

As Reported by the House Public Utilities Committee

125th General Assembly

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Sub. H. B. No. 361

**Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen,
Harwood, Martin, Daniels, Strahorn, Carmichael**

A B I L L

To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 1
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 2
4931.48, 4931.49, 4931.50, 4931.99, and 5733.55; 3
to amend, for the purpose of adopting a new 4
section number as shown in parentheses, section 5
4931.55 (4931.75); and to enact sections 4931.60 6
to 4931.70 of the Revised Code to facilitate the 7
provision of wireless enhanced 9-1-1 by local 8
governments, by establishing requirements for 9
operation, administration, and funding, and to 10
permit a wireline telephone company to fund 11
through an existing tax credit nonrecurring rates 12
and charges for an updating or modernization of 13
the wireline network portion of a 9-1-1 system; 14
and to amend the versions of sections 4931.45, 15
4931.47, and 4931.48 of the Revised Code that are 16
scheduled to take effect December 31, 2004, to 17
continue the provisions of this act on and after 18
that effective date. 19

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

Section 1. That sections 2307.64, 2913.01, 4931.40, 4931.41, 20

4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 21
4931.50, 4931.99, and 5733.55 be amended; section 4931.55 22
(4931.75) be amended for the purpose of adopting a new section 23
number as indicated in parentheses; and sections 4931.60, 4931.61, 24
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.68, 25
4931.69, and 4931.70 of the Revised Code be enacted to read as 26
follows: 27

Sec. 2307.64. (A) As used in this section: 28

(1) "Advertisement" has the same meaning as in section 29
~~4931.55~~ 4931.75 of the Revised Code. 30

(2) "Computer," "computer network," "computer program," 31
"computer services," and "telecommunications device" have the same 32
meanings as in section 2913.01 of the Revised Code. 33

(3) "Electronic mail" means an electronic message that is 34
transmitted between two or more telecommunications devices or 35
electronic devices capable of receiving electronic messages, 36
whether or not the message is converted to hard copy format after 37
receipt, and whether or not the message is viewed upon the 38
transmission or stored for later retrieval. "Electronic mail" 39
includes electronic messages that are transmitted through a local, 40
regional, or global computer network. 41

(4) "Electronic mail advertisement" means electronic mail 42
containing an advertisement. 43

(5) "Electronic mail service provider" means any person that 44
is an intermediary in sending and receiving electronic mail and 45
that provides to users of electronic mail services the ability to 46
send or receive electronic mail. "Electronic mail service 47
provider" includes an internet service provider. 48

(6) "Internet" has the same meaning as in section 341.42 of 49
the Revised Code. 50

(7) "Originating address" means the string of characters used to specify the source of any electronic mail message.

(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.

(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.

(10) "Receiving address" means the string of characters used to specify a recipient with each receiving address creating a unique and separate recipient.

(11) "Recipient" means a person who receives an electronic mail advertisement at any one of the following receiving addresses:

(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;

(b) A receiving address ordinarily accessed from a computer located within this state;

(c) A receiving address ordinarily accessed by a person 81
domiciled within this state; 82

(d) Any other receiving address with respect to which the 83
obligations imposed by this section can be imposed consistent with 84
the United States Constitution. 85

(B)(1) Except as otherwise provided in division (B)(3) of 86
this section, a person that transmits or causes to be transmitted 87
to a recipient an electronic mail advertisement shall clearly and 88
conspicuously provide to the recipient, within the body of the 89
electronic mail advertisement, both of the following: 90

(a) The person's name and complete residence or business 91
address and the electronic mail address of the person transmitting 92
the electronic mail advertisement; 93

(b) A notice that the recipient may decline to receive from 94
the person transmitting or causing to be transmitted the 95
electronic mail advertisement any additional electronic mail 96
advertisements and a detailed procedure for declining to receive 97
any additional electronic mail advertisements at no cost. The 98
notice shall be of the same size of type as the majority of the 99
text of the message and shall not require that the recipient 100
provide any information other than the receiving address. 101

(2) If the recipient of an electronic mail advertisement uses 102
the procedure contained in the notice described in division 103
(B)(1)(b) of this section to decline to receive any additional 104
electronic mail advertisements, the person that transmitted or 105
caused to be transmitted the original electronic mail 106
advertisement, within a reasonable period of time, shall cease 107
transmitting or causing to be transmitted to the receiving address 108
any additional electronic mail advertisements. 109

(3) A person does not violate division (B) of this section if 110
the person transmits or causes to be transmitted to the recipient 111

an electronic mail advertisement when any of the following apply:	112
(a) The person has a pre-existing business or personal relationship with the recipient.	113 114
(b) The recipient has consented or has agreed as a condition of service to receive the electronic mail advertisement.	115 116
(c) The recipient receives the electronic mail advertisement because another recipient forwarded the advertisement to that recipient via an internet web site or another recipient made a direct referral of that recipient to receive the advertisement.	117 118 119 120
(C) No person shall use a computer, a computer network, or the computer services of an electronic mail service provider to transmit an electronic mail advertisement in contravention of the authority granted by, or in violation of the policies related to electronic mail advertisements set by, the electronic mail service provider if the electronic mail service provider has provided the person notice of those policies. For the purposes of this division, notice of those policies shall be deemed sufficient if an electronic mail service provider maintains an easily accessible web page containing its policies regarding electronic mail advertisements and can demonstrate that notice was supplied via electronic means between the sending and receiving computers.	121 122 123 124 125 126 127 128 129 130 131 132
(D) No electronic mail service provider shall be liable for transmitting another person's electronic mail advertisement through its service in violation of this section, or shall be liable for any action it voluntarily takes in good faith to block the receipt or transmission through its service of any electronic mail advertisement that it believes is, or will be sent, in violation of this section.	133 134 135 136 137 138 139
(E) A recipient of an electronic mail advertisement transmitted in violation of division (B) of this section may bring a civil action against a person who transmitted that advertisement	140 141 142

or caused it to be transmitted. In that action, the recipient may 143
recover the following: 144

(1) One hundred dollars for each violation, not to exceed a 145
total of fifty thousand dollars; 146

(2) Reasonable attorney's fees, court costs, and other costs 147
of bringing the action. 148

(F) An electronic mail service provider whose authority or 149
policy has been contravened in violation of division (C) of this 150
section may bring a civil action against a person who transmitted 151
that advertisement or caused it to be transmitted. In that action, 152
the electronic mail service provider may recover the following: 153

(1)(a) Fifty dollars for each violation of division (C) of 154
this section, not to exceed fifty thousand dollars; 155

(b) If a violation of division (C) of this section is a 156
willful or knowing violation, the court may increase the amount 157
recoverable to an amount not to exceed five hundred thousand 158
dollars. 159

(c) If a violation of division (C) of this section is 160
accompanied by a violation of division (H) of this section, there 161
shall be no limit on the amount that may be recovered pursuant to 162
this section. 163

(2) Reasonable attorney's fees, court costs, and other costs 164
of bringing the action. 165

(G) In addition to any recovery that is allowed under 166
divisions (E) or (F) of this section, the recipient of an 167
electronic mail advertisement transmitted in violation of division 168
(B) of this section or the electronic mail service provider of an 169
advertisement transmitted in violation of division (C) of this 170
section may apply to the court of common pleas of the county in 171
which the recipient resides or the service provider is located for 172

an order enjoining the person who transmitted or caused to be 173
transmitted that electronic mail advertisement from transmitting 174
or causing to be transmitted to the recipient any additional 175
electronic mail advertisement. 176

(H) No person shall use a computer, a computer network, a 177
computer program, or the computer services of an electronic mail 178
service provider with the intent to forge an originating address 179
or other routing information, in any manner, in connection with 180
the transmission of an electronic mail advertisement through or 181
into the network of an electronic mail service provider or its 182
subscribers. Each use of a computer, a computer network, a 183
computer program, or the computer services of an electronic mail 184
service provider in violation of this division constitutes a 185
separate offense. A person who violates this division is guilty of 186
forgery under section 2913.31 of the Revised Code. 187

Sec. 2913.01. As used in this chapter, unless the context 188
requires that a term be given a different meaning: 189

(A) "Deception" means knowingly deceiving another or causing 190
another to be deceived by any false or misleading representation, 191
by withholding information, by preventing another from acquiring 192
information, or by any other conduct, act, or omission that 193
creates, confirms, or perpetuates a false impression in another, 194
including a false impression as to law, value, state of mind, or 195
other objective or subjective fact. 196

(B) "Defraud" means to knowingly obtain, by deception, some 197
benefit for oneself or another, or to knowingly cause, by 198
deception, some detriment to another. 199

(C) "Deprive" means to do any of the following: 200

(1) Withhold property of another permanently, or for a period 201
that appropriates a substantial portion of its value or use, or 202

with purpose to restore it only upon payment of a reward or other consideration;	203 204
(2) Dispose of property so as to make it unlikely that the owner will recover it;	205 206
(3) Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.	207 208 209 210
(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.	211 212 213 214 215
(E) "Services" include labor, personal services, professional services, public utility services <u>including wireless service as defined in division (F)(1) of section 4931.40 of the Revised Code</u> , common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.	216 217 218 219 220 221 222
(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.	223 224 225 226 227
(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.	228 229 230 231 232
(H) "Utter" means to issue, publish, transfer, use, put or	233

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

section.	264
(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.	265 266 267 268
(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.	269 270 271 272 273 274 275
(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.	276 277 278 279 280
(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.	281 282 283 284 285
(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.	286 287 288
(Q) "Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system.	289 290 291
(R) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a	292 293 294

computer, computer system, or computer network. For purposes of 295
section 2913.47 of the Revised Code, "data" has the additional 296
meaning set forth in division (A) of that section. 297

(S) "Cable television service" means any services provided by 298
or through the facilities of any cable television system or other 299
similar closed circuit coaxial cable communications system, or any 300
microwave or similar transmission service used in connection with 301
any cable television system or other similar closed circuit 302
coaxial cable communications system. 303

(T) "Gain access" means to approach, instruct, communicate 304
with, store data in, retrieve data from, or otherwise make use of 305
any resources of a computer, computer system, or computer network, 306
or any cable service or cable system both as defined in section 307
2913.04 of the Revised Code. 308

(U) "Credit card" includes, but is not limited to, a card, 309
code, device, or other means of access to a customer's account for 310
the purpose of obtaining money, property, labor, or services on 311
credit, or for initiating an electronic fund transfer at a 312
point-of-sale terminal, an automated teller machine, or a cash 313
dispensing machine. It also includes a county procurement card 314
issued under section 301.29 of the Revised Code. 315

