

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 255**

**Senator LaRose**

**Cosponsors: Senators Seitz, Hite, Patton**

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**A B I L L**

To amend sections 4927.03, 4927.15, 4931.40, 4931.41, 1  
4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 2  
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 3  
4931.67, 4931.69, and 4931.99, to enact sections 4  
4931.611, 4931.621, and 4931.622, and to repeal 5  
section 4931.70 of the Revised Code to revise the 6  
amount and methods of collection and remittance of 7  
the wireless 9-1-1 charge for prepaid wireless 8  
services. 9

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

**Section 1.** That sections 4927.03, 4927.15, 4931.40, 4931.41, 10  
4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 4931.62, 4931.63, 11  
4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 4931.99 be 12  
amended and sections 4931.611, 4931.621, and 4931.622 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 4927.03.** (A) Except as provided in divisions (A) and (B) 15  
of section 4927.04 of the Revised Code and except to the extent 16  
required to exercise authority under federal law, the commission 17  
has no authority over any interconnected voice over internet 18  
protocol-enabled service or any telecommunications service that is 19

not commercially available on ~~the effective date of this section~~ 20  
September 13, 2010, and that employs technology that became 21  
available for commercial use only after ~~the effective date of this~~ 22  
~~section~~ September 13, 2010, unless the commission, upon a finding 23  
that the exercise of the commission's authority is necessary for 24  
the protection, welfare, and safety of the public, adopts rules 25  
specifying the necessary regulation. A consumer purchase of a 26  
service that is not commercially available on ~~the effective date~~ 27  
~~of this section~~ September 13, 2010, and that employs technology 28  
that became available for commercial use only after ~~the effective~~ 29  
~~date of this section~~ September 13, 2010, shall constitute a 30  
consumer transaction for purposes of sections 1345.01 to 1345.13 31  
of the Revised Code, notwithstanding any provision of those 32  
sections to the contrary, unless the commission exercises 33  
jurisdiction over the service in accordance with this division. 34  
Notwithstanding any contrary provision of Chapter 4911. of the 35  
Revised Code, to the extent that the commission adopts rules under 36  
division (A) of this section regarding any interconnected voice 37  
over internet protocol enabled service provided to residential 38  
customers or regarding any telecommunications service that is 39  
provided to residential customers, that is not commercially 40  
available on ~~the effective date of this section~~ September 13, 41  
2010, and that employs technology that became available for 42  
commercial use only after ~~the effective date of this section~~ 43  
September 13, 2010, the office of the consumers' counsel shall 44  
have authority to assist and represent residential customers in 45  
the implementation and enforcement of those rules. 46

(B)(1) The commission has no authority over wireless service, 47  
resellers of wireless service, or wireless service providers, 48  
except as follows: 49

(a) As provided under sections 4905.84, 4931.40 to ~~4931.70~~ 50  
4931.69, and 4931.99 of the Revised Code; 51

(b) With respect to division (C) of section 4927.15 of the Revised Code;	52 53
(c) As provided in divisions (B)(2), (3), and (4) of this section.	54 55
(2) The commission has authority over wireless service and wireless service providers as follows, but only to the extent authorized by federal law, including federal regulations:	56 57 58
(a) To the extent that the commission carries out the acts described in divisions (A), (B), (C), (D), and (F) of section 4927.04 of the Revised Code;	59 60 61
(b) As provided in sections 4927.05, 4927.20, and 4927.21 of the Revised Code.	62 63
(3) The requirements of sections 4905.10, 4905.14, and 4911.18 of the Revised Code shall apply to a wireless service provider.	64 65 66
(4) The commission has such authority as is necessary to enforce division (B) of this section.	67 68
(C) For purposes of sections 4927.01 to 4927.21 of the Revised Code, sections 4903.02, 4903.03, 4903.24, 4903.25, 4905.04, 4905.05, 4905.06, 4905.13, 4905.15, 4905.16, 4905.17, 4905.22, 4905.26, 4905.27, 4905.28, 4905.29, 4905.31, 4905.32, 4905.33, 4905.35, 4905.37, 4905.38, 4905.39, 4905.48, 4905.54, 4905.55, 4905.56, and 4905.60 of the Revised Code do not apply to a telephone company or, as applicable, to an officer, employee, or agent of such company or provider, except to the extent necessary for the commission to carry out sections 4927.01 to 4927.21 of the Revised Code.	69 70 71 72 73 74 75 76 77 78
(D) Except as specifically authorized in sections 4927.01 to 4927.21 of the Revised Code, the commission has no authority over the quality of service and the service rates, terms, and	79 80 81

conditions of telecommunications service provided to end users by 82  
a telephone company. 83

