

As Reported by the Senate 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, Beatty, D. Evans, Hagan,
Sferra, Sykes
Senator Roberts

A BILL

To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 1
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 2
4931.48, 4931.49, 4931.50, 4931.55, 4931.99, and 3
5733.55; to amend, for the purpose of adopting a 4
new section number as shown in parentheses, 5
section 4931.55 (4931.75); and to enact sections 6
4931.60 to 4931.70 of the Revised Code to 7
facilitate the provision of wireless enhanced 8
9-1-1 by local governments, by establishing 9
requirements for operation, administration, and 10
funding, and to permit a wireline telephone 11
company to fund through an existing tax credit 12
nonrecurring rates and charges for an updating or 13
modernization of the wireline network portion of a 14
9-1-1 system that is not related to wireless 15
enhanced 9-1-1; to allow a civil action against 16
certain unauthorized facsimile transmissions; and 17
to amend the versions of sections 4931.45, 18
4931.47, and 4931.48 of the Revised Code that are 19
scheduled to take effect December 31, 2004, to 20
continue the provisions of this act on and after 21

that effective date. 22

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

Section 1. That sections 2307.64, 2913.01, 4931.40, 4931.41, 23
4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 24
4931.50, 4931.55, 4931.99, and 5733.55 be amended; section 4931.55 25
(4931.75) be amended for the purpose of adopting a new section 26
number as indicated in parentheses; and sections 4931.60, 4931.61, 27
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.68, 28
4931.69, and 4931.70 of the Revised Code be enacted to read as 29
follows: 30

Sec. 2307.64. (A) As used in this section: 31

(1) "Advertisement" has the same meaning as in section 32
~~4931.55~~ 4931.75 of the Revised Code. 33

(2) "Computer," "computer network," "computer program," 34
"computer services," and "telecommunications device" have the same 35
meanings as in section 2913.01 of the Revised Code. 36

(3) "Electronic mail" means an electronic message that is 37
transmitted between two or more telecommunications devices or 38
electronic devices capable of receiving electronic messages, 39
whether or not the message is converted to hard copy format after 40
receipt, and whether or not the message is viewed upon the 41
transmission or stored for later retrieval. "Electronic mail" 42
includes electronic messages that are transmitted through a local, 43
regional, or global computer network. 44

(4) "Electronic mail advertisement" means electronic mail 45
containing an advertisement. 46

(5) "Electronic mail service provider" means any person that 47
is an intermediary in sending and receiving electronic mail and 48

that provides to users of electronic mail services the ability to 49
send or receive electronic mail. "Electronic mail service 50
provider" includes an internet service provider. 51

(6) "Internet" has the same meaning as in section 341.42 of 52
the Revised Code. 53

(7) "Originating address" means the string of characters used 54
to specify the source of any electronic mail message. 55

(8) "Person" has the same meaning as in section 1.59 of the 56
Revised Code, but when a person is not an individual, the person 57
responsible for transmitting or causing to be transmitted an 58
electronic mail advertisement is the particular division of the 59
partnership, corporation, or other business entity actually 60
responsible for the transmission of the electronic mail 61
advertisement. 62

(9) "Pre-existing business relationship" means that there was 63
a business transaction between the initiator and the recipient of 64
a commercial electronic mail message during the five-year period 65
preceding the receipt of that message. A pre-existing business 66
relationship includes a transaction involving the free provision 67
of information, goods, or services requested by the recipient. A 68
pre-existing business relationship does not exist after a 69
recipient requests to be removed from the distribution lists of an 70
initiator pursuant to division (B) of this section and a 71
reasonable amount of time has expired since that request. 72

(10) "Receiving address" means the string of characters used 73
to specify a recipient with each receiving address creating a 74
unique and separate recipient. 75

(11) "Recipient" means a person who receives an electronic 76
mail advertisement at any one of the following receiving 77
addresses: 78

(a) A receiving address furnished by an electronic mail 79

service provider that bills for furnishing and maintaining that 80
receiving address to a mailing address within this state; 81

(b) A receiving address ordinarily accessed from a computer 82
located within this state; 83

(c) A receiving address ordinarily accessed by a person 84
domiciled within this state; 85

(d) Any other receiving address with respect to which the 86
obligations imposed by this section can be imposed consistent with 87
the United States Constitution. 88

(B)(1) Except as otherwise provided in division (B)(3) of 89
this section, a person that transmits or causes to be transmitted 90
to a recipient an electronic mail advertisement shall clearly and 91
conspicuously provide to the recipient, within the body of the 92
electronic mail advertisement, both of the following: 93

(a) The person's name and complete residence or business 94
address and the electronic mail address of the person transmitting 95
the electronic mail advertisement; 96

(b) A notice that the recipient may decline to receive from 97
the person transmitting or causing to be transmitted the 98
electronic mail advertisement any additional electronic mail 99
advertisements and a detailed procedure for declining to receive 100
any additional electronic mail advertisements at no cost. The 101
notice shall be of the same size of type as the majority of the 102
text of the message and shall not require that the recipient 103
provide any information other than the receiving address. 104

(2) If the recipient of an electronic mail advertisement uses 105
the procedure contained in the notice described in division 106
(B)(1)(b) of this section to decline to receive any additional 107
electronic mail advertisements, the person that transmitted or 108
caused to be transmitted the original electronic mail 109
advertisement, within a reasonable period of time, shall cease 110

transmitting or causing to be transmitted to the receiving address 111
any additional electronic mail advertisements. 112

(3) A person does not violate division (B) of this section if 113
the person transmits or causes to be transmitted to the recipient 114
an electronic mail advertisement when any of the following apply: 115

(a) The person has a pre-existing business or personal 116
relationship with the recipient. 117

(b) The recipient has consented or has agreed as a condition 118
of service to receive the electronic mail advertisement. 119

(c) The recipient receives the electronic mail advertisement 120
because another recipient forwarded the advertisement to that 121
recipient via an internet web site or another recipient made a 122
direct referral of that recipient to receive the advertisement. 123

(C) No person shall use a computer, a computer network, or 124
the computer services of an electronic mail service provider to 125
transmit an electronic mail advertisement in contravention of the 126
authority granted by, or in violation of the policies related to 127
electronic mail advertisements set by, the electronic mail service 128
provider if the electronic mail service provider has provided the 129
person notice of those policies. For the purposes of this 130
division, notice of those policies shall be deemed sufficient if 131
an electronic mail service provider maintains an easily accessible 132
web page containing its policies regarding electronic mail 133
advertisements and can demonstrate that notice was supplied via 134
electronic means between the sending and receiving computers. 135

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

violation of this section.	142
(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 or caused it to be transmitted. In that action, the recipient may recover the following:	143 144 145 146 147
(1) One hundred dollars for each violation, not to exceed a total of fifty thousand dollars;	148 149
(2) Reasonable attorney's fees, court costs, and other costs of bringing the action.	150 151
(F) An electronic mail service provider whose authority or policy has been contravened in violation of division (C) of this section may bring a civil action against a person who transmitted that advertisement or caused it to be transmitted. In that action, the electronic mail service provider may recover the following:	152 153 154 155 156
(1)(a) Fifty dollars for each violation of division (C) of this section, not to exceed fifty thousand dollars;	157 158
(b) If a violation of division (C) of this section is a willful or knowing violation, the court may increase the amount recoverable to an amount not to exceed five hundred thousand dollars.	159 160 161 162
(c) If a violation of division (C) of this section is accompanied by a violation of division (H) of this section, there shall be no limit on the amount that may be recovered pursuant to this section.	163 164 165 166
(2) Reasonable attorney's fees, court costs, and other costs of bringing the action.	167 168
(G) In addition to any recovery that is allowed under divisions (E) or (F) of this section, the recipient of an electronic mail advertisement transmitted in violation of division	169 170 171

(B) of this section or the electronic mail service provider of an 172
advertisement transmitted in violation of division (C) of this 173
section may apply to the court of common pleas of the county in 174
which the recipient resides or the service provider is located for 175
an order enjoining the person who transmitted or caused to be 176
transmitted that electronic mail advertisement from transmitting 177
or causing to be transmitted to the recipient any additional 178
electronic mail advertisement. 179

(H) No person shall use a computer, a computer network, a 180
computer program, or the computer services of an electronic mail 181
service provider with the intent to forge an originating address 182
or other routing information, in any manner, in connection with 183
the transmission of an electronic mail advertisement through or 184
into the network of an electronic mail service provider or its 185
subscribers. Each use of a computer, a computer network, a 186
computer program, or the computer services of an electronic mail 187
service provider in violation of this division constitutes a 188
separate offense. A person who violates this division is guilty of 189
forgery under section 2913.31 of the Revised Code. 190

Sec. 2913.01. As used in this chapter, unless the context 191
requires that a term be given a different meaning: 192

(A) "Deception" means knowingly deceiving another or causing 193
another to be deceived by any false or misleading representation, 194
by withholding information, by preventing another from acquiring 195
information, or by any other conduct, act, or omission that 196
creates, confirms, or perpetuates a false impression in another, 197
including a false impression as to law, value, state of mind, or 198
other objective or subjective fact. 199

(B) "Defraud" means to knowingly obtain, by deception, some 200
benefit for oneself or another, or to knowingly cause, by 201
deception, some detriment to another. 202

(C) "Deprive" means to do any of the following:	203
(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;	204 205 206 207
(2) Dispose of property so as to make it unlikely that the owner will recover it;	208 209
(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.	210 211 212 213
(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.	214 215 216 217 218
(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.	219 220 221 222 223 224 225
(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.	226 227 228 229 230
(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute,	231 232

alter, complete, reproduce, or otherwise purport to authenticate 233
any writing, when the writing in fact is not authenticated by that 234
conduct. 235

(H) "Utter" means to issue, publish, transfer, use, put or 236
send into circulation, deliver, or display. 237

(I) "Coin machine" means any mechanical or electronic device 238
designed to do both of the following: 239

(1) Receive a coin, bill, or token made for that purpose; 240

(2) In return for the insertion or deposit of a coin, bill, 241
or token, automatically dispense property, provide a service, or 242
grant a license. 243

(J) "Slug" means an object that, by virtue of its size, 244
shape, composition, or other quality, is capable of being inserted 245
or deposited in a coin machine as an improper substitute for a 246
genuine coin, bill, or token made for that purpose. 247

(K) "Theft offense" means any of the following: 248

(1) A violation of section 2911.01, 2911.02, 2911.11, 249
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 250
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 251
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 252
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 253
2915.05, or 2921.41 of the Revised Code; 254

(2) A violation of an existing or former municipal ordinance 255
or law of this or any other state, or of the United States, 256
substantially equivalent to any section listed in division (K)(1) 257
of this section or a violation of section 2913.41, 2913.81, or 258
2915.06 of the Revised Code as it existed prior to July 1, 1996; 259