(V) "Electronic fund transfer" has the same meaning as in 92 316
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 317

(W) "Rented property" means personal property in which the 318
right of possession and use of the property is for a short and 319
possibly indeterminate term in return for consideration; the 320
rentee generally controls the duration of possession of the 321
property, within any applicable minimum or maximum term; and the 322
amount of consideration generally is determined by the duration of 323
possession of the property. 324

(X) "Telecommunication" means the origination, emission, 325

dissemination, transmission, or reception of data, images, 326
signals, sounds, or other intelligence or equivalence of 327
intelligence of any nature over any communications system by any 328
method, including, but not limited to, a fiber optic, electronic, 329
magnetic, optical, digital, or analog method. 330

(Y) "Telecommunications device" means any instrument, 331
equipment, machine, or other device that facilitates 332
telecommunication, including, but not limited to, a computer, 333
computer network, computer chip, computer circuit, scanner, 334
telephone, cellular telephone, pager, personal communications 335
device, transponder, receiver, radio, modem, or device that 336
enables the use of a modem. 337

(Z) "Telecommunications service" means the providing, 338
allowing, facilitating, or generating of any form of 339
telecommunication through the use of a telecommunications device 340
over a telecommunications system. 341

(AA) "Counterfeit telecommunications device" means a 342
telecommunications device that, alone or with another 343
telecommunications device, has been altered, constructed, 344
manufactured, or programmed to acquire, intercept, receive, or 345
otherwise facilitate the use of a telecommunications service or 346
information service without the authority or consent of the 347
provider of the telecommunications service or information service. 348
"Counterfeit telecommunications device" includes, but is not 349
limited to, a clone telephone, clone microchip, tumbler telephone, 350
or tumbler microchip; a wireless scanning device capable of 351
acquiring, intercepting, receiving, or otherwise facilitating the 352
use of telecommunications service or information service without 353
immediate detection; or a device, equipment, hardware, or software 354
designed for, or capable of, altering or changing the electronic 355
serial number in a wireless telephone. 356

(BB)(1) "Information service" means, subject to division 357

(BB)(2) of this section, the offering of a capability for 358
generating, acquiring, storing, transforming, processing, 359
retrieving, utilizing, or making available information via 360
telecommunications, including, but not limited to, electronic 361
publishing. 362

(2) "Information service" does not include any use of a 363
capability of a type described in division (BB)(1) of this section 364
for the management, control, or operation of a telecommunications 365
system or the management of a telecommunications service. 366

(CC) "Elderly person" means a person who is sixty-five years 367
of age or older. 368

(DD) "Disabled adult" means a person who is eighteen years of 369
age or older and has some impairment of body or mind that makes 370
the person unfit to work at any substantially remunerative 371
employment that the person otherwise would be able to perform and 372
that will, with reasonable probability, continue for a period of 373
at least twelve months without any present indication of recovery 374
from the impairment, or who is eighteen years of age or older and 375
has been certified as permanently and totally disabled by an 376
agency of this state or the United States that has the function of 377
so classifying persons. 378

(EE) "Firearm" and "dangerous ordnance" have the same 379
meanings as in section 2923.11 of the Revised Code. 380

(FF) "Motor vehicle" has the same meaning as in section 381
4501.01 of the Revised Code. 382

(GG) "Dangerous drug" has the same meaning as in section 383
4729.01 of the Revised Code. 384

(HH) "Drug abuse offense" has the same meaning as in section 385
2925.01 of the Revised Code. 386

Sec. 4931.40. As used in sections 4931.40 to ~~4931.54~~ 4931.70 387

of the Revised Code: 388

(A) "9-1-1 system" means a system through which individuals 389
can request emergency service using the telephone number 9-1-1. 390

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 391
provides information on the nature of and the location of an 392
emergency, and the personnel receiving the call must determine the 393
appropriate emergency service provider to respond at that 394
location. 395

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 396
providing both enhanced wireline 9-1-1 and wireless enhanced 397
9-1-1. 398

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 399
the wireline telephone network ~~system, in providing wireline~~ 400
9-1-1, automatically provides to personnel receiving the call, 401
~~immediately on answering the 9-1-1 call, information on the~~ 402
~~location and the telephone number from which the call is being~~ 403
~~made, and routes the call to emergency service providers that~~ 404
serve the location from which the call is made and immediately 405
provides to personnel answering the 9-1-1 call information on the 406
location and the telephone number from which the call is being 407
made. 408

~~(D)~~(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 409
in providing wireless 9-1-1, has the capabilities of phase I and, 410
to the extent available, phase II enhanced 9-1-1 services as 411
described in 47 C.F.R. 20.18 (d) to (h). 412

(F)(1) "Wireless service" means federally licensed commercial 413
mobile service as defined in 47 U.S.C. 332(d) and further defined 414
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 415
service provided by any wireless, two-way communications device, 416
including a radio-telephone communications line used in cellular 417

telephone service or personal communications service, a network 418
radio access line, or any functional or competitive equivalent of 419
such a radio-telephone communications or network radio access 420
line. 421

(2) Nothing in sections 4931.40 to 4931.70 of the Revised 422
Code applies to paging or any service that cannot be used to call 423
9-1-1. 424

(G) "Wireless service provider" means a facilities-based 425
provider of wireless service to one or more end users in this 426
state. 427

(H) "Wireless 9-1-1" means the emergency calling service 428
provided by a 9-1-1 system pursuant to a call originating in the 429
network of a wireless service provider. 430

(I) "Wireline 9-1-1" means the emergency calling service 431
provided by a 9-1-1 system pursuant to a call originating in the 432
network of a wireline service provider. 433

(J) "Wireline service provider" means a facilities-based 434
provider of wireline service to one or more end-users in this 435
state. 436

(K) "Wireline service" means basic local exchange service, as 437
defined in section 4927.01 of the Revised Code, that is 438
transmitted by means of interconnected wires or cables by a 439
wireline service provider authorized by the public utilities 440
commission. 441

(L) "Wireline telephone network" means the selective router 442
and data base processing systems, trunking and data wiring cross 443
connection points at the public safety answering point, and all 444
other voice and data components of the 9-1-1 system. 445

(M) "Subdivision" means a county, municipal corporation, 446
township, township fire district, joint fire district, township 447

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

~~(E)~~(N) "Emergency service" means emergency ~~police law~~ 457
enforcement, firefighting, ambulance, rescue, and medical service. 458

~~(F)~~(O) "Emergency service provider" means the state highway 459
patrol and an emergency service department or unit of a 460
subdivision or that ~~operates in~~ provides emergency service to a 461
subdivision under contract with the subdivision. 462

~~(G)~~(P) "Public safety answering point" means a facility to 463
which 9-1-1 system calls for a specific territory are initially 464
routed for response and where ~~subdivision~~ personnel respond to 465
specific requests for emergency service by directly dispatching 466
the appropriate emergency service provider, relaying a message to 467
the appropriate provider, or transferring the call to the 468
appropriate provider. 469

~~(H)~~(Q) "Customer premises equipment" means telecommunications 470
equipment, including telephone instruments, on the premises of a 471
public safety answering point that is used in answering and 472
responding to 9-1-1 system calls. 473

~~(I)~~(R) "Municipal corporation in the county" includes any 474
municipal corporation that is wholly contained in the county and 475
each municipal corporation located in more than one county that 476
has a greater proportion of its territory in the county to which 477
the term refers than in any other county. 478

~~(J)~~(S) "Board of county commissioners" includes the 479
legislative authority of a county established under Section 3 of 480
Article X, Ohio Constitution, or Chapter 302. of the Revised Code. 481

~~(K)~~(T) "Final plan" means a final plan adopted under division 482
(B) of section 4931.44 of the Revised Code and, except as 483
otherwise expressly provided, an amended final plan adopted under 484
section 4931.45 of the Revised Code. 485

~~(L)~~(U) "Subdivision served by a public safety answering 486
point" means a subdivision that provides emergency service for any 487
part of its territory that is located within the territory of a 488
public safety answering point whether the subdivision provides the 489
emergency service with its own employees or pursuant to a 490
contract. 491

~~(M)~~(V) A township's population includes only population of 492
the unincorporated portion of the township. 493

~~(N)~~(W) "Telephone company" means a company engaged in the 494
business of providing local exchange telephone service by making 495
available or furnishing access and a dial tone to persons within a 496
local calling area for use in originating and receiving voice 497
grade communications over a switched network operated by the 498
provider of the service within the area and gaining access to 499
other telecommunications services. "Telephone company" includes a 500
wireline service provider and a wireless service provider unless 501
otherwise expressly specified. For purposes of sections 4931.52 502
and 4931.53 of the Revised Code, "telephone company" means a 503
wireline service provider. 504

Sec. 4931.41. (A)(1) A countywide 9-1-1 system shall include 505
all of the territory of the townships and municipal corporations 506
in the county and any portion of such a municipal corporation that 507
extends into an adjacent county. 508

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

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

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

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

(2) A subdivision that operates a public safety answering

point shall pay all of the costs associated with establishing, 540
equipping, furnishing, operating, and maintaining that facility 541
and shall allocate those costs among itself and the subdivisions 542
served by the answering point based on the allocation formula in a 543
final plan. The ~~telephone company~~ wireline service provider or 544
other entity that provides or maintains the customer premises 545
equipment shall bill the operating subdivision for the cost of 546
providing such equipment, or its maintenance. A wireless service 547
provider and a subdivision operating a public safety answering 548
point may enter into a service agreement for providing wireless 549
enhanced 9-1-1 pursuant to a final plan adopted under sections 550
4931.40 to 4931.70 of the Revised Code. 551

(E) Except to the extent provided in a final plan that 552
provides for funding of a 9-1-1 system in part through charges 553
imposed under section 4931.51 of the Revised Code, each 554
subdivision served by a public safety answering point shall pay 555
the subdivision that operates the answering point the amount 556
computed in accordance with the allocation formula set forth in 557
the final plan. 558

(F) Notwithstanding any other provision of law, the purchase 559
or other acquisition, installation, and maintenance of the 560
telephone network for a 9-1-1 system and the purchase or other 561
acquisition, ~~the~~ installation, and maintenance of customer 562
premises equipment at a public safety answering point made in 563
compliance with a final plan or an agreement under section 4931.48 564
of the Revised Code, including customer premises equipment used to 565
provide wireless enhanced 9-1-1, are not subject to any 566
requirement of competitive bidding. 567

(G) Each emergency service provider participating in a 568
countywide 9-1-1 system shall maintain a telephone number in 569
addition to 9-1-1. 570