(E) The commission shall initially adopt the rules required 84  
by this chapter not later than one hundred twenty days after ~~the~~ 85  
~~effective date of this section~~ September 13, 2010. Subject to the 86  
authority granted to the commission under this chapter, the 87  
commission may adopt other rules, including rules regarding the 88  
removal from tariffs of services that were required to be filed in 89  
tariffs prior to ~~the effective date of this section~~ September 13, 90  
2010, as it finds necessary to carry out this chapter. 91

**Sec. 4927.15.** (A) The rates, terms, and conditions for 9-1-1 92  
service provided in this state by a telephone company or a 93  
telecommunications carrier and each of the following provided in 94  
this state by a telephone company shall be approved and tariffed 95  
in the manner prescribed by rule adopted by the public utilities 96  
commission and shall be subject to the applicable laws, including 97  
rules or regulations adopted and orders issued by the commission 98  
or the federal communications commission and, including, as to 99  
9-1-1 service, sections 4931.40 to ~~4931.70~~ 4931.69 and 4931.99 of 100  
the Revised Code: 101

- (1) Carrier access; 102
- (2) N-1-1 services, other than 9-1-1 service; 103
- (3) Pole attachments and conduit occupancy under section 104  
4905.71 of the Revised Code; 105
- (4) Pay telephone access lines; 106
- (5) Toll presubscription; 107
- (6) Telecommunications relay service. 108

(B) The public utilities commission may order changes in a 109  
telephone company's rates for carrier access in this state subject 110  
to this division. In the event that the public utilities 111

commission reduces a telephone company's rates for carrier access 112  
that are in effect on ~~the effective date of this section~~ September 113  
13, 2010, that reduction shall be on a revenue-neutral basis under 114  
terms and conditions established by the public utilities 115  
commission, and any resulting rate changes necessary to comply 116  
with division (B) or (C) of this section shall be in addition to 117  
any upward rate alteration made under section 4927.12 of the 118  
Revised Code. 119

(C) The public utilities commission has authority to address 120  
carrier access policy and to create and administer mechanisms for 121  
carrier access reform, including, but not limited to, high cost 122  
support. 123

**Sec. 4931.40.** As used in sections 4931.40 to ~~4931.70~~ 4931.69 124  
of the Revised Code: 125

(A) "9-1-1 system" means a system through which individuals 126  
can request emergency service using the telephone number 9-1-1. 127

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 128  
provides information on the nature of and the location of an 129  
emergency, and the personnel receiving the call must determine the 130  
appropriate emergency service provider to respond at that 131  
location. 132

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 133  
providing both enhanced wireline 9-1-1 and wireless enhanced 134  
9-1-1. 135

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 136  
the wireline telephone network, in providing wireline 9-1-1, 137  
automatically routes the call to emergency service providers that 138  
serve the location from which the call is made and immediately 139  
provides to personnel answering the 9-1-1 call information on the 140  
location and the telephone number from which the call is being 141

made. 142

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 143  
providing wireless 9-1-1, has the capabilities of phase I and, to 144  
the extent available, phase II enhanced 9-1-1 services as 145  
described in 47 C.F.R. 20.18 (d) to (h). 146

(F)(1) "Wireless service" means federally licensed commercial 147  
mobile service as defined in 47 U.S.C. 332(d) and further defined 148  
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 149  
service provided by any wireless, two-way communications device, 150  
including a radio-telephone communications line used in cellular 151  
telephone service or personal communications service, a network 152  
radio access line, or any functional or competitive equivalent of 153  
such a radio-telephone communications or network radio access 154  
line. 155

(2) Nothing in sections 4931.40 to ~~4931.70~~ 4931.69 of the 156  
Revised Code applies to paging or any service that cannot be used 157  
to call 9-1-1. 158

(G) "Wireless service provider" means a facilities-based 159  
provider of wireless service to one or more end users in this 160  
state. 161

(H) "Wireless 9-1-1" means the emergency calling service 162  
provided by a 9-1-1 system pursuant to a call originating in the 163  
network of a wireless service provider. 164

(I) "Wireline 9-1-1" means the emergency calling service 165  
provided by a 9-1-1 system pursuant to a call originating in the 166  
network of a wireline service provider. 167