(3) An offense under an existing or former municipal 260
ordinance or law of this or any other state, or of the United 261
States, involving robbery, burglary, breaking and entering, theft, 262

embezzlement, wrongful conversion, forgery, counterfeiting, 263
deceit, or fraud; 264

(4) A conspiracy or attempt to commit, or complicity in 265
committing, any offense under division (K)(1), (2), or (3) of this 266
section. 267

(L) "Computer services" includes, but is not limited to, the 268
use of a computer system, computer network, computer program, data 269
that is prepared for computer use, or data that is contained 270
within a computer system or computer network. 271

(M) "Computer" means an electronic device that performs 272
logical, arithmetic, and memory functions by the manipulation of 273
electronic or magnetic impulses. "Computer" includes, but is not 274
limited to, all input, output, processing, storage, computer 275
program, or communication facilities that are connected, or 276
related, in a computer system or network to an electronic device 277
of that nature. 278

(N) "Computer system" means a computer and related devices, 279
whether connected or unconnected, including, but not limited to, 280
data input, output, and storage devices, data communications 281
links, and computer programs and data that make the system capable 282
of performing specified special purpose data processing tasks. 283

(O) "Computer network" means a set of related and remotely 284
connected computers and communication facilities that includes 285
more than one computer system that has the capability to transmit 286
among the connected computers and communication facilities through 287
the use of computer facilities. 288

(P) "Computer program" means an ordered set of data 289
representing coded instructions or statements that, when executed 290
by a computer, cause the computer to process data. 291

(Q) "Computer software" means computer programs, procedures, 292
and other documentation associated with the operation of a 293

computer system. 294

(R) "Data" means a representation of information, knowledge, 295
facts, concepts, or instructions that are being or have been 296
prepared in a formalized manner and that are intended for use in a 297
computer, computer system, or computer network. For purposes of 298
section 2913.47 of the Revised Code, "data" has the additional 299
meaning set forth in division (A) of that section. 300

(S) "Cable television service" means any services provided by 301
or through the facilities of any cable television system or other 302
similar closed circuit coaxial cable communications system, or any 303
microwave or similar transmission service used in connection with 304
any cable television system or other similar closed circuit 305
coaxial cable communications system. 306

(T) "Gain access" means to approach, instruct, communicate 307
with, store data in, retrieve data from, or otherwise make use of 308
any resources of a computer, computer system, or computer network, 309
or any cable service or cable system both as defined in section 310
2913.04 of the Revised Code. 311

(U) "Credit card" includes, but is not limited to, a card, 312
code, device, or other means of access to a customer's account for 313
the purpose of obtaining money, property, labor, or services on 314
credit, or for initiating an electronic fund transfer at a 315
point-of-sale terminal, an automated teller machine, or a cash 316
dispensing machine. It also includes a county procurement card 317
issued under section 301.29 of the Revised Code. 318

(V) "Electronic fund transfer" has the same meaning as in 92 319
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 320

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

property, within any applicable minimum or maximum term; and the 325
amount of consideration generally is determined by the duration of 326
possession of the property. 327

(X) "Telecommunication" means the origination, emission, 328
dissemination, transmission, or reception of data, images, 329
signals, sounds, or other intelligence or equivalence of 330
intelligence of any nature over any communications system by any 331
method, including, but not limited to, a fiber optic, electronic, 332
magnetic, optical, digital, or analog method. 333

(Y) "Telecommunications device" means any instrument, 334
equipment, machine, or other device that facilitates 335
telecommunication, including, but not limited to, a computer, 336
computer network, computer chip, computer circuit, scanner, 337
telephone, cellular telephone, pager, personal communications 338
device, transponder, receiver, radio, modem, or device that 339
enables the use of a modem. 340

(Z) "Telecommunications service" means the providing, 341
allowing, facilitating, or generating of any form of 342
telecommunication through the use of a telecommunications device 343
over a telecommunications system. 344

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

immediate detection; or a device, equipment, hardware, or software 357
designed for, or capable of, altering or changing the electronic 358
serial number in a wireless telephone. 359

(BB)(1) "Information service" means, subject to division 360
(BB)(2) of this section, the offering of a capability for 361
generating, acquiring, storing, transforming, processing, 362
retrieving, utilizing, or making available information via 363
telecommunications, including, but not limited to, electronic 364
publishing. 365

(2) "Information service" does not include any use of a 366
capability of a type described in division (BB)(1) of this section 367
for the management, control, or operation of a telecommunications 368
system or the management of a telecommunications service. 369

(CC) "Elderly person" means a person who is sixty-five years 370
of age or older. 371

(DD) "Disabled adult" means a person who is eighteen years of 372
age or older and has some impairment of body or mind that makes 373
the person unfit to work at any substantially remunerative 374
employment that the person otherwise would be able to perform and 375
that will, with reasonable probability, continue for a period of 376
at least twelve months without any present indication of recovery 377
from the impairment, or who is eighteen years of age or older and 378
has been certified as permanently and totally disabled by an 379
agency of this state or the United States that has the function of 380
so classifying persons. 381

(EE) "Firearm" and "dangerous ordnance" have the same 382
meanings as in section 2923.11 of the Revised Code. 383

(FF) "Motor vehicle" has the same meaning as in section 384
4501.01 of the Revised Code. 385

(GG) "Dangerous drug" has the same meaning as in section 386
4729.01 of the Revised Code. 387

(HH) "Drug abuse offense" has the same meaning as in section 388
2925.01 of the Revised Code. 389

Sec. 4931.40. As used in sections 4931.40 to ~~4931.54~~ 4931.70 390
of the Revised Code: 391

(A) "9-1-1 system" means a system through which individuals 392
can request emergency service using the telephone number 9-1-1. 393

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 394
provides information on the nature of and the location of an 395
emergency, and the personnel receiving the call must determine the 396
appropriate emergency service provider to respond at that 397
location. 398

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 399
providing both enhanced wireline 9-1-1 and wireless enhanced 400
9-1-1. 401

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 402
the wireline telephone network ~~system, in providing wireline~~ 403
9-1-1, automatically provides to personnel receiving the call, 404
immediately on answering the 9-1-1 call, information on the 405
location and the telephone number from which the call is being 406
made, and routes the call to emergency service providers that 407
serve the location from which the call is made and immediately 408
provides to personnel answering the 9-1-1 call information on the 409
location and the telephone number from which the call is being 410
made. 411

~~(D)~~(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 412
in providing wireless 9-1-1, has the capabilities of phase I and, 413
to the extent available, phase II enhanced 9-1-1 services as 414
described in 47 C.F.R. 20.18 (d) to (h). 415

(F)(1) "Wireless service" means federally licensed commercial 416
mobile service as defined in 47 U.S.C. 332(d) and further defined 417

as commercial mobile radio service in 47 C.F.R. 20.3, and includes 418
service provided by any wireless, two-way communications device, 419
including a radio-telephone communications line used in cellular 420
telephone service or personal communications service, a network 421
radio access line, or any functional or competitive equivalent of 422
such a radio-telephone communications or network radio access 423
line. 424

(2) Nothing in sections 4931.40 to 4931.70 of the Revised 425
Code applies to paging or any service that cannot be used to call 426
9-1-1. 427

(G) "Wireless service provider" means a facilities-based 428
provider of wireless service to one or more end users in this 429
state. 430

(H) "Wireless 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 wireless service provider. 433

(I) "Wireline 9-1-1" means the emergency calling service 434
provided by a 9-1-1 system pursuant to a call originating in the 435
network of a wireline service provider. 436

(J) "Wireline service provider" means a facilities-based 437
provider of wireline service to one or more end-users in this 438
state. 439

(K) "Wireline service" means basic local exchange service, as 440
defined in section 4927.01 of the Revised Code, that is 441
transmitted by means of interconnected wires or cables by a 442
wireline service provider authorized by the public utilities 443
commission. 444

(L) "Wireline telephone network" means the selective router 445
and data base processing systems, trunking and data wiring cross 446
connection points at the public safety answering point, and all 447

other voice and data components of the 9-1-1 system. 448

(M) "Subdivision" means a county, municipal corporation, 449
township, township fire district, joint fire district, township 450
police district, joint ambulance district, or joint emergency 451
medical services district that provides emergency service within 452
its territory, or that contracts with another municipal 453
corporation, township, or district or with a private entity to 454
provide such service; and a state college or university, port 455
authority, or park district of any kind that employs law 456
enforcement officers that act as the primary police force on the 457
grounds of the college or university or port authority or in the 458
parks operated by the district. 459

~~(E)~~(N) "Emergency service" means emergency police law 460
enforcement, firefighting, ambulance, rescue, and medical service. 461

~~(F)~~(O) "Emergency service provider" means the state highway 462
patrol and an emergency service department or unit of a 463
subdivision or that ~~operates in~~ provides emergency service to a 464
subdivision under contract with the subdivision. 465

~~(G)~~(P) "Public safety answering point" means a facility to 466
which 9-1-1 system calls for a specific territory are initially 467
routed for response and where ~~subdivision~~ personnel respond to 468
specific requests for emergency service by directly dispatching 469
the appropriate emergency service provider, relaying a message to 470
the appropriate provider, or transferring the call to the 471
appropriate provider. 472

~~(H)~~(O) "Customer premises equipment" means telecommunications 473
equipment, including telephone instruments, on the premises of a 474
public safety answering point that is used in answering and 475
responding to 9-1-1 system calls. 476

~~(I)~~(R) "Municipal corporation in the county" includes any 477
municipal corporation that is wholly contained in the county and 478

each municipal corporation located in more than one county that 479
has a greater proportion of its territory in the county to which 480
the term refers than in any other county. 481

~~(J)~~(S) "Board of county commissioners" includes the 482
legislative authority of a county established under Section 3 of 483
Article X, Ohio Constitution, or Chapter 302. of the Revised Code. 484

~~(K)~~(T) "Final plan" means a final plan adopted under division 485
(B) of section 4931.44 of the Revised Code and, except as 486
otherwise expressly provided, an amended final plan adopted under 487
section 4931.45 of the Revised Code. 488

~~(L)~~(U) "Subdivision served by a public safety answering 489
point" means a subdivision that provides emergency service for any 490
part of its territory that is located within the territory of a 491
public safety answering point whether the subdivision provides the 492
emergency service with its own employees or pursuant to a 493
contract. 494

~~(M)~~(V) A township's population includes only population of 495
the unincorporated portion of the township. 496

~~(N)~~(W) "Telephone company" means a company engaged in the 497
business of providing local exchange telephone service by making 498
available or furnishing access and a dial tone to persons within a 499
local calling area for use in originating and receiving voice 500
grade communications over a switched network operated by the 501
provider of the service within the area and gaining access to 502
other telecommunications services. "Telephone company" includes a 503
wireline service provider and a wireless service provider unless 504
otherwise expressly specified. For purposes of sections 4931.52 505
and 4931.53 of the Revised Code, "telephone company" means a 506
wireline service provider. 507