(H) Whenever a final plan provides for the implementation of 571

basic 9-1-1 ~~service~~, the planning committee shall so notify the 572
public utilities commission, which shall determine whether the 573
~~telephone companies~~ wireline service providers serving the 574
territory covered by the plan are capable of reasonably meeting 575
the technical and economic requirements of providing the wireline 576
telephone network portion of an enhanced 9-1-1 system. The 577
determination shall be made solely for purposes of division 578
(C)(2)(a) of section 4931.47 of the Revised Code. 579

(I) If the public safety answering point personnel reasonably 580
determine that a 9-1-1 call is not an emergency, the personnel 581
shall provide the caller with the telephone number of ~~the~~ an 582
appropriate ~~emergency service provider~~ subdivision agency as 583
applicable. 584

(J) A final plan adopted under sections 4931.40 to 4931.70 of 585
the Revised Code, or an agreement under section 4931.48 of the 586
Revised Code, may provide that, by further agreement included in 587
the plan or agreement, the state highway patrol or one or more 588
public safety answering points of another 9-1-1 system is the 589
public safety answering point or points for the provision of 590
wireline or wireless 9-1-1 for all or part of the territory of the 591
9-1-1 system established under the plan or agreement. In that 592
event, the subdivision for which the wireline or wireless 9-1-1 is 593
provided as named in the agreement shall be deemed the subdivision 594
operating the public safety answering point or points for purposes 595
of sections 4931.40 to 4931.70 of the Revised Code, except that, 596
for the purpose of division (D)(2) of this section, that 597
subdivision shall pay only so much of the costs of establishing, 598
equipping, furnishing, operating, or maintaining any such public 599
safety answering point as are specified in the agreement with the 600
patrol or other system. 601

(K) A final plan for the provision of wireless enhanced 9-1-1 602
shall provide that any wireless 9-1-1 calls routed to a state 603

highway patrol-operated public safety answering point by default, 604
due to a wireless service provider so routing all such calls of 605
its subscribers without prior permission, are instead to be routed 606
as provided under the plan. Upon the implementation of countywide 607
wireless enhanced 9-1-1 pursuant to a final plan, the state 608
highway patrol shall cease any functioning as a public safety 609
answering point providing wireless 9-1-1 within the territory 610
covered by the countywide 9-1-1 system so established, unless the 611
patrol functions as a public safety answering point providing 612
wireless enhanced 9-1-1 pursuant to an agreement included in the 613
plan as authorized under division (J) of this section. 614

Sec. 4931.43. (A) The 9-1-1 planning committee shall prepare 615
a proposal on the implementation of a countywide 9-1-1 system and 616
shall hold a public meeting on the proposal to explain the system 617
to and receive comments from public officials. At least thirty but 618
not more than sixty days before the meeting, the committee shall 619
send a copy of the implementation proposal and written notice of 620
the meeting: 621

(1) By certified mail, to the board of county commissioners, 622
the legislative authority of each municipal corporation in the 623
county, and to the board of trustees of each township in the 624
county; and 625

(2) To the board of trustees, directors, or park 626
commissioners of each subdivision that will be served by a public 627
safety answering point under the plan. 628

(B) The proposal and the final plan adopted by the committee 629
shall specify: 630

(1) Which telephone companies serving customers in the county 631
and, as authorized in division (A)(1) of section 4931.41 of the 632
Revised Code, in an adjacent county will participate in the 9-1-1 633

system; 634

(2) The location and number of public safety answering 635
points; how they will be connected to a company's telephone 636
network; from what geographic territory each will receive 9-1-1 637
calls; whether basic or enhanced 9-1-1 service will be provided 638
within such territory; what subdivisions will be served by the 639
answering point; and whether an answering point will respond to 640
calls by directly dispatching an emergency service provider, by 641
relaying a message to the appropriate provider, or by transferring 642
the call to the appropriate provider; 643

(3) ~~What~~ Which subdivision will establish, equip, furnish, 644
operate, and maintain ~~each~~ a particular public safety answering 645
point; 646

(4) A projection of the initial cost of establishing, 647
equipping, and furnishing and of the annual cost of the first five 648
years of operating and maintaining each public safety answering 649
point; 650

(5) Whether the cost of establishing, equipping, furnishing, 651
operating, or maintaining each public safety answering point 652
should be funded through charges imposed under section 4931.51 of 653
the Revised Code or will be allocated among the subdivisions 654
served by the answering point and, if any such cost is to be 655
allocated, the formula for so allocating it; 656

(6) How each emergency service provider will respond to a 657
misdirected call. 658

(C) Following the meeting required by this section, the 9-1-1 659
planning committee may modify the implementation proposal and, no 660
later than nine months after the resolution authorized by section 661
~~4931.41~~ 4931.42 of the Revised Code is adopted, may adopt, by 662
majority vote, ~~adopt~~ a final plan for implementing a countywide 663
9-1-1 system. If a planning committee and ~~telephone company~~ 664

wireline service provider do not agree on whether the ~~telephone~~ 665
~~company~~ wireline service provider is capable of providing the 666
wireline telephone network as described under division (A) of 667
section 4931.41 of the Revised Code and the planning committee 668
refers that question to the public utilities commission, the 669
commission may extend the nine-month deadline established by this 670
division to twelve months. Immediately on completion of the plan, 671
the committee shall send a copy of the final plan: 672

(1) By certified mail to the board of county commissioners of 673
the county, to the legislative authority of each municipal 674
corporation in the county, and to the board of township trustees 675
of each township in the county; and 676

(2) To the board of trustees, directors, or park 677
commissioners of each subdivision that will be served by a public 678
safety answering point under the plan. 679

(D) If the committee has not adopted a final plan on or 680
before the deadline in division (C) of this section, the committee 681
shall cease to exist. A new 9-1-1 planning committee may be 682
convened in the manner established in section 4931.42 of the 683
Revised Code to develop an implementation proposal and final plan 684
in accordance with the requirements of sections 4931.42 to 4931.44 685
of the Revised Code. 686

Sec. 4931.44. (A) Within sixty days after receipt of the 687
final plan pursuant to division (C) of section 4931.43 of the 688
Revised Code, the board of county commissioners of the county and 689
the legislative authority of each municipal corporation in the 690
county and of each township whose territory is proposed to be 691
included in a countywide 9-1-1 system shall act by resolution to 692
approve or disapprove the plan, except that, with respect to a 693
final plan that provides for funding of the 9-1-1 system in part 694
through charges imposed under section 4931.51 of the Revised Code, 695

the board of county commissioners shall not act by resolution to 696
approve or disapprove the plan until after a resolution adopted 697
under section 4931.51 of the Revised Code has become effective as 698
provided in division (D) of that section. A municipal corporation 699
or township whose territory is proposed to be included in the 700
system includes any municipal corporation or township in which a 701
part of its territory is excluded pursuant to division (A)(2) of 702
section 4931.41 of the Revised Code. Each such authority ~~shall~~ 703
immediately shall notify the board of county commissioners in 704
writing of its approval or disapproval of the final plan. Failure 705
by a board or legislative authority to notify the board of county 706
commissioners of approval or disapproval within such sixty-day 707
period shall be deemed disapproval by ~~such~~ the board or authority. 708

(B) As used in this division, "county's population" excludes 709
the population of any municipal corporation or township that, 710
under the plan, is completely excluded from 9-1-1 service in the 711
county's final plan. A countywide plan ~~will become~~ is effective if 712
all of the following entities approve the plan in accordance with 713
this section: 714

(1) The board of county commissioners; 715

(2) The legislative authority of a municipal corporation that 716
contains at least thirty per cent of the county's population, if 717
any; 718

(3) The legislative authorities of municipal corporations and 719
townships that contain at least sixty per cent of the county's 720
population or, if the plan has been approved by a municipal 721
corporation that contains at least sixty per cent of the county's 722
population, by the legislative authorities of municipal 723
corporations and townships that contain at least seventy-five per 724
cent of the county's population. 725

(C) After a countywide plan approved in accordance with this 726

section is adopted, all of the telephone companies and 727
subdivisions included in the plan are subject to the specific 728
requirements of the plan and to sections 4931.40 to ~~4931.54~~ 729
4931.70 of the Revised Code. 730

Sec. 4931.45. (A) ~~A~~ An amended final plan ~~may be amended to~~ 731
~~expand~~ is required for any of the following purposes: 732

(1) Expanding the territory included in the countywide 9-1-1 733
system, ~~to upgrade;~~ 734

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 735
enhanced wireline 9-1-1 ~~service, to adjust;~~ 736

(3) Adjusting the territory served by a public safety 737
answering point, ~~to re prescribe;~~ 738

(4) Represcribing the funding of public safety answering 739
points as between the alternatives set forth in division (B)(5) of 740
section 4931.43 of the Revised Code, ~~or to make;~~ 741

(5) Providing for wireless enhanced 9-1-1; 742

(6) Adding a telephone company as a participant in a 743
countywide 9-1-1 system after the implementation of wireline 9-1-1 744
or wireless enhanced 9-1-1; 745

(7) Providing that the state highway patrol or one or more 746
public safety answering points of another 9-1-1 system function as 747
a public safety answering point or points for the provision of 748
wireline or wireless 9-1-1 for all or part of the territory of the 749
system established under the final plan, as contemplated under 750
division (J) of section 4931.41 of the Revised Code; 751

(8) Making any other necessary adjustments to the plan ~~only~~ 752
~~by convening a new 9-1-1 planning committee, and adopting an~~ 753
~~amended final plan. The convening of a new 9-1-1 planning~~ 754
~~committee and the proposal and adoption of an amended final plan~~ 755
~~shall be made in the same manner required for the convening of an~~ 756

~~initial committee and adoption of an original proposed and final
plan under sections 4931.42 to 4931.44 of the Revised Code.~~ 757
758

~~Adoption~~ 759

The adoption of an amended final plan under this division 760
shall be subject to, and accomplished in the manner of the 761
adoption of an initial final plan under, sections 4931.42 to 762
4931.44 of the Revised Code, including the requirements for the 763
convening of a 9-1-1 planning committee and development of a 764
proposed plan prior to the adoption of the final plan. However, a 765
final plan is deemed amended for the purpose described in division 766
(A)(6) of this section upon the filing, with the board of county 767
commissioners of the county that approved the final plan for the 768
countywide 9-1-1 system, of a written letter of intent by the 769
entity to be added as a participant in the 9-1-1 system. The 770
entity shall send written notice of the filing to all subdivisions 771
and telephone companies participating in the system. Further, 772
adoption of any resolution under section 4931.51 of the Revised 773
Code pursuant to a final plan that both has been adopted and 774
provides for funding through charges imposed under that section is 775
not an amendment of a final plan for the purpose of this division. 776