(J) "Wireline service provider" means a facilities-based 168  
provider of wireline service to one or more end-users in this 169  
state. 170

(K) "Wireline service" means basic local exchange service, as 171

defined in section 4927.01 of the Revised Code, that is 172  
transmitted by means of interconnected wires or cables by a 173  
wireline service provider authorized by the public utilities 174  
commission. 175

(L) "Wireline telephone network" means the selective router 176  
and data base processing systems, trunking and data wiring cross 177  
connection points at the public safety answering point, and all 178  
other voice and data components of the 9-1-1 system. 179

(M) "Subdivision" means a county, municipal corporation, 180  
township, township fire district, joint fire district, township 181  
police district, joint police district, joint ambulance district, 182  
or joint emergency medical services district that provides 183  
emergency service within its territory, or that contracts with 184  
another municipal corporation, township, or district or with a 185  
private entity to provide such service; and a state college or 186  
university, port authority, or park district of any kind that 187  
employs law enforcement officers that act as the primary police 188  
force on the grounds of the college or university or port 189  
authority or in the parks operated by the district. 190

(N) "Emergency service" means emergency law enforcement, 191  
firefighting, ambulance, rescue, and medical service. 192

(O) "Emergency service provider" means the state highway 193  
patrol and an emergency service department or unit of a 194  
subdivision or that provides emergency service to a subdivision 195  
under contract with the subdivision. 196

(P) "Public safety answering point" means a facility to which 197  
9-1-1 system calls for a specific territory are initially routed 198  
for response and where personnel respond to specific requests for 199  
emergency service by directly dispatching the appropriate 200  
emergency service provider, relaying a message to the appropriate 201  
provider, or transferring the call to the appropriate provider. 202

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

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

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

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

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

(V) A township's population includes only population of the unincorporated portion of the township.

(W) "Telephone company" means a company engaged in the business of providing local exchange telephone service by making available or furnishing access and a dial tone to persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and gaining access to other telecommunications services. "Telephone company" includes a



wireline service provider and a wireless service provider unless 234  
otherwise expressly specified. For purposes of sections 4931.52 235  
and 4931.53 of the Revised Code, "telephone company" means a 236  
wireline service provider. 237

(X) "Prepaid wireless calling service" has the same meaning 238  
as in division (AA)(5) of section 5739.01 of the Revised Code. 239

(Y) "Provider of a prepaid wireless calling service" means a 240  
wireless service provider that provides a prepaid wireless calling 241  
service. 242

(Z) "Retail sale" means a sale that is for use or consumption 243  
by the purchaser, and not for resale. 244

**Sec. 4931.41.** (A)(1) A countywide 9-1-1 system shall include 245  
all of the territory of the townships and municipal corporations 246  
in the county and any portion of such a municipal corporation that 247  
extends into an adjacent county. 248

(2) The system shall exclude any territory served by a 249  
wireline service provider that is not capable of reasonably 250  
meeting the technical and economic requirements of providing the 251  
wireline telephone network portion of the countywide system for 252  
that territory. The system shall exclude from enhanced 9-1-1 any 253  
territory served by a wireline service provider that is not 254  
capable of reasonably meeting the technical and economic 255  
requirements of providing the wireline telephone network portion 256  
of enhanced 9-1-1 for that territory. If a 9-1-1 planning 257  
committee and a wireline service provider do not agree on whether 258  
the provider is so capable, the committee shall notify the public 259  
utilities commission, and the commission shall determine whether 260  
the wireline service provider is so capable. The committee shall 261  
ascertain whether such disagreement exists before making its 262  
implementation proposal under division (A) of section 4931.43 of 263  
the Revised Code. The commission's determination shall be in the 264

form of an order. No final plan shall require a wireline service provider to provide the wireline telephone network portion of a 9-1-1 system that the commission has determined the provider is not reasonably capable of providing.

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

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

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

(2) A subdivision that operates a public safety answering point shall pay all of the costs associated with establishing, equipping, furnishing, operating, and maintaining that facility and shall allocate those costs among itself and the subdivisions served by the answering point based on the allocation formula in a final plan. The wireline service provider or other entity that provides or maintains the customer premises equipment shall bill the operating subdivision for the cost of providing such equipment, or its maintenance. A wireless service provider and a subdivision operating a public safety answering point may enter into a service agreement for providing wireless enhanced 9-1-1 pursuant to a final plan adopted under sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code.