Sec. 4931.41. (A)(1) A countywide 9-1-1 system shall include 508

all of the territory of the townships and municipal corporations 509
in the county and any portion of such a municipal corporation that 510
extends into an adjacent county. 511

(2) The system shall exclude any territory served by a 512
~~telephone company~~ wireline service provider that is not capable of 513
reasonably meeting the technical and economic requirements of 514
providing the wireline telephone network portion of the countywide 515
system for that territory. The system shall exclude from enhanced 516
9-1-1 ~~service~~ any territory served by a ~~telephone company~~ wireline 517
service provider that is not capable of reasonably meeting the 518
technical and economic requirements of providing the wireline 519
telephone network portion of ~~an~~ enhanced 9-1-1 ~~service~~ for that 520
territory. If a 9-1-1 planning committee and a ~~telephone company~~ 521
wireline service provider do not agree on whether the ~~telephone~~ 522
~~company~~ provider is so capable, the committee shall notify the 523
public utilities commission, and the commission shall determine 524
whether the ~~company~~ wireline service provider is so capable. The 525
committee shall ascertain whether such disagreement exists before 526
making its implementation proposal under division (A) of section 527
4931.43 of the Revised Code. The commission's determination shall 528
be in the form of an order. No final plan shall require a 529
~~telephone company~~ wireline service provider to provide the 530
wireline telephone network portion of a 9-1-1 system that the 531
commission has determined the ~~company~~ provider is not reasonably 532
capable of providing. 533

(B) A countywide 9-1-1 system may be a basic or enhanced 534
9-1-1 system, or a combination of the two, and shall be for the 535
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 536

(C) Every emergency service provider that provides emergency 537
service within the territory of a countywide 9-1-1 system shall 538
participate in the countywide system. 539

(D)(1) Each public safety answering point shall be operated 540
by a subdivision and shall be operated constantly. 541

(2) A subdivision that operates a public safety answering 542
point shall pay all of the costs associated with establishing, 543
equipping, furnishing, operating, and maintaining that facility 544
and shall allocate those costs among itself and the subdivisions 545
served by the answering point based on the allocation formula in a 546
final plan. The ~~telephone company~~ wireline service provider or 547
other entity that provides or maintains the customer premises 548
equipment shall bill the operating subdivision for the cost of 549
providing such equipment, or its maintenance. A wireless service 550
provider and a subdivision operating a public safety answering 551
point may enter into a service agreement for providing wireless 552
enhanced 9-1-1 pursuant to a final plan adopted under sections 553
4931.40 to 4931.70 of the Revised Code. 554

(E) Except to the extent provided in a final plan that 555
provides for funding of a 9-1-1 system in part through charges 556
imposed under section 4931.51 of the Revised Code, each 557
subdivision served by a public safety answering point shall pay 558
the subdivision that operates the answering point the amount 559
computed in accordance with the allocation formula set forth in 560
the final plan. 561

(F) Notwithstanding any other provision of law, the purchase 562
or other acquisition, installation, and maintenance of the 563
telephone network for a 9-1-1 system and the purchase or other 564
acquisition, ~~the~~ installation, and maintenance of customer 565
premises equipment at a public safety answering point made in 566
compliance with a final plan or an agreement under section 4931.48 567
of the Revised Code, including customer premises equipment used to 568
provide wireless enhanced 9-1-1, are not subject to any 569
requirement of competitive bidding. 570

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

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

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

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

safety answering point as are specified in the agreement with the 603
patrol or other system. 604

(K) A final plan for the provision of wireless enhanced 9-1-1 605
shall provide that any wireless 9-1-1 calls routed to a state 606
highway patrol-operated public safety answering point by default, 607
due to a wireless service provider so routing all such calls of 608
its subscribers without prior permission, are instead to be routed 609
as provided under the plan. Upon the implementation of countywide 610
wireless enhanced 9-1-1 pursuant to a final plan, the state 611
highway patrol shall cease any functioning as a public safety 612
answering point providing wireless 9-1-1 within the territory 613
covered by the countywide 9-1-1 system so established, unless the 614
patrol functions as a public safety answering point providing 615
wireless enhanced 9-1-1 pursuant to an agreement included in the 616
plan as authorized under division (J) of this section. 617

Sec. 4931.43. (A) The 9-1-1 planning committee shall prepare 618
a proposal on the implementation of a countywide 9-1-1 system and 619
shall hold a public meeting on the proposal to explain the system 620
to and receive comments from public officials. At least thirty but 621
not more than sixty days before the meeting, the committee shall 622
send a copy of the implementation proposal and written notice of 623
the meeting: 624

(1) By certified mail, to the board of county commissioners, 625
the legislative authority of each municipal corporation in the 626
county, and to the board of trustees of each township in the 627
county; and 628

(2) To the board of trustees, directors, or park 629
commissioners of each subdivision that will be served by a public 630
safety answering point under the plan. 631

(B) The proposal and the final plan adopted by the committee 632

shall specify: 633

(1) Which telephone companies serving customers in the county 634
and, as authorized in division (A)(1) of section 4931.41 of the 635
Revised Code, in an adjacent county will participate in the 9-1-1 636
system; 637

(2) The location and number of public safety answering 638
points; how they will be connected to a company's telephone 639
network; from what geographic territory each will receive 9-1-1 640
calls; whether basic or enhanced 9-1-1 service will be provided 641
within such territory; what subdivisions will be served by the 642
answering point; and whether an answering point will respond to 643
calls by directly dispatching an emergency service provider, by 644
relaying a message to the appropriate provider, or by transferring 645
the call to the appropriate provider; 646

(3) ~~What~~ Which subdivision will establish, equip, furnish, 647
operate, and maintain ~~each~~ a particular public safety answering 648
point; 649

(4) A projection of the initial cost of establishing, 650
equipping, and furnishing and of the annual cost of the first five 651
years of operating and maintaining each public safety answering 652
point; 653

(5) Whether the cost of establishing, equipping, furnishing, 654
operating, or maintaining each public safety answering point 655
should be funded through charges imposed under section 4931.51 of 656
the Revised Code or will be allocated among the subdivisions 657
served by the answering point and, if any such cost is to be 658
allocated, the formula for so allocating it; 659

(6) How each emergency service provider will respond to a 660
misdirected call. 661

(C) Following the meeting required by this section, the 9-1-1 662
planning committee may modify the implementation proposal and, no 663

later than nine months after the resolution authorized by section 664
~~4931.41~~ 4931.42 of the Revised Code is adopted, may adopt, by 665
majority vote, ~~adopt~~ a final plan for implementing a countywide 666
9-1-1 system. If a planning committee and ~~telephone company~~ 667
wireline service provider do not agree on whether the ~~telephone~~ 668
~~company~~ wireline service provider is capable of providing the 669
wireline telephone network as described under division (A) of 670
section 4931.41 of the Revised Code and the planning committee 671
refers that question to the public utilities commission, the 672
commission may extend the nine-month deadline established by this 673
division to twelve months. Immediately on completion of the plan, 674
the committee shall send a copy of the final plan: 675

(1) By certified mail to the board of county commissioners of 676
the county, to the legislative authority of each municipal 677
corporation in the county, and to the board of township trustees 678
of each township in the county; and 679

(2) To the board of trustees, directors, or park 680
commissioners of each subdivision that will be served by a public 681
safety answering point under the plan. 682

(D) If the committee has not adopted a final plan on or 683
before the deadline in division (C) of this section, the committee 684
shall cease to exist. A new 9-1-1 planning committee may be 685
convened in the manner established in section 4931.42 of the 686
Revised Code to develop an implementation proposal and final plan 687
in accordance with the requirements of sections 4931.42 to 4931.44 688
of the Revised Code. 689

Sec. 4931.44. (A) Within sixty days after receipt of the 690
final plan pursuant to division (C) of section 4931.43 of the 691
Revised Code, the board of county commissioners of the county and 692
the legislative authority of each municipal corporation in the 693
county and of each township whose territory is proposed to be 694

included in a countywide 9-1-1 system shall act by resolution to 695
approve or disapprove the plan, except that, with respect to a 696
final plan that provides for funding of the 9-1-1 system in part 697
through charges imposed under section 4931.51 of the Revised Code, 698
the board of county commissioners shall not act by resolution to 699
approve or disapprove the plan until after a resolution adopted 700
under section 4931.51 of the Revised Code has become effective as 701
provided in division (D) of that section. A municipal corporation 702
or township whose territory is proposed to be included in the 703
system includes any municipal corporation or township in which a 704
part of its territory is excluded pursuant to division (A)(2) of 705
section 4931.41 of the Revised Code. Each such authority ~~shall~~ 706
immediately shall notify the board of county commissioners in 707
writing of its approval or disapproval of the final plan. Failure 708
by a board or legislative authority to notify the board of county 709
commissioners of approval or disapproval within such sixty-day 710
period shall be deemed disapproval by ~~such~~ the board or authority. 711

(B) As used in this division, "county's population" excludes 712
the population of any municipal corporation or township that, 713
under the plan, is completely excluded from 9-1-1 service in the 714
county's final plan. A countywide plan ~~will become~~ is effective if 715
all of the following entities approve the plan in accordance with 716
this section: 717

(1) The board of county commissioners; 718

(2) The legislative authority of a municipal corporation that 719
contains at least thirty per cent of the county's population, if 720
any; 721

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

population, by the legislative authorities of municipal 726
corporations and townships that contain at least seventy-five per 727
cent of the county's population. 728

(C) After a countywide plan approved in accordance with this 729
section is adopted, all of the telephone companies and 730
subdivisions included in the plan are subject to the specific 731
requirements of the plan and to sections 4931.40 to ~~4931.54~~ 732
4931.70 of the Revised Code. 733

Sec. 4931.45. (A) ~~A~~ An amended final plan ~~may be amended to~~ 734
~~expand~~ is required for any of the following purposes: 735

(1) Expanding the territory included in the countywide 9-1-1 736
system, ~~to upgrade;~~ 737

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 738
enhanced wireline 9-1-1 ~~service, to adjust;~~ 739

(3) Adjusting the territory served by a public safety 740
answering point, ~~to represcribe;~~ 741

(4) Represcribing the funding of public safety answering 742
points as between the alternatives set forth in division (B)(5) of 743
section 4931.43 of the Revised Code, ~~or to make;~~ 744

(5) Providing for wireless enhanced 9-1-1; 745

(6) Adding a telephone company as a participant in a 746
countywide 9-1-1 system after the implementation of wireline 9-1-1 747
or wireless enhanced 9-1-1; 748

(7) Providing that the state highway patrol or one or more 749
public safety answering points of another 9-1-1 system function as 750
a public safety answering point or points for the provision of 751
wireline or wireless 9-1-1 for all or part of the territory of the 752
system established under the final plan, as contemplated under 753
division (J) of section 4931.41 of the Revised Code; 754