(B) ~~When a final plan is amended to expand the territory that~~ 777
~~receives 9-1-1 service or to upgrade a 9-1-1 system from basic to~~ 778
~~enhanced 9-1-1 service~~ for a purpose described in division (A)(1), 779
(2), or (6) of this section, the provisions of sections 4931.47 780
and 5727.39 of the Revised Code apply with respect to the 781
~~telephone company's~~ recovery of the nonrecurring and recurring 782
rates and charges for the wireline telephone network portion of 783
the 9-1-1 system. When a final plan is amended for the purpose 784
described in division (A)(5) of this section, the provisions apply 785
with respect to the recovery of only the nonrecurring rates and 786
charges for the wireline telephone network portion of the 9-1-1 787
system. 788

Sec. 4931.46. (A) Within three years from the date ~~a~~ an 789
initial final plan becomes effective under division (B) of section 790
4931.44 of the Revised Code, the ~~telephone companies~~ wireline 791
service providers designated in the plan shall have installed the 792
wireline telephone network portion of the 9-1-1 system according 793
to the terms, conditions, requirements, and specifications set 794
forth in that plan. 795

(B)(1) Upon installation of a countywide 9-1-1 system, the 796
board of county commissioners may direct the county engineer to 797
erect and maintain at the county boundaries on county roads and 798
state and interstate highways, signs indicating the availability 799
of a countywide 9-1-1 system. Any sign erected by a county under 800
this section shall be erected in accordance with and meet the 801
specifications established under division (B)(2) of this section. 802
All expenses incurred in erecting and maintaining the signs shall 803
be paid by the county. 804

(2) The director of transportation shall develop design 805
specifications for signs giving notice of the availability of a 806
countywide 9-1-1 system. The director also shall establish 807
standards for the erection of the signs and, in accordance with 808
federal law and regulations and recognized engineering practices, 809
specify those locations where the signs shall not be erected. 810

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 811
4905., 4909., and 4931. of the Revised Code, the public utilities 812
commission shall determine the just, reasonable, and compensatory 813
rates, tolls, classifications, charges, or rentals to be observed 814
and charged for the wireline telephone network portion of a basic 815
~~and~~ or enhanced 9-1-1 system, and each telephone company that is a 816
wireline service provider participating in the system shall be 817
subject to such chapters, to the extent they apply, as to the 818

service provided by its portion of the wireline telephone network 819
for the system as described in the final plan or to be installed 820
pursuant to agreements under section 4931.48 of the Revised Code, 821
and as to the rates, tolls, classifications, charges, or rentals 822
to be observed and charged for that service. 823

(B) Only the customers of a participating telephone company 824
described in division (A) of this section that are served within 825
the area covered by a 9-1-1 system shall pay the recurring rates 826
for the maintenance and operation of the company's portion of the 827
wireline telephone network ~~in providing 9-1-1 service of the~~ 828
system. Such rates shall be computed by dividing the total monthly 829
recurring rates set forth in ~~a telephone~~ the company's schedule as 830
filed in accordance with section 4905.30 of the Revised Code, by 831
the total number of residential and business customer access 832
lines, or their equivalent, within the area served. Each 833
residential and business customer within the area served shall pay 834
the recurring rates based on the number of its residential and 835
business customer access lines or their equivalent. No company ~~may~~ 836
shall include such amount on any customer's bill until the company 837
has completed its portion of the wireline telephone network in 838
accordance with the terms, conditions, requirements, and 839
specifications of the final plan or an agreement made under 840
section 4931.48 of the Revised Code. 841

(C)(1) Except as otherwise provided in division (C)(2)(a) or 842
(b) of this section, a participating telephone company described 843
in division (A) of this section may receive through the credit 844
authorized by section 5727.39 of the Revised Code the total 845
nonrecurring charges for its portion of the wireline telephone 846
network ~~used in providing 9-1-1 service, of the system and the~~ 847
total nonrecurring charges for any updating or modernization of 848
that wireline telephone network in accordance with the terms, 849
conditions, requirements, and specifications of the final plan or 850

pursuant to agreements under section 4931.48 of the Revised Code, 851
as any such charges are set forth in the schedule filed by a 852
telephone company in accordance with section 4905.30 of the 853
Revised Code, ~~on completion of the installation of the network in~~ 854
~~accordance with the terms, conditions, requirements, and~~ 855
~~specifications of the final plan or pursuant to section 4931.48 of~~ 856
~~the Revised Code shall be recovered by the company through the~~ 857
~~credit authorized by section 5727.39 of the Revised Code. That~~ 858
~~portion, updating, or modernization may be for or include the~~ 859
~~provision of wireless 9-1-1. As applicable, the receipt of those~~ 860
~~charges shall occur only upon the completion of the installation~~ 861
~~of the network or the completion of the updating or modernization.~~ 862

(2)(a) The credit shall not be allowed under division (C)(1) 863
of this section for the upgrading of a system from basic to 864
enhanced wireline 9-1-1 service when if both of the following 865
apply: 866

~~(a)(i)~~ The telephone company received the credit for the 867
wireline telephone network portion of the basic 9-1-1 system now 868
proposed to be upgraded; and. 869

~~(b)(ii)~~ At the time the final plan or agreement pursuant to 870
section 4931.48 of the Revised Code calling for the basic 9-1-1 871
system was agreed to, the telephone company was capable of 872
reasonably meeting the technical and economic requirements of 873
providing the wireline telephone network portion of an enhanced 874
9-1-1 system within the territory proposed to be upgraded, as 875
determined by the public utilities commission under division (A) 876
or (H) of section 4931.41 or division (C) of section 4931.48 of 877
the Revised Code. 878

(b) The credit shall not be allowed under division (C)(1) of 879
this section for any portion of the total nonrecurring charges for 880
the wireline telephone network used in providing wireless 9-1-1, 881
as set forth in the schedule filed by the telephone company in 882

accordance with section 4905.30 of the Revised Code, to the extent 883
the telephone company, in otherwise providing 9-1-1 service, 884
previously received those charges through the credit authorized by 885
section 5727.39 of the Revised Code, or receives or received those 886
charges from a wireless service provider pursuant to a tariff or 887
contract. 888

(3) ~~When~~ If the credit is not allowed under division 889
(C)(2)(a) of this section, the total nonrecurring charges for the 890
wireline telephone network used in providing 9-1-1 service, as set 891
forth in the schedule filed by a telephone company in accordance 892
with section 4905.30 of the Revised Code, on completion of the 893
installation of the network in accordance with the terms, 894
conditions, requirements, and specifications of the final plan or 895
pursuant to section 4931.48 of the Revised Code, shall be paid by 896
the municipal corporations and townships with any territory in the 897
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 898
made. 899

(D) ~~Where~~ If customer premises equipment for a public safety 900
answering point is supplied by a telephone company that is 901
required to file a schedule under section 4905.30 of the Revised 902
Code pertaining to customer premises equipment, the recurring and 903
nonrecurring rates and charges for the installation and 904
maintenance of the equipment specified in the schedule shall 905
apply. 906

Sec. 4931.48. (A) If a final plan is disapproved under 907
division (B) of section 4931.44 of the Revised Code, by 908
resolution, the legislative authority of a municipal corporation 909
or township that contains at least thirty per cent of the county's 910
population may establish within its boundaries, or the legislative 911
authorities of a group of municipal corporations or townships each 912
of which is contiguous with at least one other such municipal 913

corporation or township in the group, together containing at least 914
thirty per cent of the county's population, may jointly establish 915
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 916
municipal corporation or township may enter into an agreement, and 917
the contiguous municipal corporations or townships may jointly 918
enter into an agreement with a one or more telephone ~~company~~ 919
~~providing service in the municipal corporations or townships to~~ 920
~~provide for the telephone network portion of the system~~ companies. 921

(B) If no resolution has been adopted to convene a 9-1-1 922
planning committee under section 4931.42 of the Revised Code, ~~but~~ 923
~~not sooner than eighteen months after the effective date of such~~ 924
~~section,~~ by resolution, the legislative authority of any municipal 925
corporation in the county may establish within its boundaries, or 926
the legislative authorities of a group of municipal corporations 927
and townships each of which is contiguous to at least one of the 928
other such municipal corporations or townships in the group may 929
jointly establish within their boundaries, a 9-1-1 system. ~~The~~ For 930
that purpose, the municipal corporation, or contiguous municipal 931
corporations and townships, may enter into an agreement with a one 932
or more telephone ~~company serving customers within the boundaries~~ 933
~~of the municipal corporation or contiguous municipal corporations~~ 934
~~and townships, to provide for the telephone network portion of a~~ 935
~~9-1-1 system~~ companies. 936

(C) Whenever a telephone company that is a wireline service 937
provider and one or more municipal corporations and townships 938
enter into an agreement under division (A) or (B) of this section 939
to provide for the wireline telephone network portion of a basic 940
9-1-1 system, the telephone company shall so notify the public 941
utilities commission, which shall determine whether the telephone 942
company is capable of reasonably meeting the technical and 943
economic requirements of providing the wireline telephone network 944
for an enhanced system within the territory served by the company 945

and covered by the agreement. The determination shall be made 946
solely for the purposes of division (C)(2) of section 4931.47 of 947
the Revised Code. 948

(D) Within three years from the date of entering into an 949
initial agreement described under division ~~(A) or (B)~~(C) of this 950
section, the telephone company shall have installed the wireline 951
telephone network portion of the 9-1-1 system according to the 952
terms, conditions, requirements, and specifications set forth in 953
the agreement. 954

(E) ~~The~~ A telephone company that is a wireline service 955
provider shall recover the cost of installing the wireline 956
telephone network system pursuant to agreements made under this 957
section as provided in sections 4931.47 and 5727.39 of the Revised 958
Code. 959

Sec. 4931.49. (A)(1) The state, the state highway patrol, or 960
a subdivision participating in a 9-1-1 system established under 961
sections 4931.40 to 4931.70 of the Revised Code and any officer, 962
agent, ~~or~~ employee, or independent contractor of the state, the 963
state highway patrol, or such a participating subdivision is not 964
liable in damages in a civil action for injuries, death, or loss 965
to persons or property arising from any act or omission, except 966
willful or wanton misconduct, in connection with developing, 967
adopting, or approving any final plan or any agreement made under 968
section 4931.48 of the Revised Code or otherwise bringing into 969
operation a the 9-1-1 system pursuant to ~~those provisions~~ sections 970
4931.40 to 4931.70 of the Revised Code. 971

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 972
board, and any member of that council or board are not liable in 973
damages in a civil action for injuries, death, or loss to persons 974
or property arising from any act or omission, except willful or 975
wanton misconduct, in connection with the development or operation 976

of a 9-1-1 system established under sections 4931.40 to 4931.70 of
the Revised Code.

