 1657
under that section for succeeding tax years until the full amount 1658
of the credit is granted. 1659

(C) After the last day a return, with any extensions, may be 1660
filed by any telephone company that is eligible to claim a credit 1661
under this section, the commissioner shall determine whether the 1662
sum of the credits allowed for prior tax years commencing with tax 1663
year 2005 plus the sum of the credits claimed for the current tax 1664
year exceeds fifteen million dollars. If it does, the credits 1665
allowed under this section for the current tax year shall be 1666
reduced by a uniform percentage such that the sum of the credits 1667
allowed for the current tax year do not exceed fifteen million 1668
dollars claimed by all telephone companies for all tax years. 1669
Thereafter, no credit shall be granted under this section, except 1670
for the remaining portions of any credits allowed under division 1671
(B) of this section. 1672

(D) A telephone company that is entitled to carry forward a 1673
credit against its public utility excise tax liability under 1674
section 5727.39 of the Revised Code is entitled to carry forward 1675
any amount of that credit remaining after its last public utility 1676
excise tax payment for the period of July 1, 2003, through June 1677
30, 2004, and claim that amount as a credit against its 1678
corporation franchise tax liability under this section. Nothing in 1679

this section authorizes a telephone company to claim a credit 1680
under this section for any eligible nonrecurring 9-1-1 charges for 1681
which it has already claimed a credit under this section or 1682
section 5727.39 of the Revised Code. 1683

Section 2. That existing sections 2307.64, 2913.01, 4931.40, 1684
4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 1685
4931.49, 4931.50, 4931.55, 4931.99, and 5733.55 of the Revised 1686
Code are hereby repealed. 1687

Section 3. This act is subject to the referendum and, 1688
therefore, under Ohio Constitution, Article II, Section 1c takes 1689
effect on the ninety-first day after it is filed with the 1690
Secretary of State. If, however, a referendum petition is filed, 1691
this act unless rejected at the referendum, takes effect at the 1692
earliest time permitted by law. 1693