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

Adoption 762

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

(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, the provisions of sections 4931.47
and 5727.39 of the Revised Code apply with respect to the
~~telephone company's~~ recovery of the nonrecurring and recurring
rates and charges for the wireline telephone network portion of

the 9-1-1 system. 787

Sec. 4931.46. (A) Within three years from the date a an 788
initial final plan becomes effective under division (B) of section 789
4931.44 of the Revised Code, the ~~telephone companies~~ wireline 790
service providers designated in the plan shall have installed the 791
wireline telephone network portion of the 9-1-1 system according 792
to the terms, conditions, requirements, and specifications set 793
forth in that plan. 794

(B)(1) Upon installation of a countywide 9-1-1 system, the 795
board of county commissioners may direct the county engineer to 796
erect and maintain at the county boundaries on county roads and 797
state and interstate highways, signs indicating the availability 798
of a countywide 9-1-1 system. Any sign erected by a county under 799
this section shall be erected in accordance with and meet the 800
specifications established under division (B)(2) of this section. 801
All expenses incurred in erecting and maintaining the signs shall 802
be paid by the county. 803

(2) The director of transportation shall develop design 804
specifications for signs giving notice of the availability of a 805
countywide 9-1-1 system. The director also shall establish 806
standards for the erection of the signs and, in accordance with 807
federal law and regulations and recognized engineering practices, 808
specify those locations where the signs shall not be erected. 809

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 810
4905., 4909., and 4931. of the Revised Code, the public utilities 811
commission shall determine the just, reasonable, and compensatory 812
rates, tolls, classifications, charges, or rentals to be observed 813
and charged for the wireline telephone network portion of a basic 814
~~and or~~ enhanced 9-1-1 system, and each telephone company that is a 815
wireline service provider participating in the system shall be 816

subject to such chapters, to the extent they apply, as to the 817
service provided by its portion of the wireline telephone network 818
for the system as described in the final plan or to be installed 819
pursuant to agreements under section 4931.48 of the Revised Code, 820
and as to the rates, tolls, classifications, charges, or rentals 821
to be observed and charged for that service. 822

(B) Only the customers of a participating telephone company 823
described in division (A) of this section that are served within 824
the area covered by a 9-1-1 system shall pay the recurring rates 825
for the maintenance and operation of the company's portion of the 826
wireline telephone network ~~in providing 9-1-1 service of the~~ 827
system. Such rates shall be computed by dividing the total monthly 828
recurring rates set forth in ~~a telephone~~ the company's schedule as 829
filed in accordance with section 4905.30 of the Revised Code, by 830
the total number of residential and business customer access 831
lines, or their equivalent, within the area served. Each 832
residential and business customer within the area served shall pay 833
the recurring rates based on the number of its residential and 834
business customer access lines or their equivalent. No company ~~may~~ 835
shall include such amount on any customer's bill until the company 836
has completed its portion of the wireline telephone network in 837
accordance with the terms, conditions, requirements, and 838
specifications of the final plan or an agreement made under 839
section 4931.48 of the Revised Code. 840

(C)(1) Except as otherwise provided in division (C)(2) of 841
this section, a participating telephone company described in 842
division (A) of this section may receive through the credit 843
authorized by section 5727.39 of the Revised Code the total 844
nonrecurring charges for its portion of the wireline telephone 845
network ~~used in providing 9-1-1 service,~~ of the system and the 846
total nonrecurring charges for any updating or modernization of 847
that wireline telephone network in accordance with the terms, 848

conditions, requirements, and specifications of the final plan or 849
pursuant to agreements under section 4931.48 of the Revised Code, 850
as any such charges are set forth in the schedule filed by a 851
telephone company in accordance with section 4905.30 of the 852
Revised Code, ~~on completion of the installation of the network in~~ 853
~~accordance with the terms, conditions, requirements, and~~ 854
~~specifications of the final plan or pursuant to section 4931.48 of~~ 855
~~the Revised Code shall be recovered by the company through the~~ 856
~~credit authorized by section 5727.39 of the Revised Code. However,~~ 857
that portion, updating, or modernization shall not be for or 858
include the provision of wireless 9-1-1. As applicable, the 859
receipt of permissible charges shall occur only upon the 860
completion of the installation of the network or the completion of 861
the updating or modernization. 862

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

(a) The telephone company received the credit for the 866
wireline telephone network portion of the basic 9-1-1 system now 867
proposed to be upgraded; ~~and.~~ 868

(b) At the time the final plan or agreement pursuant to 869
section 4931.48 of the Revised Code calling for the basic 9-1-1 870
system was agreed to, the telephone company was capable of 871
reasonably meeting the technical and economic requirements of 872
providing the wireline telephone network portion of an enhanced 873
9-1-1 system within the territory proposed to be upgraded, as 874
determined by the public utilities commission under division (A) 875
or (H) of section 4931.41 or division (C) of section 4931.48 of 876
the Revised Code. 877

(3) ~~When~~ If the credit is not allowed under division (C)(2) 878
of this section, the total nonrecurring charges for the wireline 879
telephone network used in providing 9-1-1 service, as set forth in 880

the schedule filed by a telephone company in accordance with 881
section 4905.30 of the Revised Code, on completion of the 882
installation of the network in accordance with the terms, 883
conditions, requirements, and specifications of the final plan or 884
pursuant to section 4931.48 of the Revised Code, shall be paid by 885
the municipal corporations and townships with any territory in the 886
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 887
made. 888

(D) ~~where~~ If customer premises equipment for a public safety 889
answering point is supplied by a telephone company that is 890
required to file a schedule under section 4905.30 of the Revised 891
Code pertaining to customer premises equipment, the recurring and 892
nonrecurring rates and charges for the installation and 893
maintenance of the equipment specified in the schedule shall 894
apply. 895

Sec. 4931.48. (A) If a final plan is disapproved under 896
division (B) of section 4931.44 of the Revised Code, by 897
resolution, the legislative authority of a municipal corporation 898
or township that contains at least thirty per cent of the county's 899
population may establish within its boundaries, or the legislative 900
authorities of a group of municipal corporations or townships each 901
of which is contiguous with at least one other such municipal 902
corporation or township in the group, together containing at least 903
thirty per cent of the county's population, may jointly establish 904
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 905
municipal corporation or township may enter into an agreement, and 906
the contiguous municipal corporations or townships may jointly 907
enter into an agreement with a one or more telephone ~~company~~ 908
~~providing service in the municipal corporations or townships to~~ 909
~~provide for the telephone network portion of the system~~ companies. 910

(B) If no resolution has been adopted to convene a 9-1-1 911

planning committee under section 4931.42 of the Revised Code, ~~but~~ 912
~~not sooner than eighteen months after the effective date of such~~ 913
~~section,~~ by resolution, the legislative authority of any municipal 914
corporation in the county may establish within its boundaries, or 915
the legislative authorities of a group of municipal corporations 916
and townships each of which is contiguous to at least one of the 917
other such municipal corporations or townships in the group may 918
jointly establish within their boundaries, a 9-1-1 system. The For 919
that purpose, the municipal corporation, or contiguous municipal 920
corporations and townships, may enter into an agreement with a one 921
or more telephone ~~company serving customers within the boundaries~~ 922
~~of the municipal corporation or contiguous municipal corporations~~ 923
~~and townships, to provide for the telephone network portion of a~~ 924
~~9-1-1 system~~ companies. 925

(C) Whenever a telephone company that is a wireline service 926
provider and one or more municipal corporations and townships 927
enter into an agreement under division (A) or (B) of this section 928
to provide for the wireline telephone network portion of a basic 929
9-1-1 system, the telephone company shall so notify the public 930
utilities commission, which shall determine whether the telephone 931
company is capable of reasonably meeting the technical and 932
economic requirements of providing the wireline telephone network 933
for an enhanced system within the territory served by the company 934
and covered by the agreement. The determination shall be made 935
solely for the purposes of division (C)(2) of section 4931.47 of 936
the Revised Code. 937

(D) Within three years from the date of entering into an 938
initial agreement described under division ~~(A) or (B)~~(C) of this 939
section, the telephone company shall have installed the wireline 940
telephone network portion of the 9-1-1 system according to the 941
terms, conditions, requirements, and specifications set forth in 942
the agreement. 943

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

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

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

(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, 975
public and private, are not liable in damages in a civil action 976
for injuries, death, or loss to persons or property arising from 977
the issuance or following of emergency instructions, except where 978
the issuance or following of the instructions constitutes willful 979
or wanton misconduct. 980

(C) ~~A~~ Except for willful or wanton misconduct, a telephone 981
company, and any other installer, maintainer, or provider, through 982
the sale or otherwise, of customer premises equipment, and their 983
respective officers, directors, employees, agents, and suppliers 984
are not liable in damages in a civil action for injuries, death, 985
or loss to persons or property incurred by any person resulting 986
from such an entity's or its officers', directors', employees', 987
agents', or suppliers' participation in or acts or omissions in 988
connection with ~~that participation~~ participating in or developing, 989
maintaining, or operating a 9-1-1 system, whether that system is 990
established pursuant to sections 4931.40 to ~~4931.54~~ 4931.70 of the 991
Revised Code or otherwise in accordance with ~~the telephone~~ 992
~~company's~~ schedules regarding 9-1-1 systems filed with the public 993
utilities commission pursuant to section 4905.30 of the Revised 994
Code by a telephone company that is a wireline service provider. 995

(D) No person shall knowingly use the telephone number of ~~the~~ 996
a 9-1-1 system established under sections 4931.40 to 4931.70 of 997
the Revised Code to report an emergency if the person knows that 998
no emergency exists. 999

(E) No person shall knowingly use a 9-1-1 system for a 1000
purpose other than obtaining emergency service. 1001

(F) No person shall disclose or use, ~~for any purpose other~~ 1002
~~than for the 9-1-1 system,~~ any information concerning telephone 1003
numbers, addresses, or names obtained from the data base that 1004
serves the public safety answering point of a 9-1-1 system 1005
established under sections 4931.40 to ~~4931.54~~ 4931.70 of the 1006

Revised Code, except ~~that~~ for any of the following purposes or 1007
under any of the following circumstances: 1008

(1) For the purpose of the 9-1-1 system; 1009

(2) For the purpose of responding to an emergency call to an 1010
emergency service provider; 1011

(3) In the circumstance of the inadvertent disclosure of such 1012
information due solely to technology of the wireline telephone 1013
network portion of the 9-1-1 system not allowing access to the 1014
data base to be restricted to 9-1-1 specific answering lines at a 1015
public safety answering point; 1016

(4) In the circumstance of assistance given by a telephone 1017
company may disclose or use such information that is a wireline 1018
service provider to assist a public utility or municipal utility 1019
in handling customer calls in times of public emergency or service 1020
outages. The charge, terms, and conditions for the disclosure or 1021
use of such information ~~by the telephone company~~ for the purpose 1022
of such assistance shall be subject to the jurisdiction of the 1023
public utilities commission. ~~In no event shall such information be~~ 1024
~~disclosed or used for any purpose not permitted by this division.~~ 1025