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(B) Except as otherwise provided in ~~sections 701.02 and~~
section 4765.49 of the Revised Code, an individual who gives
emergency instructions through a 9-1-1 system established under
sections 4931.40 to ~~4931.54~~ 4931.70 of the Revised Code, and the
principals for whom the person acts, including both employers and
independent contractors, public and private, and an individual who
follows emergency instructions and the principals for whom that
person acts, including both employers and independent contractors,
public and private, are not liable in damages in a civil action
for injuries, death, or loss to persons or property arising from
the issuance or following of emergency instructions, except where
the issuance or following of the instructions constitutes willful
or wanton misconduct.

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

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(D) No person shall knowingly use the telephone number of ~~the~~
a 9-1-1 system established under sections 4931.40 to 4931.70 of

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the Revised Code to report an emergency if the person knows that 1009
no emergency exists. 1010

(E) No person shall knowingly use a 9-1-1 system for a 1011
purpose other than obtaining emergency service. 1012

(F) ~~No person shall disclose or use, for any purpose other~~ 1013
~~than for the 9-1-1 system,~~ any information concerning telephone 1014
numbers, addresses, or names obtained from the data base that 1015
serves the public safety answering point of a 9-1-1 system 1016
established under sections 4931.40 to ~~4931.54~~ 4931.70 of the 1017
Revised Code, ~~except that~~ for any of the following purposes or 1018
under any of the following circumstances: 1019

(1) For the purpose of the 9-1-1 system; 1020

(2) For the purpose of responding to an emergency call to an 1021
emergency service provider; 1022

(3) In the circumstance of the inadvertent disclosure of such 1023
information due solely to technology of the wireline telephone 1024
network portion of the 9-1-1 system not allowing access to the 1025
data base to be restricted to 9-1-1 specific answering lines at a 1026
public safety answering point; 1027

(4) In the circumstance of assistance given by a telephone 1028
company ~~may disclose or use such information that is a wireline~~ 1029
service provider to assist a public utility or municipal utility 1030
in handling customer calls in times of public emergency or service 1031
outages. The charge, terms, and conditions for the disclosure or 1032
use of such information ~~by the telephone company~~ for the purpose 1033
of such assistance shall be subject to the jurisdiction of the 1034
public utilities commission. ~~In no event shall such information be~~ 1035
~~disclosed or used for any purpose not permitted by this division.~~ 1036

Sec. 4931.50. (A) The attorney general, upon request of the 1037
public utilities commission or on the attorney general's own 1038

initiative, shall begin proceedings against a ~~subdivision or~~ 1039
telephone company that is a wireline service provider to enforce 1040
compliance with sections 4931.40 to ~~4931.54~~ 4931.70 of the Revised 1041
Code, or with the terms, conditions, requirements, or 1042
specifications of a final plan or of an agreement under section 1043
4931.48 of the Revised Code as to wireline or wireless 9-1-1. 1044

(B) The attorney general, upon the attorney general's own 1045
initiative, or any prosecutor, upon the prosecutor's initiative, 1046
shall begin proceedings against a subdivision as to wireline or 1047
wireless 9-1-1 to enforce compliance with sections 4931.40 to 1048
4931.70 of the Revised Code or with the terms, conditions, 1049
requirements, or specifications of a final plan or of an agreement 1050
under section 4931.48 of the Revised Code as to wireline or 1051
wireless 9-1-1. 1052

Sec. 4931.60. There is hereby created within the public 1053
utilities commission the 9-1-1 service program, headed by an Ohio 1054
9-1-1 coordinator in the unclassified civil service pursuant to 1055
division (A)(9) of section 124.11 of the Revised Code. The 1056
coordinator shall be appointed by and serve at the pleasure of the 1057
commission chairperson and shall report directly to the 1058
chairperson. Upon the effective date of this section, the 1059
chairperson shall appoint an interim coordinator and, upon 1060
submission of a list of nominees by the Ohio 9-1-1 council 1061
pursuant to section 4931.69 of the Revised Code, shall consider 1062
those nominees in making the final appointment and in appointing 1063
any subsequent coordinator. The chairperson may request the 1064
council to submit additional nominees and may reject any of the 1065
nominees. The chairperson shall fix the compensation of the 1066
coordinator. The chairperson shall evaluate the performance of the 1067
coordinator after considering the evaluation and recommendations 1068
of the council under section 4931.68 of the Revised Code. 1069

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

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 either at the point of sale or, if the subscriber has a positive account balance on the last day of the month, by reducing that balance at the end of the month by the amount of the charge

or an equivalent number of air time minutes. 1102

(B) The wireless 9-1-1 charge shall be exempt from state or 1103
local taxation. 1104

Sec. 4931.62. (A)(1) Beginning with the second month 1105
following the month in which the wireless 9-1-1 charge is first 1106
imposed under section 4931.61 of the Revised Code, a wireless 1107
service provider or reseller of wireless service, not later than 1108
the last day of each month, shall remit the full amount of all 1109
wireless 9-1-1 charges it collected for the second preceding 1110
calendar month to the Ohio 9-1-1 coordinator, with the exception 1111
of charges equivalent to the amount authorized as a billing and 1112
collection fee under division (A)(2) of this section. In doing so, 1113
the provider or reseller may remit the requisite amount in any 1114
reasonable manner consistent with its existing operating or 1115
technological capabilities, such as by customer address, location 1116
associated with the wireless telephone number, or another 1117
allocation method based on comparable, relevant data. If the 1118
wireless service provider or reseller receives a partial payment 1119
for a bill from a wireless service subscriber, the wireless 1120
service provider or reseller shall apply the payment first against 1121
the amount the subscriber owes the wireless service provider or 1122
reseller and shall remit to the coordinator such lesser amount, if 1123
any, as results from that invoice. 1124

(2) A wireless service provider or reseller of wireless 1125
service may retain as a billing and collection fee two per cent of 1126
the total wireless 9-1-1 charges it collects in any month and 1127
shall account to the coordinator for the amount retained. 1128

(B) Each subscriber on which a wireless 9-1-1 charge is 1129
imposed under division (A) of section 4931.61 of the Revised Code 1130
is liable to the state for the amount of the charge. If a wireless 1131

service provider or reseller fails to collect the charge under 1132
that division from a subscriber of prepaid wireless service, or 1133
fails to bill any other subscriber for the charge, the wireless 1134
service provider or reseller is liable to the state for the amount 1135
not collected or billed. If a wireless service provider or 1136
reseller collects charges under that division and fails to remit 1137
the money to the coordinator, the wireless service provider or 1138
reseller is liable to the state for any amount collected and not 1139
remitted. 1140

(C)(1) If the public utilities commission has reason to 1141
believe that a wireless service provider or reseller has failed to 1142
bill, collect, or remit the wireless 9-1-1 charge as required by 1143
divisions (A)(1) and (B) of this section or has retained more than 1144
the amount authorized under division (A)(2) of this section, and 1145
after written notice to the provider or reseller, the commission 1146
may audit the provider or reseller for the sole purpose of making 1147
such a determination. The audit may be of a sample of the 1148
provider's or reseller's billings, collections, remittances, or 1149
retentions for a representative period, and the commission shall 1150
make a good faith effort to reach agreement with the provider or 1151
reseller in selecting that sample. 1152

(2) Upon written notice to the wireless service provider or 1153
reseller, the commission, by order after completion of the audit, 1154
may make an assessment against the provider or reseller if, 1155
pursuant to the audit, the commission determines that the provider 1156
or reseller has failed to bill, collect, or remit the wireless 1157
9-1-1 charge as required by divisions (A)(1) and (B) of this 1158
section or has retained more than the amount authorized under 1159
division (A)(2) of this section. The assessment shall be in the 1160
amount of any remittance that was due and unpaid on the date 1161
notice of the audit was sent by the commission to the provider or 1162
reseller or, as applicable, in the amount of the excess amount 1163

under division (A)(2) of this section retained by the provider or reseller as of that date. 1164
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(3) The portion of any assessment not paid within sixty days after the date of service by the commission of the assessment notice under division (C)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (C)(2) of this section. An assessment under this division and any interest due shall be remitted in the same manner as the wireless 9-1-1 charge. 1166
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(4) An assessment is final and due and payable and shall be remitted to the commission unless the assessed party petitions for rehearing under section 4903.10 of the Revised Code. The proceedings of the commission specified in division (C)(4) of this section are subject to and governed by Chapter 4903. of the Revised Code, except that the court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission under division (C)(2) of this section. The court shall hear and determine such appeal in the same manner and under the same standards as the Ohio supreme court hears and determines appeals under Chapter 4903. of the Revised Code. 1174
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The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such an appeal may be made by the commission or the person to whom the order under division (C)(2) of this section was issued and shall proceed as in the case of appeals in civil actions as provided in Chapter 2505. of the Revised Code. 1185
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(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 1191
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the county in which the place of business of the assessed party is 1195
located. If the party maintains no place of business in this 1196
state, the certified copy of the entry may be filed in the office 1197
of the clerk of the court of common pleas of Franklin county. 1198
Immediately upon the filing, the clerk shall enter a judgment for 1199
the state against the assessed party in the amount shown on the 1200
entry. The judgment may be filed by the clerk in a loose-leaf book 1201
entitled "special judgments for wireless 9-1-1 charges" and shall 1202
have the same effect as other judgments. The judgment shall be 1203
executed upon the request of the commission. 1204

(6) An assessment under this division does not discharge a 1205
subscriber's liability to reimburse the provider or reseller for 1206
the wireless 9-1-1 charge. If, after the date of service of the 1207
audit notice under division (C)(1) of this section, a subscriber 1208
pays a wireless 9-1-1 charge for the period covered by the 1209
assessment, the payment shall be credited against the assessment. 1210

(7) All money collected by the commission under this division 1211
shall be paid to the treasurer of state, for deposit to the credit 1212
of the wireless 9-1-1 government assistance fund. 1213

Sec. 4931.63. (A) There is hereby created the wireless 9-1-1 1214
administrative fund in the state treasury. A sufficient 1215
percentage, determined by the chairperson of the public utilities 1216
commission but not to exceed four per cent through the first full 1217
fiscal year and two per cent thereafter, of the periodic 1218
remittances of the wireless 9-1-1 charge under section 4931.62 of 1219
the Revised Code shall be deposited to the credit of the fund, to 1220
be used by the commission to cover such nonpayroll costs and, at 1221
the discretion of the commission such payroll costs, of the 1222
commission as are incurred in assisting the coordinator in 1223
carrying out sections 4931.60 to 4931.70 of the Revised Code and 1224
in conducting audits under division (C) of section 4931.62 of the 1225