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

the final plan.	296
(F) Notwithstanding any other provision of law, the purchase	297
or other acquisition, installation, and maintenance of the	298
telephone network for a 9-1-1 system and the purchase or other	299
acquisition, installation, and maintenance of customer premises	300
equipment at a public safety answering point made in compliance	301
with a final plan or an agreement under section 4931.48 of the	302
Revised Code, including customer premises equipment used to	303
provide wireless enhanced 9-1-1, are not subject to any	304
requirement of competitive bidding.	305
(G) Each emergency service provider participating in a	306
countywide 9-1-1 system shall maintain a telephone number in	307
addition to 9-1-1.	308
(H) Whenever a final plan provides for the implementation of	309
basic 9-1-1, the planning committee shall so notify the public	310
utilities commission, which shall determine whether the wireline	311
service providers serving the territory covered by the plan are	312
capable of reasonably meeting the technical and economic	313
requirements of providing the wireline telephone network portion	314
of an enhanced 9-1-1 system. The determination shall be made	315
solely for purposes of division (C)(2) of section 4931.47 of the	316
Revised Code.	317
(I) If the public safety answering point personnel reasonably	318
determine that a 9-1-1 call is not an emergency, the personnel	319
shall provide the caller with the telephone number of an	320
appropriate subdivision agency as applicable.	321
(J) A final plan adopted under sections 4931.40 to <del>4931.70</del>	322
<u>4931.69</u> of the Revised Code, or an agreement under section 4931.48	323
of the Revised Code, may provide that, by further agreement	324
included in the plan or agreement, the state highway patrol or one	325
or more public safety answering points of another 9-1-1 system is	326

the public safety answering point or points for the provision of 327  
wireline or wireless 9-1-1 for all or part of the territory of the 328  
9-1-1 system established under the plan or agreement. In that 329  
event, the subdivision for which the wireline or wireless 9-1-1 is 330  
provided as named in the agreement shall be deemed the subdivision 331  
operating the public safety answering point or points for purposes 332  
of sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code, except 333  
that, for the purpose of division (D)(2) of this section, that 334  
subdivision shall pay only so much of the costs of establishing, 335  
equipping, furnishing, operating, or maintaining any such public 336  
safety answering point as are specified in the agreement with the 337  
patrol or other system. 338

(K) A final plan for the provision of wireless enhanced 9-1-1 339  
shall provide that any wireless 9-1-1 calls routed to a state 340  
highway patrol-operated public safety answering point by default, 341  
due to a wireless service provider so routing all such calls of 342  
its subscribers without prior permission, are instead to be routed 343  
as provided under the plan. Upon the implementation of countywide 344  
wireless enhanced 9-1-1 pursuant to a final plan, the state 345  
highway patrol shall cease any functioning as a public safety 346  
answering point providing wireless 9-1-1 within the territory 347  
covered by the countywide 9-1-1 system so established, unless the 348  
patrol functions as a public safety answering point providing 349  
wireless enhanced 9-1-1 pursuant to an agreement included in the 350  
plan as authorized under division (J) of this section. 351

**Sec. 4931.44.** (A) Within sixty days after receipt of the 352  
final plan pursuant to division (C) of section 4931.43 of the 353  
Revised Code, the board of county commissioners of the county and 354  
the legislative authority of each municipal corporation in the 355  
county and of each township whose territory is proposed to be 356  
included in a countywide 9-1-1 system shall act by resolution to 357  
approve or disapprove the plan, except that, with respect to a 358

final plan that provides for funding of the 9-1-1 system in part 359  
through charges imposed under section 4931.51 of the Revised Code, 360  
the board of county commissioners shall not act by resolution to 361  
approve or disapprove the plan until after a resolution adopted 362  
under section 4931.51 of the Revised Code has become effective as 363  
provided in division (D) of that section. A municipal corporation 364  
or township whose territory is proposed to be included in the 365  
system includes any municipal corporation or township in which a 366  
part of its territory is excluded pursuant to division (A)(2) of 367  
section 4931.41 of the Revised Code. Each such authority 368  
immediately shall notify the board of county commissioners in 369  
writing of its approval or disapproval of the final plan. Failure 370  
by a board or legislative authority to notify the board of county 371  
commissioners of approval or disapproval within such sixty-day 372  
period shall be deemed disapproval by the board or authority. 373

(B) As used in this division, "county's population" excludes 374  
the population of any municipal corporation or township that, 375  
under the plan, is completely excluded from 9-1-1 service in the 376  
county's final plan. A countywide plan is effective if all of the 377  
following entities approve the plan in accordance with this 378  
section: 379