Sec. 4931.50. (A) The attorney general, upon request of the 1026
public utilities commission or on the attorney general's own 1027
initiative, shall begin proceedings against a ~~subdivision or~~ 1028
telephone company that is a wireline service provider to enforce 1029
compliance with sections 4931.40 to ~~4931.54~~ 4931.70 of the Revised 1030
Code, or with the terms, conditions, requirements, or 1031
specifications of a final plan or of an agreement under section 1032
4931.48 of the Revised Code as to wireline or wireless 9-1-1. 1033

(B) The attorney general, upon the attorney general's own 1034
initiative, or any prosecutor, upon the prosecutor's initiative, 1035
shall begin proceedings against a subdivision as to wireline or 1036

wireless 9-1-1 to enforce compliance with sections 4931.40 to 1037
4931.70 of the Revised Code or with the terms, conditions, 1038
requirements, or specifications of a final plan or of an agreement 1039
under section 4931.48 of the Revised Code as to wireline or 1040
wireless 9-1-1. 1041

Sec. 4931.60. There is hereby created within the public 1042
utilities commission the 9-1-1 service program, headed by an Ohio 1043
9-1-1 coordinator in the unclassified civil service pursuant to 1044
division (A)(9) of section 124.11 of the Revised Code. The 1045
coordinator shall be appointed by and serve at the pleasure of the 1046
commission chairperson and shall report directly to the 1047
chairperson. Upon the effective date of this section, the 1048
chairperson shall appoint an interim coordinator and, upon 1049
submission of a list of nominees by the Ohio 9-1-1 council 1050
pursuant to section 4931.69 of the Revised Code, shall consider 1051
those nominees in making the final appointment and in appointing 1052
any subsequent coordinator. The chairperson may request the 1053
council to submit additional nominees and may reject any of the 1054
nominees. The chairperson shall fix the compensation of the 1055
coordinator. The chairperson shall evaluate the performance of the 1056
coordinator after considering the evaluation and recommendations 1057
of the council under section 4931.68 of the Revised Code. 1058

The Ohio 9-1-1 coordinator shall administer the wireless 1059
9-1-1 government assistance fund as specified in sections 4931.63 1060
and 4931.64 of the Revised Code and otherwise carry out the 1061
coordinator's duties under sections 4931.60 to 4931.70 of the 1062
Revised Code. The chairperson may establish additional duties of 1063
the coordinator based on a list of recommended duties submitted by 1064
the Ohio 9-1-1 council pursuant to section 4931.68 of the Revised 1065
Code. The chairperson may assign one or more commission employees 1066
to assist the coordinator in carrying out the coordinator's 1067

duties.

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

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

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

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(3) By dividing the total earned prepaid wireless telephone

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revenue from sales within this state received by the wireless 1099
service provider or reseller during the month by fifty, 1100
multiplying the quotient by thirty-two cents, and remitting this 1101
amount pursuant to division (A)(1) of section 4931.62 of the 1102
Revised Code. 1103

(B) The wireless 9-1-1 charge shall be exempt from state or 1104
local taxation. 1105

Sec. 4931.62. (A)(1) Beginning with the second month 1106
following the month in which the wireless 9-1-1 charge is first 1107
imposed under section 4931.61 of the Revised Code, a wireless 1108
service provider or reseller of wireless service, not later than 1109
the last day of each month, shall remit the full amount of all 1110
wireless 9-1-1 charges it collected for the second preceding 1111
calendar month to the Ohio 9-1-1 coordinator, with the exception 1112
of charges equivalent to the amount authorized as a billing and 1113
collection fee under division (A)(2) of this section. In doing so, 1114
the provider or reseller may remit the requisite amount in any 1115
reasonable manner consistent with its existing operating or 1116
technological capabilities, such as by customer address, location 1117
associated with the wireless telephone number, or another 1118
allocation method based on comparable, relevant data. If the 1119
wireless service provider or reseller receives a partial payment 1120
for a bill from a wireless service subscriber, the wireless 1121
service provider or reseller shall apply the payment first against 1122
the amount the subscriber owes the wireless service provider or 1123
reseller and shall remit to the coordinator such lesser amount, if 1124
any, as results from that invoice. 1125

(2) A wireless service provider or reseller of wireless 1126
service may retain as a billing and collection fee two per cent of 1127
the total wireless 9-1-1 charges it collects in any month and 1128
shall account to the coordinator for the amount retained. 1129

(B) Each subscriber on which a wireless 9-1-1 charge is 1130
imposed under division (A) of section 4931.61 of the Revised Code 1131
is liable to the state for the amount of the charge. If a wireless 1132
service provider or reseller fails to collect the charge under 1133
that division from a subscriber of prepaid wireless service, or 1134
fails to bill any other subscriber for the charge, the wireless 1135
service provider or reseller is liable to the state for the amount 1136
not collected or billed. If a wireless service provider or 1137
reseller collects charges under that division and fails to remit 1138
the money to the coordinator, the wireless service provider or 1139
reseller is liable to the state for any amount collected and not 1140
remitted. 1141

(C)(1) If the public utilities commission has reason to 1142
believe that a wireless service provider or reseller has failed to 1143
bill, collect, or remit the wireless 9-1-1 charge as required by 1144
divisions (A)(1) and (B) of this section or has retained more than 1145
the amount authorized under division (A)(2) of this section, and 1146
after written notice to the provider or reseller, the commission 1147
may audit the provider or reseller for the sole purpose of making 1148
such a determination. The audit may be of a sample of the 1149
provider's or reseller's billings, collections, remittances, or 1150
retentions for a representative period, and the commission shall 1151
make a good faith effort to reach agreement with the provider or 1152
reseller in selecting that sample. 1153

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

amount of any remittance that was due and unpaid on the date 1162
notice of the audit was sent by the commission to the provider or 1163
reseller or, as applicable, in the amount of the excess amount 1164
under division (A)(2) of this section retained by the provider or 1165
reseller as of that date. 1166

(3) The portion of any assessment not paid within sixty days 1167
after the date of service by the commission of the assessment 1168
notice under division (C)(2) of this section shall bear interest 1169
from that date until paid at the rate per annum prescribed by 1170
section 5703.47 of the Revised Code. That interest may be 1171
collected by making an assessment under division (C)(2) of this 1172
section. An assessment under this division and any interest due 1173
shall be remitted in the same manner as the wireless 9-1-1 charge. 1174

(4) An assessment is final and due and payable and shall be 1175
remitted to the commission unless the assessed party petitions for 1176
rehearing under section 4903.10 of the Revised Code. The 1177
proceedings of the commission specified in division (C)(4) of this 1178
section are subject to and governed by Chapter 4903. of the 1179
Revised Code, except that the court of appeals of Franklin county 1180
has exclusive, original jurisdiction to review, modify, or vacate 1181
an order of the commission under division (C)(2) of this section. 1182
The court shall hear and determine such appeal in the same manner 1183
and under the same standards as the Ohio supreme court hears and 1184
determines appeals under Chapter 4903. of the Revised Code. 1185

The judgment of the court of appeals is final and conclusive 1186
unless reversed, vacated, or modified on appeal. Such an appeal 1187
may be made by the commission or the person to whom the order 1188
under division (C)(2) of this section was issued and shall proceed 1189
as in the case of appeals in civil actions as provided in Chapter 1190
2505. of the Revised Code. 1191

(5) After an assessment becomes final, if any portion of the 1192

assessment remains unpaid, including accrued interest, a certified 1193
copy of the commission's entry making the assessment final may be 1194
filed in the office of the clerk of the court of common pleas in 1195
the county in which the place of business of the assessed party is 1196
located. If the party maintains no place of business in this 1197
state, the certified copy of the entry may be filed in the office 1198
of the clerk of the court of common pleas of Franklin county. 1199
Immediately upon the filing, the clerk shall enter a judgment for 1200
the state against the assessed party in the amount shown on the 1201
entry. The judgment may be filed by the clerk in a loose-leaf book 1202
entitled "special judgments for wireless 9-1-1 charges" and shall 1203
have the same effect as other judgments. The judgment shall be 1204
executed upon the request of the commission. 1205

(6) An assessment under this division does not discharge a 1206
subscriber's liability to reimburse the provider or reseller for 1207
the wireless 9-1-1 charge. If, after the date of service of the 1208
audit notice under division (C)(1) of this section, a subscriber 1209
pays a wireless 9-1-1 charge for the period covered by the 1210
assessment, the payment shall be credited against the assessment. 1211

(7) All money collected by the commission under this division 1212
shall be paid to the treasurer of state, for deposit to the credit 1213
of the wireless 9-1-1 government assistance fund. 1214

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

commission as are incurred in assisting the coordinator in 1224
carrying out sections 4931.60 to 4931.70 of the Revised Code and 1225
in conducting audits under division (C) of section 4931.62 of the 1226
Revised Code. In addition, the compensation of the Ohio 9-1-1 1227
coordinator, and any expenses of the coordinator in carrying out 1228
those sections, shall be paid from the fund. 1229

(B) There is hereby created the wireless 9-1-1 government 1230
assistance fund, which shall be in the custody of the treasurer of 1231
state but shall not be part of the state treasury. The periodic 1232
remittances of the wireless 9-1-1 charge remaining after the 1233
deposit required by division (A) of this section shall be 1234
deposited to the credit of the wireless 9-1-1 government 1235
assistance fund. The treasurer of state shall deposit or invest 1236
the moneys in this fund in accordance with Chapter 135. of the 1237
Revised Code and any other provision of law governing public 1238
moneys of the state as defined in section 135.01 of the Revised 1239
Code. The treasurer of state shall credit the interest earned to 1240
the fund. The treasurer of state shall disburse money from the 1241
fund solely upon order of the coordinator as authorized under 1242
section 4931.64 of the Revised Code. Annually, until the fund is 1243
depleted, the treasurer of state shall certify to the coordinator 1244
the amount of moneys in the treasurer of state's custody belonging 1245
to the fund. 1246

Sec. 4931.64. (A) Prior to the first disbursement under this 1247
section and annually thereafter not later than the twenty-fifth 1248
day of January, until the wireless 9-1-1 government assistance 1249
fund is depleted, the Ohio 9-1-1 coordinator shall do both of the 1250
following for the purposes of division (B) of this section: 1251

(1) Determine, for a county that has adopted a final plan 1252
under sections 4931.40 to 4931.70 of the Revised Code for the 1253

provision of wireless enhanced 9-1-1 within the territory covered 1254
by the countywide 9-1-1 system established under the plan, the 1255
number of wireless telephone numbers assigned to wireless service 1256
subscribers that have billing addresses within the county. That 1257
number shall be adjusted between any two counties so that the 1258
number of wireless telephone numbers assigned to wireless service 1259
subscribers who have billing addresses within any portion of a 1260
municipal corporation that territorially lies primarily in one of 1261
the two counties but extends into the other county is added to the 1262
number already determined for that primary county and subtracted 1263
for the other county. 1264