Revised Code. In addition, the compensation of the Ohio 9-1-1 coordinator, and any expenses of the coordinator in carrying out those sections, shall be paid from the fund. 1226
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(B) There is hereby created the wireless 9-1-1 government assistance fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The periodic remittances of the wireless 9-1-1 charge remaining after the deposit required by division (A) of this section shall be deposited to the credit of the wireless 9-1-1 government assistance fund. The treasurer of state shall deposit or invest the moneys in this fund in accordance with Chapter 135. of the Revised Code and any other provision of law governing public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest earned to the fund. The treasurer of state shall disburse money from the fund solely upon order of the coordinator as authorized under section 4931.64 of the Revised Code. Annually, until the fund is depleted, the treasurer of state shall certify to the coordinator the amount of moneys in the treasurer of state's custody belonging to the fund. 1229
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Sec. 4931.64. (A) Prior to the first disbursement under this section and annually thereafter not later than the twenty-fifth day of January, until the wireless 9-1-1 government assistance fund is depleted, the Ohio 9-1-1 coordinator shall do both of the following for the purposes of division (B) of this section: 1246
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(1) Determine, for a county that has adopted a final plan under sections 4931.40 to 4931.70 of the Revised Code for the provision of wireless enhanced 9-1-1 within the territory covered by the countywide 9-1-1 system established under the plan, the number of wireless telephone numbers assigned to wireless service 1251
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subscribers that have billing addresses within the county. That 1256
number shall be adjusted between any two counties so that the 1257
number of wireless telephone numbers assigned to wireless service 1258
subscribers who have billing addresses within any portion of a 1259
municipal corporation that territorially lies primarily in one of 1260
the two counties but extends into the other county is added to the 1261
number already determined for that primary county and subtracted 1262
for the other county. 1263

(2) Determine each county's proportionate share of the 1264
wireless 9-1-1 government assistance fund for the ensuing calendar 1265
year on the basis set forth in division (B) of this section; 1266
estimate the ensuing calendar year's fund balance; compute each 1267
such county's estimated proceeds for the ensuing calendar year 1268
based on its proportionate share and the estimated fund balance; 1269
and certify such amount of proceeds to the county auditor of each 1270
such county. 1271

(B) The Ohio 9-1-1 coordinator, in accordance with this 1272
division and not later than the last day of each month, shall 1273
disburse the amount credited as remittances to the wireless 9-1-1 1274
government assistance fund during the second preceding month, plus 1275
any accrued interest on the fund. Such a disbursement shall be 1276
paid to each county treasurer. The amount to be so disbursed 1277
monthly to a particular county shall be a proportionate share of 1278
the wireless 9-1-1 government assistance fund balance based on the 1279
ratio between the following: 1280

(1) The number of wireless telephone numbers determined for 1281
the county by the coordinator pursuant to division (A) of this 1282
section; 1283

(2) The total number of wireless telephone numbers assigned 1284
to subscribers who have billing addresses within this state. To 1285
the extent that the fund balance permits, the disbursements to 1286

each county shall total at least twenty-five thousand dollars 1287
annually. 1288

(C)(1) Each county that has not adopted a final plan for the 1289
provision of wireless enhanced 9-1-1 under sections 4931.40 to 1290
4931.70 of the Revised Code shall be deemed as having done so for 1291
the purposes of making the determinations and disbursements under 1292
divisions (A)(1) and (2) and (B) of this section through the third 1293
full calendar year following the effective date of this section. 1294

(2) For each county described in division (C)(1) of this 1295
section and through the third full calendar year following the 1296
effective date of this section, the coordinator shall retain in 1297
the wireless 9-1-1 government assistance fund an amount equal to 1298
what would be the county's disbursements under division (B) of 1299
this section if it had adopted such a final plan, plus any related 1300
accrued interest, to be set aside for that county until the board 1301
of county commissioners notifies the coordinator that a final plan 1302
for the provision of wireless enhanced 9-1-1 has been adopted, but 1303
not beyond the end of such third year. Provided notification is 1304
made prior to the end of that third year, the coordinator shall 1305
disburse and pay to the county treasurer, not later than the last 1306
day of the month following the month the notification is made, the 1307
total amount so set aside for the county plus any related accrued 1308
interest. After the end of the third full calendar year following 1309
the effective date of this section, any money and interest so 1310
retained and not disbursed as authorized under this division shall 1311
be available for disbursement only as provided in division (B) of 1312
this section. 1313

(D) Immediately upon receipt by a county treasurer of a 1314
disbursement under division (B) or (C) of this section, the county 1315
shall disburse, in accordance with the allocation formula set 1316
forth in the final plan, the amount the county so received to any 1317
other subdivisions in the county that pay the costs of a public 1318

safety answering point providing wireless enhanced 9-1-1 under the 1319
plan. 1320

(E) Nothing in sections 4931.40 to 4931.70 of the Revised 1321
Code affects the authority of a subdivision operating or served by 1322
a public safety answering point of a 9-1-1 system to use, as 1323
provided in the final plan for the system or in an agreement under 1324
section 4931.48 of the Revised Code, any other authorized revenue 1325
of the subdivision for the purposes of providing basic or enhanced 1326
9-1-1. 1327

Sec. 4931.65. (A) A countywide 9-1-1 system receiving a 1328
disbursement under section 4931.64 of the Revised Code shall 1329
provide countywide wireless enhanced 9-1-1 in accordance with 1330
sections 4931.40 to 4931.70 of the Revised Code beginning as soon 1331
as reasonably possible after receipt of the first disbursement or, 1332
if that service is already implemented, shall continue to provide 1333
such service. Except as provided in division (B) of this section, 1334
disbursement shall be used solely for the purpose of paying either 1335
or both of the following: 1336

(1) Any costs of designing, upgrading, purchasing, leasing, 1337
programming, installing, testing, or maintaining the necessary 1338
data, hardware, software, and trunking required for the public 1339
safety answering point or points of the 9-1-1 system to provide 1340
wireless enhanced 9-1-1, which costs are incurred before or on or 1341
after the effective date of this section and consist of such 1342
additional costs of the 9-1-1 system over and above any costs 1343
incurred to provide wireline 9-1-1. On or after the provision of 1344
technical and operational standards pursuant to division (D)(1) of 1345
section 4931.68 of the Revised Code, a subdivision shall consider 1346
the standards before incurring any costs described in this 1347
division. 1348

(2) Any costs of training the staff of the public safety 1349

answering point or points to provide wireless enhanced 9-1-1, 1350
which costs are incurred before or on or after the effective date 1351
of this section and consist of such additional costs of the 9-1-1 1352
system over and above any costs incurred to provide wireline 1353
9-1-1. 1354

(B) After receiving its April 2009, disbursement under 1355
section 4931.64 of the Revised Code, a subdivision may use any 1356
remaining balance of disbursements it received under that section 1357
to pay any of its costs of providing countywide wireless 9-1-1, 1358
including the personnel costs of one or more public safety 1359
answering points providing that service. 1360

(C) The costs described in divisions (A) and (B) of this 1361
section may include any such costs payable pursuant to an 1362
agreement under division (J) of section 4931.41 of the Revised 1363
Code. 1364

Sec. 4931.66. (A)(1) A wireless service provider, the state 1365
highway patrol as described in division (J) of section 4931.41 of 1366
the Revised Code, and each subdivision operating one or more 1367
public safety answering points for a countywide system providing 1368
wireless 9-1-1, shall provide the Ohio 9-1-1 coordinator with such 1369
information as the coordinator requests for the purposes of 1370
carrying out the coordinator's duties under sections 4931.60 to 1371
4931.70 of the Revised Code, including, but not limited to, duties 1372
regarding the collection of the wireless 9-1-1 charge and 1373
regarding the provision of a report or recommendation under 1374
section 4931.70 of the Revised Code. 1375

(2) A wireless service provider shall provide an official, 1376
employee, agent, or representative of a subdivision operating a 1377
public safety answering point, or of the state highway patrol as 1378
described in division (J) of section 4931.41 of the Revised Code, 1379
with such technical, service, and location information as the 1380

official, employee, agent, or representative requests for the 1381
purpose of providing wireless 9-1-1. 1382

(3) A subdivision operating one or more public safety 1383
answering points of a 9-1-1 system, and a telephone company, shall 1384
provide to the Ohio 9-1-1 council such information as the council 1385
requires for the purpose of making any recommendation or report 1386
pursuant to division (D)(2) of section 4931.68 of the Revised 1387
Code. 1388

(B)(1) Any information provided under division (A) of this 1389
section that consists of trade secrets as defined in section 1390
1333.61 of the Revised Code or of information regarding the 1391
customers, revenues, expenses, or network information of a 1392
telephone company shall be confidential and does not constitute a 1393
public record for the purpose of section 149.43 of the Revised 1394
Code. 1395

(2) The public utilities commission, the Ohio 9-1-1 1396
coordinator, and any official, employee, agent, or representative 1397
of the commission, of the state highway patrol as described in 1398
division (J) of section 4931.41 of the Revised Code, or of a 1399
subdivision operating a public safety answering point, while 1400
acting or claiming to act in the capacity of the commission or 1401
coordinator or such official, employee, agent, or representative, 1402
shall not disclose any information provided under division (A) of 1403
this section regarding a telephone company's customers, revenues, 1404
expenses, or network information. Nothing in division (B)(2) of 1405
this section precludes any such information from being aggregated 1406
and included in any report required under section 4931.70 or 1407
division (D)(2) of section 4931.69 of the Revised Code, provided 1408
the aggregated information does not identify the number of any 1409
particular company's customers or the amount of its revenues or 1410
expenses or identify a particular company as to any network 1411
information. 1412

Sec. 4931.67. The public utilities commission, after 1413
consultation with the Ohio 9-1-1 coordinator, shall adopt rules in 1414
accordance with Chapter 119. of the Revised Code to carry out 1415
sections 4931.60 to 4931.70 of the Revised Code, including rules 1416
prescribing the necessary accounting for a wireless service 1417
provider's or reseller's billing and collection fee under division 1418
(A)(2) of section 4931.62 of the Revised Code and rules 1419
establishing a fair and reasonable process for recommending the 1420
amount of the wireless 9-1-1 charge as authorized under division 1421
(B) of section 4931.70 of the Revised Code. The amount of the 1422
wireless 9-1-1 charge shall be prescribed only by act of the 1423
general assembly. 1424