(1) The board of county commissioners; 380

(2) The legislative authority of a municipal corporation that 381  
contains at least thirty per cent of the county's population, if 382  
any; 383

(3) The legislative authorities of municipal corporations and 384  
townships that contain at least sixty per cent of the county's 385  
population or, if the plan has been approved by a municipal 386  
corporation that contains at least sixty per cent of the county's 387  
population, by the legislative authorities of municipal 388  
corporations and townships that contain at least seventy-five per 389  
cent of the county's population. 390

(C) After a countywide plan approved in accordance with this 391  
section is adopted, all of the telephone companies and 392  
subdivisions included in the plan are subject to the specific 393  
requirements of the plan and to sections 4931.40 to ~~4931.70~~ 394  
4931.69 of the Revised Code. 395

**Sec. 4931.49.** (A)(1) The state, the state highway patrol, or 396  
a subdivision participating in a 9-1-1 system established under 397  
sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code and any 398  
officer, agent, employee, or independent contractor of the state, 399  
the state highway patrol, or such a participating subdivision is 400  
not liable in damages in a civil action for injuries, death, or 401  
loss to persons or property arising from any act or omission, 402  
except willful or wanton misconduct, in connection with 403  
developing, adopting, or approving any final plan or any agreement 404  
made under section 4931.48 of the Revised Code or otherwise 405  
bringing into operation the 9-1-1 system pursuant to sections 406  
4931.40 to ~~4931.70~~ 4931.69 of the Revised Code. 407

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 408  
board, and any member of that council or board are not liable in 409  
damages in a civil action for injuries, death, or loss to persons 410  
or property arising from any act or omission, except willful or 411  
wanton misconduct, in connection with the development or operation 412  
of a 9-1-1 system established under sections 4931.40 to ~~4931.70~~ 413  
4931.69 of the Revised Code. 414

(B) Except as otherwise provided in section 4765.49 of the 415  
Revised Code, an individual who gives emergency instructions 416  
through a 9-1-1 system established under sections 4931.40 to 417  
~~4931.70~~ 4931.69 of the Revised Code, and the principals for whom 418  
the person acts, including both employers and independent 419  
contractors, public and private, and an individual who follows 420  
emergency instructions and the principals for whom that person 421

acts, including both employers and independent contractors, public 422  
and private, are not liable in damages in a civil action for 423  
injuries, death, or loss to persons or property arising from the 424  
issuance or following of emergency instructions, except where the 425  
issuance or following of the instructions constitutes willful or 426  
wanton misconduct. 427

(C) Except for willful or wanton misconduct, a telephone 428  
company, and any other installer, maintainer, or provider, through 429  
the sale or otherwise, of customer premises equipment, and their 430  
respective officers, directors, employees, agents, and suppliers 431  
are not liable in damages in a civil action for injuries, death, 432  
or loss to persons or property incurred by any person resulting 433  
from any of the following: 434

(1) Such an entity's or its officers', directors', 435  
employees', agents', or suppliers' participation in or acts or 436  
omissions in connection with participating in or developing, 437  
maintaining, or operating a 9-1-1 system, whether that system is 438  
established pursuant to sections 4931.40 to ~~4931.70~~ 4931.69 of the 439  
Revised Code or otherwise in accordance with schedules regarding 440  
9-1-1 systems filed with the public utilities commission pursuant 441  
to section 4905.30 of the Revised Code by a telephone company that 442  
is a wireline service provider; 443

(2) Such an entity's or its officers', directors', 444  
employees', agents', or suppliers' provision of assistance to a 445  
public utility, municipal utility, or state or local government as 446  
authorized by divisions ~~(F)~~(G)(4) and (5) of this section. 447

(D) Except for willful or wanton misconduct, a provider of 448  
and a seller of a prepaid wireless calling service and their 449  
respective officers, directors, employees, agents, and suppliers 450  
are not liable in damages in a civil action for injuries, death, 451  
or loss to persons or property incurred by any person resulting 452  
from anything described in division (C) of this section. 453

(E) No person shall knowingly use the telephone number of a 454  
9-1-1 system established under sections 4931.40 to ~~4931.70~~ 4931.69 455  
of the Revised Code to report an emergency if the person knows 456  
that no emergency exists. 457

~~(E)~~(F) No person shall knowingly use a 9-1-1 system for a 458  
purpose other than obtaining emergency service. 459