(2) Determine each county's proportionate share of the 1265
wireless 9-1-1 government assistance fund for the ensuing calendar 1266
year on the basis set forth in division (B) of this section; 1267
estimate the ensuing calendar year's fund balance; compute each 1268
such county's estimated proceeds for the ensuing calendar year 1269
based on its proportionate share and the estimated fund balance; 1270
and certify such amount of proceeds to the county auditor of each 1271
such county. 1272

(B) The Ohio 9-1-1 coordinator, in accordance with this 1273
division and not later than the last day of each month, shall 1274
disburse the amount credited as remittances to the wireless 9-1-1 1275
government assistance fund during the second preceding month, plus 1276
any accrued interest on the fund. Such a disbursement shall be 1277
paid to each county treasurer. The amount to be so disbursed 1278
monthly to a particular county shall be a proportionate share of 1279
the wireless 9-1-1 government assistance fund balance based on the 1280
ratio between the following: 1281

(1) The number of wireless telephone numbers determined for 1282
the county by the coordinator pursuant to division (A) of this 1283
section; 1284

(2) The total number of wireless telephone numbers assigned to subscribers who have billing addresses within this state. To the extent that the fund balance permits, the disbursements to each county shall total at least twenty-five thousand dollars annually. 1285
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(C)(1) Each county that has not adopted a final plan for the provision of wireless enhanced 9-1-1 under sections 4931.40 to 4931.70 of the Revised Code shall be deemed as having done so for the purposes of making the determinations and disbursements under divisions (A)(1) and (2) and (B) of this section through the third full calendar year following the effective date of this section. 1290
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(2) For each county described in division (C)(1) of this section and through the third full calendar year following the effective date of this section, the coordinator shall retain in the wireless 9-1-1 government assistance fund an amount equal to what would be the county's disbursements under division (B) of this section if it had adopted such a final plan, plus any related accrued interest, to be set aside for that county until the board of county commissioners notifies the coordinator that a final plan for the provision of wireless enhanced 9-1-1 has been adopted, but not beyond the end of such third year. Provided notification is made prior to the end of that third year, the coordinator shall disburse and pay to the county treasurer, not later than the last day of the month following the month the notification is made, the total amount so set aside for the county plus any related accrued interest. After the end of the third full calendar year following the effective date of this section, any money and interest so retained and not disbursed as authorized under this division shall be available for disbursement only as provided in division (B) of this section. 1296
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(D) Immediately upon receipt by a county treasurer of a disbursement under division (B) or (C) of this section, the county 1315
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shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan. 1317
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(E) Nothing in sections 4931.40 to 4931.70 of the Revised Code affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section 4931.48 of the Revised Code, any other authorized revenue of the subdivision for the purposes of providing basic or enhanced 9-1-1. 1322
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Sec. 4931.65. (A) A countywide 9-1-1 system receiving a disbursement under section 4931.64 of the Revised Code shall provide countywide wireless enhanced 9-1-1 in accordance with sections 4931.40 to 4931.70 of the Revised Code beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, shall continue to provide such service. Except as provided in divisions (B) and (C) of this section, disbursement shall be used solely for the purpose of paying either or both of the following: 1329
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(1) Any costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for the public safety answering point or points of the 9-1-1 system to provide wireless enhanced 9-1-1, which costs are incurred before or on or after the effective date of this section and consist of such additional costs of the 9-1-1 system over and above any costs incurred to provide wireline 9-1-1. On or after the provision of technical and operational standards pursuant to division (D)(1) of section 4931.68 of the Revised Code, a subdivision shall consider 1338
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the standards before incurring any costs described in this 1348
division. 1349

(2) Any costs of training the staff of the public safety 1350
answering point or points to provide wireless enhanced 9-1-1, 1351
which costs are incurred before or on or after the effective date 1352
of this section and consist of such additional costs of the 9-1-1 1353
system over and above any costs incurred to provide wireline 1354
9-1-1. 1355

(B) Beginning one year following the imposition of the 1356
wireless 9-1-1 charge under section 4931.61 of the Revised Code, a 1357
subdivision that certifies to the Ohio 9-1-1 coordinator that it 1358
has paid the costs described in divisions (A)(1) and (2) of this 1359
section and is providing countywide wireless enhanced 9-1-1 may 1360
use disbursements received under section 4931.64 of the Revised 1361
Code to pay any of its personnel costs of one or more public 1362
safety answering points providing countywide wireless enhanced 1363
9-1-1. 1364

(C) After receiving its April 2009, disbursement under 1365
section 4931.64 of the Revised Code, a subdivision may use any 1366
remaining balance of disbursements it received under that section 1367
to pay any of its costs of providing countywide wireless 9-1-1, 1368
including the personnel costs of one or more public safety 1369
answering points providing that service. 1370

(D) The costs described in divisions (A), (B), and (C) of 1371
this section may include any such costs payable pursuant to an 1372
agreement under division (J) of section 4931.41 of the Revised 1373
Code. 1374

Sec. 4931.66. (A)(1) A wireless service provider, the state 1375
highway patrol as described in division (J) of section 4931.41 of 1376
the Revised Code, and each subdivision operating one or more 1377

public safety answering points for a countywide system providing 1378
wireless 9-1-1, shall provide the Ohio 9-1-1 coordinator with such 1379
information as the coordinator requests for the purposes of 1380
carrying out the coordinator's duties under sections 4931.60 to 1381
4931.70 of the Revised Code, including, but not limited to, duties 1382
regarding the collection of the wireless 9-1-1 charge and 1383
regarding the provision of a report or recommendation under 1384
section 4931.70 of the Revised Code. 1385

(2) A wireless service provider shall provide an official, 1386
employee, agent, or representative of a subdivision operating a 1387
public safety answering point, or of the state highway patrol as 1388
described in division (J) of section 4931.41 of the Revised Code, 1389
with such technical, service, and location information as the 1390
official, employee, agent, or representative requests for the 1391
purpose of providing wireless 9-1-1. 1392

(3) A subdivision operating one or more public safety 1393
answering points of a 9-1-1 system, and a telephone company, shall 1394
provide to the Ohio 9-1-1 council such information as the council 1395
requires for the purpose of making any recommendation or report 1396
pursuant to division (D)(2) of section 4931.68 of the Revised 1397
Code. 1398

(B)(1) Any information provided under division (A) of this 1399
section that consists of trade secrets as defined in section 1400
1333.61 of the Revised Code or of information regarding the 1401
customers, revenues, expenses, or network information of a 1402
telephone company shall be confidential and does not constitute a 1403
public record for the purpose of section 149.43 of the Revised 1404
Code. 1405

(2) The public utilities commission, the Ohio 9-1-1 1406
coordinator, and any official, employee, agent, or representative 1407
of the commission, of the state highway patrol as described in 1408

division (J) of section 4931.41 of the Revised Code, or of a 1409
subdivision operating a public safety answering point, while 1410
acting or claiming to act in the capacity of the commission or 1411
coordinator or such official, employee, agent, or representative, 1412
shall not disclose any information provided under division (A) of 1413
this section regarding a telephone company's customers, revenues, 1414
expenses, or network information. Nothing in division (B)(2) of 1415
this section precludes any such information from being aggregated 1416
and included in any report required under section 4931.70 or 1417
division (D)(2) of section 4931.69 of the Revised Code, provided 1418
the aggregated information does not identify the number of any 1419
particular company's customers or the amount of its revenues or 1420
expenses or identify a particular company as to any network 1421
information. 1422

Sec. 4931.67. The public utilities commission, after 1423
consultation with the Ohio 9-1-1 coordinator, shall adopt rules in 1424
accordance with Chapter 119. of the Revised Code to carry out 1425
sections 4931.60 to 4931.70 of the Revised Code, including rules 1426
prescribing the necessary accounting for a wireless service 1427
provider's or reseller's billing and collection fee under division 1428
(A)(2) of section 4931.62 of the Revised Code and rules 1429
establishing a fair and reasonable process for recommending the 1430
amount of the wireless 9-1-1 charge as authorized under division 1431
(B) of section 4931.70 of the Revised Code. The amount of the 1432
wireless 9-1-1 charge shall be prescribed only by act of the 1433
general assembly. 1434

Sec. 4931.68. (A) There is hereby created the Ohio 9-1-1 1435
council, consisting of eleven members as follows: the Ohio 9-1-1 1436
coordinator; a designee of the department of public safety, 1437
selected by the director of public safety; and nine members 1438
appointed by the governor. In appointing the nine members, the 1439

governor shall select one representative of public safety 1440
communications officials in this state, one representative of 1441
administrators of 9-1-1 service in this state, one representative 1442
of countywide 9-1-1 systems in this state, three representatives 1443
of wireline service providers in this state, and three 1444
representatives of wireless service providers in this state. For 1445
each such appointment, the governor shall consider a nominee 1446
proposed, respectively, by the Ohio chapter of the association of 1447
public-safety communications officials, the Ohio chapter of the 1448
national emergency number association, the county commissioners 1449
association of Ohio; and nominees proposed, respectively, by the 1450
Ohio telecom association and the wireless operators of Ohio; or 1451
any successor organization of each such entity. 1452

Initial appointments shall be made not later than thirty days 1453
after the effective date of this section. Nothing in this section 1454
shall prevent the governor from rejecting any of the nominees or 1455
requesting that a nominating entity under this division submit the 1456
names of alternative nominees for consideration. 1457

(B) The term of the initial appointee to the council 1458
representing public safety communications officials and the terms 1459
of one of the initial appointees representing wireline service 1460
providers and one representing wireless service providers shall 1461
expire on January 31, 2007. The term of the initial appointee to 1462
the council representing administrators of 9-1-1 service and the 1463
terms of another one of the initial appointees representing 1464
wireline service providers and another representing wireless 1465
service providers shall expire on January 31, 2008. The term of 1466
the initial appointee to the council representing countywide 9-1-1 1467
systems and the terms of another one of the initial appointees 1468
representing wireline service providers and another representing 1469
wireless service providers shall expire on January 31, 2009. 1470

Thereafter, terms of appointed members shall be for three years, 1471
with each term ending on the same day of the same month as the 1472
term it succeeds. 1473

Each council member shall hold office from the date of the 1474
member's appointment until the end of the term for which the 1475
member was appointed. Members may be reappointed. 1476

Vacancies shall be filled in the manner provided for original 1477
appointments. Any member appointed to fill a vacancy occurring 1478
prior to the expiration date of the term for which the member's 1479
predecessor was appointed shall hold office as a member for the 1480
remainder of that term. A member shall continue in office after 1481
the expiration date of the member's term until the member's 1482
successor takes office or until a period of sixty days has 1483
elapsed, whichever occurs first. 1484

Appointed members shall serve without compensation and shall 1485
not be reimbursed for expenses. 1486

(C) The council shall select a chairperson from among the 1487
appointed members. Each member shall have one vote in all 1488
deliberations of the council, except that the Ohio 9-1-1 1489
coordinator shall not be eligible to vote on a matter described in 1490
division (D)(3) of this section. A majority of the voting members 1491
constitutes a quorum. 1492

(D) The duties of the council shall consist of all of the 1493
following: 1494

(1) Arbitrating or establishing relative to 9-1-1 systems in 1495
this state nondiscriminatory, competitively neutral, and uniform 1496
technical and operational standards consistent with recognized 1497
industry standards and federal law. This authority does not 1498
include authority to prescribe the technology that a telephone 1499
company or reseller uses to deliver 9-1-1 calls. 1500

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

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

(E) The council 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.