Sec. 4931.68. (A) There is hereby created the Ohio 9-1-1 1425
council, consisting of eleven members as follows: the Ohio 9-1-1 1426
coordinator; a designee of the department of public safety, 1427
selected by the director of public safety; and nine members 1428
appointed by the governor. In appointing the nine members, the 1429
governor shall select one representative of public safety 1430
communications officials in this state, one representative of 1431
administrators of 9-1-1 service in this state, one representative 1432
of countywide 9-1-1 systems in this state, three representatives 1433
of wireline service providers in this state, and three 1434
representatives of wireless service providers in this state. For 1435
each such appointment, the governor shall consider a nominee 1436
proposed, respectively, by the Ohio chapter of the association of 1437
public-safety communications officials, the Ohio chapter of the 1438
national emergency number association, the county commissioners 1439
association of Ohio; and nominees proposed, respectively, by the 1440
Ohio telecom association and the wireless operators of Ohio; or 1441
any successor organization of each such entity. 1442

Initial appointments shall be made not later than thirty days 1443

after the effective date of this section. Nothing in this section 1444
shall prevent the governor from rejecting any of the nominees or 1445
requesting that a nominating entity under this division submit the 1446
names of alternative nominees for consideration. 1447

(B) The term of the initial appointee to the council 1448
representing public safety communications officials and the terms 1449
of one of the initial appointees representing wireline service 1450
providers and one representing wireless service providers shall 1451
expire on January 31, 2007. The term of the initial appointee to 1452
the council representing administrators of 9-1-1 service and the 1453
terms of another one of the initial appointees representing 1454
wireline service providers and another representing wireless 1455
service providers shall expire on January 31, 2008. The term of 1456
the initial appointee to the council representing countywide 9-1-1 1457
systems and the terms of another one of the initial appointees 1458
representing wireline service providers and another representing 1459
wireless service providers shall expire on January 31, 2009. 1460
Thereafter, terms of appointed members shall be for three years, 1461
with each term ending on the same day of the same month as the 1462
term it succeeds. 1463

Each council member shall hold office from the date of the 1464
member's appointment until the end of the term for which the 1465
member was appointed. Members may be reappointed. 1466

Vacancies shall be filled in the manner provided for original 1467
appointments. Any member appointed to fill a vacancy occurring 1468
prior to the expiration date of the term for which the member's 1469
predecessor was appointed shall hold office as a member for the 1470
remainder of that term. A member shall continue in office after 1471
the expiration date of the member's term until the member's 1472
successor takes office or until a period of sixty days has 1473
elapsed, whichever occurs first. 1474

Appointed members shall serve without compensation and shall 1475
not be reimbursed for expenses. 1476

(C) The council shall select a chairperson from among the 1477
appointed members. Each member shall have one vote in all 1478
deliberations of the council, except that the Ohio 9-1-1 1479
coordinator shall not be eligible to vote on a matter described in 1480
division (D)(3) of this section. A majority of the voting members 1481
constitutes a quorum. 1482

(D) The duties of the council shall consist of all of the 1483
following: 1484

(1) Arbitrating or establishing relative to 9-1-1 systems in 1485
this state nondiscriminatory, competitively neutral, and uniform 1486
technical and operational standards consistent with recognized 1487
industry standards and federal law. This authority does not 1488
include authority to prescribe the technology that a telephone 1489
company or reseller uses to deliver 9-1-1 calls. 1490

(2) Including for the purpose of the Ohio 9-1-1 coordinator 1491
reporting to the general assembly, conducting research and making 1492
recommendations or reports regarding any wireline and wireless 1493
9-1-1 issues, any improvements in the provision of service by 1494
9-1-1 systems in this state, or any legislation or policies 1495
concerning such systems; 1496

(3) Regarding the position of Ohio 9-1-1 coordinator, 1497
submitting names of nominees and recommended duties as authorized 1498
under section 4931.60 of the Revised Code and, at least 1499
biennially, conducting and submitting with recommendations to the 1500
public utilities commission a performance evaluation of the 1501
coordinator. 1502

(E) The council is not an agency, as defined in section 1503
101.82 of the Revised Code, for purposes of sections 101.82 to 1504
101.87 of the Revised Code. 1505

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

(B) The terms of the advisory board members who are also council members shall be concurrent with their terms as members of the council, as prescribed under division (B) of section 4931.68 of the Revised Code. The terms of the initial noncouncil appointee to the advisory board who represents wireless service providers and of one of the initial noncouncil appointees who represents municipal and county government shall expire on January 31, 2009. The terms of the initial noncouncil appointee to the advisory board representing public safety communications officials and of the other initial noncouncil appointee representing municipal and county government shall expire on January 31, 2010. Thereafter, terms of the noncouncil appointees shall be for three years, with each term ending on the same day of the same month as the term it succeeds. The conditions of holding office, manner of filling vacancies, and other matters concerning service by any member of the advisory board shall be the same as set forth for council members under division (B) of section 4931.68 of the Revised Code.

(C) The Ohio 9-1-1 coordinator shall appoint the chairperson of the advisory board. Each member of the board shall be a voting member and shall have one vote in all deliberations of the board.

A majority of the members constitutes a quorum. 1537

(D)(1) The advisory board shall make a recommendation to the coordinator regarding the amount of the wireless 9-1-1 charge to be included in the report required by division (B) of section 4931.70 of the Revised Code and shall consult with the coordinator regarding that report. 1538
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(2) The advisory board shall make recommendations to and consult with the public utilities commission and the coordinator regarding any rules to be adopted under section 4931.67 of the Revised Code. 1543
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(E) The advisory board is not an agency, as defined in section 101.82 of the Revised Code, for purposes of sections 101.82 to 101.87 of the Revised Code. 1547
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Sec. 4931.70. On the first day of November preceding the 2007-2009 budget biennium, the Ohio 9-1-1 coordinator shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, that contains both of the following: 1550
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(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. 1554
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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 1559
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as projected for that biennium. The amount also shall reflect the 1567
minimum amount necessary for the wireless 9-1-1 charge to cover 1568
the costs described in division (A) of section 4931.63 of the 1569
Revised Code as projected for the biennium, given the wireless 1570
9-1-1 administrative fund balance to be carried over. In making a 1571
recommendation under this division, the coordinator shall consider 1572
any recommendation of the wireless 9-1-1 advisory board. 1573

Sec. ~~4931.55~~ 4931.75. (A) As used in this section: 1574

(1) "Advertisement" means a message or material intended to 1575
cause the sale of realty, goods, or services. 1576

(2) "Facsimile device" means a device that electronically or 1577
telephonically receives and copies onto paper reasonable 1578
reproductions or facsimiles of documents and photographs through 1579
connection with a telephone network. 1580

(3) "Pre-existing business relationship" does not include 1581
transmitting an advertisement to the owner's or lessee's facsimile 1582
device. 1583

(B) No person shall transmit an advertisement to a facsimile 1584
device unless the person has received prior permission from the 1585
owner or, if the device is leased, from the lessee of the device 1586
to which the message is to be sent to transmit the advertisement; 1587
or the person has a pre-existing business relationship with such 1588
owner or lessee. 1589

(C) When requested by the owner or lessee, the transmission 1590
shall occur between seven p.m. and five a.m. 1591

This section applies to all such advertisements intended to 1592
be so transmitted within this state. 1593

Sec. 4931.99. (A) Whoever violates division (D) of section 1594
4931.49 of the Revised Code is guilty of a misdemeanor of the 1595

fourth degree.	1596
(B) Whoever violates section 4931.25, 4931.26, 4931.27,	1597
4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor	1598
of the third degree.	1599
(C) Whoever violates section 4931.28 of the Revised Code is	1600
guilty of a felony of the fourth degree.	1601
(D) Whoever violates section 4931.29 or division (B) of	1602
section 4931.35 of the Revised Code is guilty of a misdemeanor in	1603
the first degree.	1604
(E) Whoever violates division (E) <u>or (F)</u> of section 4931.49	1605
<u>or division (B)(2) of section 4931.66</u> of the Revised Code is	1606
guilty of a misdemeanor of the fourth degree on a first offense	1607
and a felony of the fifth degree on each subsequent offense.	1608
(F) Whoever violates section 4931.55 <u>4931.75</u> of the Revised	1609
Code is guilty of a minor misdemeanor for a first offense and a	1610
misdemeanor of the first degree on each subsequent offense.	1611
Sec. 5733.55. (A) As used in this section:	1612
(1) "9-1-1 system" has the same meaning as in section 4931.40	1613
of the Revised Code.	1614
(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges	1615
approved by the public utilities commission for the telephone	1616
network portion of a 9-1-1 system pursuant to section 4931.47 of	1617
the Revised Code.	1618
(3) "Eligible nonrecurring 9-1-1 charges" means all	1619
nonrecurring 9-1-1 charges for a 9-1-1 system, except <u>both of the</u>	1620
<u>following:</u>	1621
(a) Charges for a system that was not established pursuant to	1622
a plan adopted under section 4931.44 of the Revised Code or an	1623
agreement under section 4931.48 of the Revised Code;	1624

(b) Charges for that part of a system established pursuant to 1625
such a plan or agreement that are excluded from the credit by 1626
division (C)(2)(a) or (b) of section 4931.47 of the Revised Code. 1627

(4) "Telephone company" has the same meaning as in section 1628
5727.01 of the Revised Code. 1629

(B) Beginning in tax year 2005, a telephone company shall be 1630
allowed a nonrefundable credit against the tax imposed by section 1631
5733.06 of the Revised Code equal to the amount of its eligible 1632
nonrecurring 9-1-1 charges. The credit shall be claimed for the 1633
company's taxable year that covers the period in which the 9-1-1 1634
service for which the credit is claimed becomes available for use. 1635
The credit shall be claimed in the order required by section 1636
5733.98 of the Revised Code. If the credit exceeds the total taxes 1637
due under section 5733.06 of the Revised Code for the tax year, 1638
the tax commissioner shall credit the excess against taxes due 1639
under that section for succeeding tax years until the full amount 1640
of the credit is granted. 1641

(C) After the last day a return, with any extensions, may be 1642
filed by any telephone company that is eligible to claim a credit 1643
under this section, the commissioner shall determine whether the 1644
sum of the credits allowed for prior tax years commencing with tax 1645
year 2005 plus the sum of the credits claimed for the current tax 1646
year exceeds fifteen million dollars. If it does, the credits 1647
allowed under this section for the current tax year shall be 1648
reduced by a uniform percentage such that the sum of the credits 1649
allowed for the current tax year do not exceed fifteen million 1650
dollars claimed by all telephone companies for all tax years. 1651
Thereafter, no credit shall be granted under this section, except 1652
for the remaining portions of any credits allowed under division 1653
(B) of this section. 1654