~~(F)~~(G) No person shall disclose or use any information 460  
concerning telephone numbers, addresses, or names obtained from 461  
the data base that serves the public safety answering point of a 462  
9-1-1 system established under sections 4931.40 to ~~4931.70~~ 4931.69 463  
of the Revised Code, except for any of the following purposes or 464  
under any of the following circumstances: 465

(1) For the purpose of the 9-1-1 system; 466

(2) For the purpose of responding to an emergency call to an 467  
emergency service provider; 468

(3) In the circumstance of the inadvertent disclosure of such 469  
information due solely to technology of the wireline telephone 470  
network portion of the 9-1-1 system not allowing access to the 471  
data base to be restricted to 9-1-1 specific answering lines at a 472  
public safety answering point; 473

(4) In the circumstance of access to a data base being given 474  
by a telephone company that is a wireline service provider to a 475  
public utility or municipal utility in handling customer calls in 476  
times of public emergency or service outages. The charge, terms, 477  
and conditions for the disclosure or use of such information for 478  
the purpose of such access to a data base shall be subject to the 479  
jurisdiction of the public utilities commission. 480

(5) In the circumstance of access to a data base given by a 481  
telephone company that is a wireline service provider to a state 482  
and local government in warning of a public emergency, as 483  
determined by the public utilities commission. The charge, terms, 484



and conditions for the disclosure or use of that information for 485  
the purpose of access to a data base is subject to the 486  
jurisdiction of the public utilities commission. 487

**Sec. 4931.50.** (A) The attorney general, upon request of the 488  
public utilities commission or on the attorney general's own 489  
initiative, shall begin proceedings against a telephone company 490  
that is a wireline service provider to enforce compliance with 491  
sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code or with 492  
the terms, conditions, requirements, or specifications of a final 493  
plan or of an agreement under section 4931.48 of the Revised Code 494  
as to wireline or wireless 9-1-1. 495

(B) The attorney general, upon the attorney general's own 496  
initiative, or any prosecutor, upon the prosecutor's initiative, 497  
shall begin proceedings against a subdivision as to wireline or 498  
wireless 9-1-1 to enforce compliance with sections 4931.40 to 499  
~~4931.70~~ 4931.69 of the Revised Code or with the terms, conditions, 500  
requirements, or specifications of a final plan or of an agreement 501  
under section 4931.48 of the Revised Code as to wireline or 502  
wireless 9-1-1. 503

**Sec. 4931.60.** There is hereby created within the public 504  
utilities commission the 9-1-1 service program, headed by an Ohio 505  
9-1-1 coordinator in the unclassified civil service pursuant to 506  
division (A)(9) of section 124.11 of the Revised Code. The 507  
coordinator shall be appointed by and serve at the pleasure of the 508  
commission chairperson and shall report directly to the 509  
chairperson. ~~Upon the effective date of this section~~ On May 6, 510  
2005, the chairperson shall appoint an interim coordinator and, 511  
upon submission of a list of nominees by the Ohio 9-1-1 council 512  
pursuant to section 4931.69 of the Revised Code, shall consider 513  
those nominees in making the final appointment and in appointing 514  
any subsequent coordinator. The chairperson may request the 515

council to submit additional nominees and may reject any of the 516  
nominees. The chairperson shall fix the compensation of the 517  
coordinator. The chairperson shall evaluate the performance of the 518  
coordinator after considering the evaluation and recommendations 519  
of the council under section 4931.68 of the Revised Code. 520

The Ohio 9-1-1 coordinator shall administer the wireless 521  
9-1-1 government assistance fund as specified in sections 4931.63 522  
and 4931.64 of the Revised Code and otherwise carry out the 523  
coordinator's duties under sections 4931.60 to ~~4931.70~~ 4931.69 of 524  
the Revised Code. The chairperson may establish additional duties 525  
of the coordinator based on a list of recommended duties submitted 526  
by the Ohio 9-1-1 council pursuant to section 4931.68 of the 527  
Revised Code. The chairperson may assign one or more commission 528  
employees to assist the coordinator in carrying out the 529  
coordinator's duties. 530