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 1532
municipal and county government shall expire on January 31, 2009. 1533
The terms of the initial noncouncil appointee to the advisory 1534
board representing public safety communications officials and of 1535
the other initial noncouncil appointee representing municipal and 1536
county government shall expire on January 31, 2010. Thereafter, 1537
terms of the noncouncil appointees shall be for three years, with 1538
each term ending on the same day of the same month as the term it 1539
succeeds. The conditions of holding office, manner of filling 1540
vacancies, and other matters concerning service by any member of 1541
the advisory board shall be the same as set forth for council 1542
members under division (B) of section 4931.68 of the Revised Code. 1543

(C) The Ohio 9-1-1 coordinator shall appoint the chairperson 1544
of the advisory board. Each member of the board shall be a voting 1545
member and shall have one vote in all deliberations of the board. 1546
A majority of the members constitutes a quorum. 1547

(D)(1) The advisory board shall make a recommendation to the 1548
coordinator regarding the amount of the wireless 9-1-1 charge to 1549
be included in the report required by division (B) of section 1550
4931.70 of the Revised Code and shall consult with the coordinator 1551
regarding that report. 1552

(2) The advisory board shall make recommendations to and 1553
consult with the public utilities commission and the coordinator 1554
regarding any rules to be adopted under section 4931.67 of the 1555
Revised Code. 1556

(E) The advisory board is not an agency, as defined in 1557
section 101.82 of the Revised Code, for purposes of sections 1558
101.82 to 101.87 of the Revised Code. 1559

Sec. 4931.70. On the first day of November preceding the 1560
2007-2009 budget biennium, the Ohio 9-1-1 coordinator shall submit 1561

a report to the general assembly, in accordance with section 1562
101.68 of the Revised Code, that contains both of the following: 1563

(A) A review of the implementation and provision of wireless 1564
enhanced 9-1-1 in this state and a description of how moneys 1565
disbursements from the wireless government assistance fund have 1566
been used. In preparing the report, the coordinator shall consult 1567
with the wireless 9-1-1 advisory board. 1568

(B) The coordinator's recommendation for the coming budget 1569
biennium of any change in the amount of the wireless 9-1-1 charge 1570
and the basis for that recommendation. The recommendation shall 1571
reflect the minimum amount necessary during the coming budget 1572
biennium, given any balance in the wireless 9-1-1 government 1573
assistance fund to be carried over to that biennium and the 1574
projected revenue from the charge, to fully cover the costs 1575
described in division (A) of section 4931.65 of the Revised Code 1576
as projected for that biennium. The amount also shall reflect the 1577
minimum amount necessary for the wireless 9-1-1 charge to cover 1578
the costs described in division (A) of section 4931.63 of the 1579
Revised Code as projected for the biennium, given the wireless 1580
9-1-1 administrative fund balance to be carried over. In making a 1581
recommendation under this division, the coordinator shall consider 1582
any recommendation of the wireless 9-1-1 advisory board. 1583

Sec. ~~4931.55~~ 4931.75. (A) As used in this section: 1584

(1) "Advertisement" means a message or material intended to 1585
cause the sale of realty, goods, or services. 1586

(2) "Facsimile device" means a device that electronically or 1587
telephonically receives and copies onto paper reasonable 1588
reproductions or facsimiles of documents and photographs through 1589
connection with a telephone network. 1590

(3) "Pre-existing business relationship" does not include 1591

transmitting an advertisement to the owner's or lessee's facsimile 1592
device. 1593

(B)(1) No person shall transmit an advertisement to a 1594
facsimile device unless the person has received prior permission 1595
from the owner or, if the device is leased, from the lessee of the 1596
device to which the message is to be sent to transmit the 1597
advertisement; or the person has a pre-existing business 1598
relationship with such owner or lessee. Division (B)(1) of this 1599
section does not apply to a person who transmits an advertisement 1600
to a facsimile device located on residential premises. 1601

(2) No person shall transmit an advertisement to a facsimile 1602
device located on residential premises unless the person has 1603
received prior written permission from the owner or, if the device 1604
is leased, from the lessee of the device to which the message is 1605
to be sent to transmit the advertisement. In addition to any other 1606
penalties or remedies, a recipient of an advertisement transmitted 1607
in violation of division (B)(2) of this section may bring a civil 1608
action against the person who transmitted that advertisement or 1609
caused it to be transmitted. In that action, the recipient may 1610
recover one thousand dollars for each violation. 1611

(C) When requested by the owner or lessee, the transmission 1612
shall occur between seven p.m. and five a.m. 1613

This section applies to all such advertisements intended to 1614
be so transmitted within this state. 1615

Sec. 4931.99. (A) Whoever violates division (D) of section 1616
4931.49 of the Revised Code is guilty of a misdemeanor of the 1617
fourth degree. 1618

(B) Whoever violates section 4931.25, 4931.26, 4931.27, 1619
4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor 1620
of the third degree. 1621

(C) Whoever violates section 4931.28 of the Revised Code is 1622
guilty of a felony of the fourth degree. 1623

(D) Whoever violates section 4931.29 or division (B) of 1624
section 4931.35 of the Revised Code is guilty of a misdemeanor in 1625
the first degree. 1626

(E) Whoever violates division (E) or (F) of section 4931.49 1627
or division (B)(2) of section 4931.66 of the Revised Code is 1628
guilty of a misdemeanor of the fourth degree on a first offense 1629
and a felony of the fifth degree on each subsequent offense. 1630

(F) Whoever violates section ~~4931.55~~ 4931.75 of the Revised 1631
Code is guilty of a minor misdemeanor for a first offense and a 1632
misdemeanor of the first degree on each subsequent offense. 1633

Sec. 5733.55. (A) As used in this section: 1634

(1) "9-1-1 system" has the same meaning as in section 4931.40 1635
of the Revised Code. 1636

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 1637
approved by the public utilities commission for the telephone 1638
network portion of a 9-1-1 system pursuant to section 4931.47 of 1639
the Revised Code. 1640

(3) "Eligible nonrecurring 9-1-1 charges" means all 1641
nonrecurring 9-1-1 charges for a 9-1-1 system, except both of the 1642
following: 1643

(a) Charges for a system that was not established pursuant to 1644
a plan adopted under section 4931.44 of the Revised Code or an 1645
agreement under section 4931.48 of the Revised Code; 1646

(b) Charges for that part of a system established pursuant to 1647
such a plan or agreement that are excluded from the credit by 1648
division (C)(2) of section 4931.47 of the Revised Code. 1649

(4) "Telephone company" has the same meaning as in section 1650

5727.01 of the Revised Code. 1651

(B) Beginning in tax year 2005, a telephone company shall be 1652
allowed a nonrefundable credit against the tax imposed by section 1653
5733.06 of the Revised Code equal to the amount of its eligible 1654
nonrecurring 9-1-1 charges. The credit shall be claimed for the 1655
company's taxable year that covers the period in which the 9-1-1 1656
service for which the credit is claimed becomes available for use. 1657
The credit shall be claimed in the order required by section 1658
5733.98 of the Revised Code. If the credit exceeds the total taxes 1659
due under section 5733.06 of the Revised Code for the tax year, 1660
the tax commissioner shall credit the excess against taxes due 1661
under that section for succeeding tax years until the full amount 1662
of the credit is granted. 1663

(C) After the last day a return, with any extensions, may be 1664
filed by any telephone company that is eligible to claim a credit 1665
under this section, the commissioner shall determine whether the 1666
sum of the credits allowed for prior tax years commencing with tax 1667
year 2005 plus the sum of the credits claimed for the current tax 1668
year exceeds fifteen million dollars. If it does, the credits 1669
allowed under this section for the current tax year shall be 1670
reduced by a uniform percentage such that the sum of the credits 1671
allowed for the current tax year do not exceed fifteen million 1672
dollars claimed by all telephone companies for all tax years. 1673
Thereafter, no credit shall be granted under this section, except 1674
for the remaining portions of any credits allowed under division 1675
(B) of this section. 1676

(D) A telephone company that is entitled to carry forward a 1677
credit against its public utility excise tax liability under 1678
section 5727.39 of the Revised Code is entitled to carry forward 1679
any amount of that credit remaining after its last public utility 1680
excise tax payment for the period of July 1, 2003, through June 1681
30, 2004, and claim that amount as a credit against its 1682

corporation franchise tax liability under this section. Nothing in 1683
this section authorizes a telephone company to claim a credit 1684
under this section for any eligible nonrecurring 9-1-1 charges for 1685
which it has already claimed a credit under this section or 1686
section 5727.39 of the Revised Code. 1687

Section 2. That existing sections 2307.64, 2913.01, 4931.40, 1688
4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 1689
4931.49, 4931.50, 4931.55, 4931.99, and 5733.55 of the Revised 1690
Code are hereby repealed. 1691

Section 3. That the versions of sections 4931.45, 4931.47, 1692
and 4931.48 of the Revised Code that are scheduled to take effect 1693
December 31, 2004, be amended to read as follows: 1694

Sec. 4931.45. (A) ~~A An amended final plan may be amended to~~ 1695
~~expand~~ is required for any of the following purposes: 1696

(1) Expanding the territory included in the countywide 9-1-1 1697
system, ~~to upgrade;~~ 1698

(2) Upgrading any part or all of a system from basic ~~9-1-1~~ to 1699
enhanced wireline 9-1-1 ~~service, to adjust;~~ 1700

(3) Adjusting the territory served by a public safety 1701
answering point, ~~to represcribe;~~ 1702

(4) Represcribing the funding of public safety answering 1703
points as between the alternatives set forth in division (B)(5) of 1704
section 4931.43 of the Revised Code, ~~or to make;~~ 1705

(5) Providing for wireless enhanced 9-1-1; 1706

(6) Adding a telephone company as a participant in a 1707
countywide 9-1-1 system after the implementation of wireline 9-1-1 1708
or wireless enhanced 9-1-1; 1709