(D) A telephone company that is entitled to carry forward a 1655

credit against its public utility excise tax liability under 1656
section 5727.39 of the Revised Code is entitled to carry forward 1657
any amount of that credit remaining after its last public utility 1658
excise tax payment for the period of July 1, 2003, through June 1659
30, 2004, and claim that amount as a credit against its 1660
corporation franchise tax liability under this section. Nothing in 1661
this section authorizes a telephone company to claim a credit 1662
under this section for any eligible nonrecurring 9-1-1 charges for 1663
which it has already claimed a credit under this section or 1664
section 5727.39 of the Revised Code. 1665

Section 2. That existing sections 2307.64, 2913.01, 4931.40, 1666
4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 1667
4931.49, 4931.50, 4931.55, 4931.99, and 5733.55 of the Revised 1668
Code are hereby repealed. 1669

Section 3. That the versions of sections 4931.45, 4931.47, 1670
and 4931.48 of the Revised Code that are scheduled to take effect 1671
December 31, 2004, be amended to read as follows: 1672

Sec. 4931.45. (A) ~~A An amended final plan may be amended to~~ 1673
~~expand~~ is required for any of the following purposes: 1674

(1) Expanding the territory included in the countywide 9-1-1 1675
system, ~~to upgrade;~~ 1676

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 1677
enhanced wireline 9-1-1 service, ~~to adjust;~~ 1678

(3) Adjusting the territory served by a public safety 1679
answering point, ~~to represcribe;~~ 1680

(4) Represcribing the funding of public safety answering 1681
points as between the alternatives set forth in division (B)(5) of 1682
section 4931.43 of the Revised Code, ~~or to make;~~ 1683

<u>(5) Providing for wireless enhanced 9-1-1;</u>	1684
<u>(6) Adding a telephone company as a participant in a</u>	1685
<u>countywide 9-1-1 system after the implementation of wireline 9-1-1</u>	1686
<u>or wireless enhanced 9-1-1;</u>	1687
<u>(7) Providing that the state highway patrol or one or more</u>	1688
<u>public safety answering points of another 9-1-1 system function as</u>	1689
<u>a public safety answering point or points for the provision of</u>	1690
<u>wireline or wireless 9-1-1 for all or part of the territory of the</u>	1691
<u>system established under the final plan, as contemplated under</u>	1692
<u>division (J) of section 4931.41 of the Revised Code;</u>	1693
<u>(8) Making any other necessary adjustments to the plan only</u>	1694
<u>by convening a new 9-1-1 planning committee, and adopting an</u>	1695
<u>amended final plan. The convening of a new 9-1-1 planning</u>	1696
<u>committee and the proposal and adoption of an amended final plan</u>	1697
<u>shall be made in the same manner required for the convening of an</u>	1698
<u>initial committee and adoption of an original proposed and final</u>	1699
<u>plan under sections 4931.42 to 4931.44 of the Revised Code.</u>	1700
<u>Adoption</u>	1701
<u>The adoption of an amended final plan under this division</u>	1702
<u>shall be subject to, and accomplished in the manner of the</u>	1703
<u>adoption of an initial final plan under, sections 4931.42 to</u>	1704
<u>4931.44 of the Revised Code, including the requirements for the</u>	1705
<u>convening of a 9-1-1 planning committee and development of a</u>	1706
<u>proposed plan prior to the adoption of the final plan. However, a</u>	1707
<u>final plan is deemed amended for the purpose described in division</u>	1708
<u>(A)(6) of this section upon the filing, with the board of county</u>	1709
<u>commissioners of the county that approved the final plan for the</u>	1710
<u>countywide 9-1-1 system, of a written letter of intent by the</u>	1711
<u>entity to be added as a participant in the 9-1-1 system. The</u>	1712
<u>entity shall send written notice of the filing to all subdivisions</u>	1713
<u>and telephone companies participating in the system. Further,</u>	1714

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 charges for the wireline telephone network portion of the 9-1-1 system. When a final plan is amended for the purpose described in division (A)(5) of this section, the provisions apply with respect to the recovery of only the nonrecurring rates and charges for the wireless telephone network portion of the 9-1-1 system.

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

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(B) Only the customers of a participating telephone company described in division (A) of this section that are served within the area covered by a 9-1-1 system shall pay the recurring rates

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for the maintenance and operation of the company's portion of the 1746
wireline telephone network ~~in providing 9-1-1 service of the~~ 1747
system. Such rates shall be computed by dividing the total monthly 1748
recurring rates set forth in ~~a telephone~~ the company's schedule as 1749
filed in accordance with section 4905.30 of the Revised Code, by 1750
the total number of residential and business customer access 1751
lines, or their equivalent, within the area served. Each 1752
residential and business customer within the area served shall pay 1753
the recurring rates based on the number of its residential and 1754
business customer access lines or their equivalent. No company ~~may~~ 1755
shall include such amount on any customer's bill until the company 1756
has completed its portion of the wireline telephone network in 1757
accordance with the terms, conditions, requirements, and 1758
specifications of the final plan or an agreement made under 1759
section 4931.48 of the Revised Code. 1760

(C)(1) Except as otherwise provided in division (C)(2)(a) or 1761
(b) of this section, a participating telephone company described 1762
in division (A) of this section may receive through the credit 1763
authorized by section 5733.55 of the Revised Code the total 1764
nonrecurring charges for its portion of the wireline telephone 1765
network ~~used in providing 9-1-1 service, of the system and the~~ 1766
total nonrecurring charges for any updating or modernization of 1767
that wireline telephone network in accordance with the terms, 1768
conditions, requirements, and specifications of the final plan or 1769
pursuant to agreements under section 4931.48 of the Revised Code, 1770
as such charges are set forth in the schedule filed by ~~a the~~ 1771
telephone company in accordance with section 4905.30 of the 1772
Revised Code, ~~on completion of the installation of the network in~~ 1773
~~accordance with the terms, conditions, requirements, and~~ 1774
~~specifications of the final plan or pursuant to section 4931.48 of~~ 1775
~~the Revised Code shall be recovered by the company through the~~ 1776
~~credit authorized by section 5733.55 of the Revised Code. That~~ 1777
portion, updating, or modernization may be for or include the 1778

provision of wireless 9-1-1. As applicable, the receipt of those 1779
charges shall occur only upon the completion of the installation 1780
of the network or the completion of the updating or modernization. 1781

(2)(a) The credit shall not be allowed under division (C)(1) 1782
of this section for the upgrading of a system from basic to 1783
enhanced wireline 9-1-1 service when if both of the following 1784
apply: 1785

~~(a)(i)~~ The telephone company received the credit for the 1786
wireline telephone network portion of the basic 9-1-1 system now 1787
proposed to be upgraded; and. 1788

~~(b)(ii)~~ At the time the final plan or agreement pursuant to 1789
section 4931.48 of the Revised Code calling for the basic 9-1-1 1790
system was agreed to, the telephone company was capable of 1791
reasonably meeting the technical and economic requirements of 1792
providing the wireline telephone network portion of an enhanced 1793
9-1-1 system within the territory proposed to be upgraded, as 1794
determined by the public utilities commission under division (A) 1795
or (H) of section 4931.41 or division (C) of section 4931.48 of 1796
the Revised Code. 1797

(b) The credit shall not be allowed under division (C)(1) of 1798
this section for any portion of the total nonrecurring charges for 1799
the wireline telephone network used in providing wireless 9-1-1, 1800
as set forth in the schedule filed by the telephone company in 1801
accordance with section 4905.30 of the Revised Code, to the extent 1802
the telephone company, in otherwise providing 9-1-1 service, 1803
previously received those charges through the credit authorized by 1804
section 5733.55 of the Revised Code, or receives or received those 1805
charges from a wireless service provider pursuant to a tariff or 1806
contract. 1807

(3) ~~When~~ If the credit is not allowed under division 1808
(C)(2)(a) of this section, the total nonrecurring charges for the 1809

wireline telephone network used in providing 9-1-1 service, as set 1810
forth in the schedule filed by a telephone company in accordance 1811
with section 4905.30 of the Revised Code, on completion of the 1812
installation of the network in accordance with the terms, 1813
conditions, requirements, and specifications of the final plan or 1814
pursuant to section 4931.48 of the Revised Code, shall be paid by 1815
the municipal corporations and townships with any territory in the 1816
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 1817
made. 1818

(D) ~~Where~~ If customer premises equipment for a public safety 1819
answering point is supplied by a telephone company that is 1820
required to file a schedule under section 4905.30 of the Revised 1821
Code pertaining to customer premises equipment, the recurring and 1822
nonrecurring rates and charges for the installation and 1823
maintenance of the equipment specified in the schedule shall 1824
apply. 1825

Sec. 4931.48. (A) If a final plan is disapproved under 1826
division (B) of section 4931.44 of the Revised Code, by 1827
resolution, the legislative authority of a municipal corporation 1828
or township that contains at least thirty per cent of the county's 1829
population may establish within its boundaries, or the legislative 1830
authorities of a group of municipal corporations or townships each 1831
of which is contiguous with at least one other such municipal 1832
corporation or township in the group, together containing at least 1833
thirty per cent of the county's population, may jointly establish 1834
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 1835
municipal corporation or township may enter into an agreement, and 1836
the contiguous municipal corporations or townships may jointly 1837
enter into an agreement with a one or more telephone ~~company~~ 1838
~~providing service in the municipal corporations or townships to~~ 1839
~~provide for the telephone network portion of the system~~ companies. 1840

(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. 1873

(E) ~~The~~ A telephone company that is a wireline service 1874
provider shall recover the cost of installing the wireline 1875
telephone network system pursuant to agreements made under this 1876
section as provided in ~~section~~ sections 4931.47 ~~of the Revised~~ 1877
~~Code, as authorized under section~~ and 5733.55 of the Revised Code. 1878

Section 4. That the existing versions of sections 4931.45, 1879
4931.47, and 4931.48 of the Revised Code that are scheduled to 1880
take effect December 31, 2004, are hereby repealed. 1881

Section 5. Sections 3 and 4 of this act shall take effect 1882
December 31, 2004. 1883

Section 6. The codified and uncodified sections of law 1884
contained in this act are subject to the referendum and, 1885
therefore, under Ohio Constitution, Article II, Section 1c take 1886
effect on the ninety-first day after this act is filed with the 1887
Secretary of State. If, however, a referendum petition is filed 1888
against any such codified or uncodified section, the section, 1889
unless rejected at the referendum, takes effect at the earliest 1890
time permitted by law. 1891