**Sec. 4931.61.** (A) Beginning on the first day of the third 531  
month following May 6, 2005, and ending December 31, 2012, there 532  
is hereby imposed, on each wireless telephone number of a wireless 533  
service subscriber who has a billing address in this state, except 534  
prepaid wireless telephone numbers, a wireless 9-1-1 charge of 535  
twenty-eight cents per month. The subscriber shall pay the 536  
wireless 9-1-1 charge for each such wireless telephone number 537  
assigned to the subscriber. Each wireless service provider and 538  
each reseller of wireless service shall collect the wireless 9-1-1 539  
charge as a specific line item on each subscriber's monthly bill. 540  
The line item shall be expressly designated "State/Local 541  
Wireless-E911 Costs (\$0.28/billed number)." If a provider bills a 542  
subscriber for any wireless enhanced 9-1-1 costs that the provider 543  
may incur, the charge or amount is not to appear in the same line 544  
item as the state/local line item. If the charge or amount is to 545  
appear in its own, separate line item on the bill, the charge or 546

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:~~

~~(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.~~

~~(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 airtime minutes;~~

~~(3) By dividing the total earned prepaid wireless telephone  
revenue from sales within this state received by the wireless  
service provider or reseller during the month by fifty,  
multiplying the quotient by twenty eight cents, and remitting this  
amount pursuant to division (A)(1) of section 4931.62 of the  
Revised Code.~~

(B)(1) Beginning on the first day of the month following the  
effective date of this section and ending December 31, 2012, there  
is hereby imposed, on each retail sale of a prepaid wireless  
calling service occurring in this state, a wireless 9-1-1 charge  
of sixteen cents per line transaction.

(2) For purposes of division (B)(1) of this section, a retail  
sale occurs in this state if it is effected by the consumer  
appearing in person at a seller's business location in this state,  
or if the sale is sourced to this state under division (E)(3) of  
section 5739.034 of the Revised Code, except that under that  
division, in lieu of sourcing a sale under division (C)(5) of  
section 5739.033 of the Revised Code, the seller, rather than the

service provider, may elect to source the sale to the location 578  
associated with the mobile telephone number. 579

(3)(a) Except as provided in division (B)(3)(b) of this 580  
section, the seller of the prepaid wireless calling service shall 581  
collect the charge from the consumer at the time of each retail 582  
sale and disclose the amount of the charge to the consumer at the 583  
time of the sale by itemizing the charge on a receipt, invoice, or 584  
similar form of written documentation. 585

(b) The seller of the prepaid wireless calling service may 586  
elect to charge the consumer only the price of the prepaid 587  
wireless calling service. In this case, the seller shall provide 588  
the consumer at the time of the retail sale with written 589  
documentation that the amount paid by the consumer for the 590  
wireless calling service includes the wireless 9-1-1 charge 591  
imposed under division (B)(1) of this section. The documentation 592  
shall state the amount of the charge. 593

(c) Whether the seller of a prepaid wireless calling service 594  
collects the wireless 9-1-1 charge under division (B)(3)(a) of 595  
this section or elects the option provided under division 596  
(B)(3)(b) of this section, the seller shall comply with the 597  
appropriate remittance requirement under division (B)(1) of 598  
section 4931.62 of the Revised Code. 599

(C) The wireless 9-1-1 charge charges shall be exempt from 600  
state or local taxation. 601

**Sec. 4931.611.** The department of taxation shall provide 602  
notice to all sellers of prepaid wireless calling services of any 603  
increase or decrease in the wireless 9-1-1 charge imposed under 604  
division (B)(1) of section 4931.61 of the Revised Code. Each 605  
notice shall be provided not less than thirty days before the 606  
effective date of the increase or decrease. 607

Sec. 4931.62. (A)(1) Beginning with the second month 608  
following the month in which the wireless 9-1-1 charge is first 609  
imposed under division (A) of section 4931.61 of the Revised Code, 610  
a wireless service provider or reseller of wireless service, not 611  
later than the last day of each month, shall remit the full amount 612  
of all such wireless 9-1-1 charges it collected for the second 613  
preceding calendar month to the Ohio 9-1-1 coordinator, with the 614  
exception of charges equivalent to the amount authorized as a 615  
billing and collection fee under division (A)(2) of this section. 616  
In doing so, the provider or reseller may remit the requisite 617  
amount in any reasonable manner consistent with its existing 618  
operating or technological capabilities, such as by customer 619  
address, location associated with the wireless telephone number, 620  
or another allocation method based on comparable, relevant data. 621  
If the wireless service provider or reseller receives a partial 622  
payment for a bill from a wireless service subscriber, the 623  
wireless service provider or reseller shall apply the payment 624  
first against the amount the subscriber owes the wireless service 625  
provider or reseller and shall remit to the coordinator such 626  
lesser amount, if any, as results from that invoice. 627