(7) Providing that the state highway patrol or one or more 1710

public safety answering points of another 9-1-1 system function as 1711
a public safety answering point or points for the provision of 1712
wireline or wireless 9-1-1 for all or part of the territory of the 1713
system established under the final plan, as contemplated under 1714
division (J) of section 4931.41 of the Revised Code; 1715

~~(8) Making any other necessary adjustments to the plan only~~ 1716
~~by convening a new 9-1-1 planning committee, and adopting an~~ 1717
~~amended final plan. The convening of a new 9-1-1 planning~~ 1718
~~committee and the proposal and adoption of an amended final plan~~ 1719
~~shall be made in the same manner required for the convening of an~~ 1720
~~initial committee and adoption of an original proposed and final~~ 1721
~~plan under sections 4931.42 to 4931.44 of the Revised Code.~~ 1722
Adoption 1723

The adoption of an amended final plan under this division 1724
shall be subject to, and accomplished in the manner of the 1725
adoption of an initial final plan under, sections 4931.42 to 1726
4931.44 of the Revised Code, including the requirements for the 1727
convening of a 9-1-1 planning committee and development of a 1728
proposed plan prior to the adoption of the final plan. However, a 1729
final plan is deemed amended for the purpose described in division 1730
(A)(6) of this section upon the filing, with the board of county 1731
commissioners of the county that approved the final plan for the 1732
countywide 9-1-1 system, of a written letter of intent by the 1733
entity to be added as a participant in the 9-1-1 system. The 1734
entity shall send written notice of the filing to all subdivisions 1735
and telephone companies participating in the system. Further, 1736
adoption of any resolution under section 4931.51 of the Revised 1737
Code pursuant to a final plan that both has been adopted and 1738
provides for funding through charges imposed under that section is 1739
not an amendment of a final plan for the purpose of this division. 1740

~~(B) When a final plan is amended to expand the territory that~~ 1741
~~receives 9-1-1 service or to upgrade a 9-1-1 system from basic to~~ 1742

~~enhanced 9-1-1 service~~ for a purpose described in division (A)(1), 1743
(2), or (6) of this section, sections 4931.47 and 5733.55 of the 1744
Revised Code apply with respect to the ~~telephone company's~~ 1745
~~recovery~~ receipt of the nonrecurring and recurring rates and 1746
charges for the wireline telephone network portion of the 9-1-1 1747
system. 1748

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 1749
4905., 4909., and 4931. of the Revised Code, the public utilities 1750
commission shall determine the just, reasonable, and compensatory 1751
rates, tolls, classifications, charges, or rentals to be observed 1752
and charged for the wireline telephone network portion of a basic 1753
~~and or~~ enhanced 9-1-1 system, and each telephone company that is a 1754
wireline service provider participating in the system shall be 1755
subject to such chapters, to the extent they apply, as to the 1756
service provided by its portion of the wireline telephone network 1757
for the system as described in the final plan or to be installed 1758
pursuant to agreements under section 4931.48 of the Revised Code, 1759
and as to the rates, tolls, classifications, charges, or rentals 1760
to be observed and charged for that service. 1761

(B) Only the customers of a participating telephone company 1762
described in division (A) of this section that are served within 1763
the area covered by a 9-1-1 system shall pay the recurring rates 1764
for the maintenance and operation of the company's portion of the 1765
wireline telephone network ~~in providing 9-1-1 service of the~~ 1766
system. Such rates shall be computed by dividing the total monthly 1767
recurring rates set forth in a ~~telephone~~ the company's schedule as 1768
filed in accordance with section 4905.30 of the Revised Code, by 1769
the total number of residential and business customer access 1770
lines, or their equivalent, within the area served. Each 1771
residential and business customer within the area served shall pay 1772
the recurring rates based on the number of its residential and 1773
business customer access lines or their equivalent. No company ~~may~~ 1774

shall include such amount on any customer's bill until the company 1775
has completed its portion of the wireline telephone network in 1776
accordance with the terms, conditions, requirements, and 1777
specifications of the final plan or an agreement made under 1778
section 4931.48 of the Revised Code. 1779

(C)(1) Except as otherwise provided in division (C)(2) of 1780
this section, a participating telephone company described in 1781
division (A) of this section may receive through the credit 1782
authorized by section 5733.55 of the Revised Code the total 1783
nonrecurring charges for its portion of the wireline telephone 1784
network ~~used in providing 9-1-1 service, of the system and the~~ 1785
total nonrecurring charges for any updating or modernization of 1786
that wireline telephone network in accordance with the terms, 1787
conditions, requirements, and specifications of the final plan or 1788
pursuant to agreements under section 4931.48 of the Revised Code, 1789
as such charges are set forth in the schedule filed by a the 1790
telephone company in accordance with section 4905.30 of the 1791
Revised Code, ~~on completion of the installation of the network in~~ 1792
~~accordance with the terms, conditions, requirements, and~~ 1793
~~specifications of the final plan or pursuant to section 4931.48 of~~ 1794
~~the Revised Code shall be recovered by the company through the~~ 1795
~~credit authorized by section 5733.55 of the Revised Code. However,~~ 1796
that portion, updating, or modernization shall not be for or 1797
include the provision of wireless 9-1-1. As applicable, the 1798
receipt of permissible charges shall occur only upon the 1799
completion of the installation of the network or the completion of 1800
the updating or modernization. 1801

(2) The credit shall not be allowed under division (C)(1) of 1802
this section for the upgrading of a system from basic to enhanced 1803
wireline 9-1-1 service ~~when~~ if both of the following apply: 1804

(a) The telephone company received the credit for the 1805
wireline telephone network portion of the basic 9-1-1 system now 1806

proposed to be upgraded~~—and~~. 1807

(b) At the time the final plan or agreement pursuant to 1808
section 4931.48 of the Revised Code calling for the basic 9-1-1 1809
system was agreed to, the telephone company was capable of 1810
reasonably meeting the technical and economic requirements of 1811
providing the wireline telephone network portion of an enhanced 1812
9-1-1 system within the territory proposed to be upgraded, as 1813
determined by the public utilities commission under division (A) 1814
or (H) of section 4931.41 or division (C) of section 4931.48 of 1815
the Revised Code. 1816

(3) ~~When~~ If the credit is not allowed under division (C)(2) 1817
of this section, the total nonrecurring charges for the wireline 1818
telephone network used in providing 9-1-1 service, as set forth in 1819
the schedule filed by a telephone company in accordance with 1820
section 4905.30 of the Revised Code, on completion of the 1821
installation of the network in accordance with the terms, 1822
conditions, requirements, and specifications of the final plan or 1823
pursuant to section 4931.48 of the Revised Code, shall be paid by 1824
the municipal corporations and townships with any territory in the 1825
area in which such upgrade from basic to enhanced 9-1-1 ~~service~~ is 1826
made. 1827

(D) ~~Where~~ If customer premises equipment for a public safety 1828
answering point is supplied by a telephone company that is 1829
required to file a schedule under section 4905.30 of the Revised 1830
Code pertaining to customer premises equipment, the recurring and 1831
nonrecurring rates and charges for the installation and 1832
maintenance of the equipment specified in the schedule shall 1833
apply. 1834

Sec. 4931.48. (A) If a final plan is disapproved under 1835
division (B) of section 4931.44 of the Revised Code, by 1836
resolution, the legislative authority of a municipal corporation 1837

or township that contains at least thirty per cent of the county's 1838
population may establish within its boundaries, or the legislative 1839
authorities of a group of municipal corporations or townships each 1840
of which is contiguous with at least one other such municipal 1841
corporation or township in the group, together containing at least 1842
thirty per cent of the county's population, may jointly establish 1843
within their boundaries a 9-1-1 system. For ~~this~~ that purpose, the 1844
municipal corporation or township may enter into an agreement, and 1845
the contiguous municipal corporations or townships may jointly 1846
enter into an agreement with a one or more telephone ~~company~~ 1847
~~providing service in the municipal corporations or townships to~~ 1848
~~provide for the telephone network portion of the system~~ companies. 1849

(B) If no resolution has been adopted to convene a 9-1-1 1850
planning committee under section 4931.42 of the Revised Code, ~~but~~ 1851
~~not sooner than eighteen months after the effective date of such~~ 1852
~~section,~~ by resolution, the legislative authority of any municipal 1853
corporation in the county may establish within its boundaries, or 1854
the legislative authorities of a group of municipal corporations 1855
and townships each of which is contiguous to at least one of the 1856
other such municipal corporations or townships in the group may 1857
jointly establish within their boundaries, a 9-1-1 system. ~~The~~ For 1858
that purpose, the municipal corporation, or contiguous municipal 1859
corporations and townships, may enter into an agreement with a one 1860
or more telephone ~~company serving customers within the boundaries~~ 1861
~~of the municipal corporation or contiguous municipal corporations~~ 1862
~~and townships, to provide for the telephone network portion of a~~ 1863
~~9-1-1 system~~ companies. 1864

(C) Whenever a telephone company that is a wireline service 1865
provider and one or more municipal corporations and townships 1866
enter into an agreement under division (A) or (B) of this section 1867
to provide for the wireline telephone network portion of a basic 1868
9-1-1 system, the telephone company shall so notify the public 1869

utilities commission, which shall determine whether the telephone 1870
company is capable of reasonably meeting the technical and 1871
economic requirements of providing the wireline telephone network 1872
for an enhanced system within the territory served by the company 1873
and covered by the agreement. The determination shall be made 1874
solely for the purposes of division (C)(2) of section 4931.47 of 1875
the Revised Code. 1876

(D) Within three years from the date of entering into an 1877
initial agreement described under division ~~(A) or (B)~~(C) of this 1878
section, the telephone company shall have installed the wireline 1879
telephone network portion of the 9-1-1 system according to the 1880
terms, conditions, requirements, and specifications set forth in 1881
the agreement. 1882

(E) ~~The~~ A telephone company that is a wireline service 1883
provider shall recover the cost of installing the wireline 1884
telephone network system pursuant to agreements made under this 1885
section as provided in ~~section~~ sections 4931.47 ~~of the Revised~~ 1886
~~Code, as authorized under section~~ and 5733.55 of the Revised Code. 1887

Section 4. That the existing versions of sections 4931.45, 1888
4931.47, and 4931.48 of the Revised Code that are scheduled to 1889
take effect December 31, 2004, are hereby repealed. 1890

Section 5. Sections 3 and 4 of this act shall take effect 1891
December 31, 2004. 1892

Section 6. The codified and uncodified sections of law 1893
contained in this act are subject to the referendum and, 1894
therefore, under Ohio Constitution, Article II, Section 1c take 1895
effect on the ninety-first day after this act is filed with the 1896
Secretary of State. If, however, a referendum petition is filed 1897
against any such codified or uncodified section, the section, 1898
unless rejected at the referendum, takes effect at the earliest 1899

time permitted by law.

1900