(2) A wireless service provider or reseller of wireless 628  
service may retain as a billing and collection fee two per cent of 629  
the total wireless 9-1-1 charges it collects in any month and 630  
shall account to the coordinator for the amount retained. 631

(3) The coordinator shall return to, or credit against the 632  
next month's remittance of, a wireless service provider or service 633  
reseller the amount of any remittances the coordinator determines 634  
were erroneously submitted by the provider or reseller. 635

(B)(1) Subject to division (B)(2) of this section: 636

(a) A seller of a prepaid wireless calling service that 637  
collected prepaid wireless 9-1-1 charges under division (B)(3)(a) 638

of section 4931.61 of the Revised Code shall remit the full amount 639  
of all such charges collected to the department of taxation in 640  
accordance with section 4931.622 of the Revised Code. For purposes 641  
of this division, a charge shall be deemed to have been collected 642  
if it was itemized as required under division (B)(3)(a) of section 643  
4931.61 of the Revised Code. 644

(b) A seller of a prepaid wireless calling service that 645  
elected the option provided under division (B)(3)(b) of section 646  
4931.61 of the Revised Code shall remit the full amount of all 647  
wireless 9-1-1 charges due under division (B)(1) of that section 648  
to the department of taxation in accordance with section 4931.622 649  
of the Revised Code. 650

(2) A seller may retain as a collection fee three per cent of 651  
the total wireless 9-1-1 charges described under either division 652  
(B)(1)(a) or (b) of this section, and shall account to the 653  
department for the amount retained. 654

(C)(1) Each subscriber on which a wireless 9-1-1 charge is 655  
imposed under division (A) of section 4931.61 of the Revised Code 656  
is liable to the state for the amount of the charge. If a wireless 657  
service provider or reseller fails to collect the charge under 658  
that division from a subscriber of prepaid wireless service, or 659  
fails to bill any other subscriber for the charge imposed under 660  
division (A) of section 4931.61 of the Revised Code, the wireless 661  
service provider or reseller is liable to the state for the amount 662  
not collected or billed. If a wireless service provider or 663  
reseller collects charges under that division and fails to remit 664  
the money to the coordinator, the wireless service provider or 665  
reseller is liable to the state for any amount collected and not 666  
remitted. 667

~~(C)~~(2) No provider of a prepaid wireless calling service 668  
shall be liable to the state for any wireless 9-1-1 charge imposed 669  
under division (B)(1) of section 4931.61 of the Revised Code that 670

was not collected or remitted. 671

(D)(1) If the public utilities commission has reason to 672  
believe that a wireless service provider or reseller has failed to 673  
bill, collect, or remit the wireless 9-1-1 charge as required by 674  
divisions (A)(1) and ~~(B)~~(C)(1) of this section or has retained 675  
more than the amount authorized under division (A)(2) of this 676  
section, and after written notice to the provider or reseller, the 677  
commission may audit the provider or reseller for the sole purpose 678  
of making such a determination. The audit may include, but is not 679  
limited to, a sample of the provider's or reseller's billings, 680  
collections, remittances, or retentions for a representative 681  
period, and the commission shall make a good faith effort to reach 682  
agreement with the provider or reseller in selecting that sample. 683

(2) Upon written notice to the wireless service provider or 684  
reseller, the commission, by order after completion of the audit, 685  
may make an assessment against the provider or reseller if, 686  
pursuant to the audit, the commission determines that the provider 687  
or reseller has failed to bill, collect, or remit the wireless 688  
9-1-1 charge as required by divisions (A)(1) and ~~(B)~~(C)(1) of this 689  
section or has retained more than the amount authorized under 690  
division (A)(2) of this section. The assessment shall be in the 691  
amount of any remittance that was due and unpaid on the date 692  
notice of the audit was sent by the commission to the provider or 693  
reseller or, as applicable, in the amount of the excess amount 694  
under division (A)(2) of this section retained by the provider or 695  
reseller as of that date. 696

(3) The portion of any assessment not paid within sixty days 697  
after the date of service by the commission of the assessment 698  
notice under division ~~(C)~~(D)(2) of this section shall bear 699  
interest from that date until paid at the rate per annum 700  
prescribed by section 5703.47 of the Revised Code. That interest 701  
may be collected by making an assessment under division ~~(C)~~(D)(2) 702

of this section. An assessment under this division and any 703  
interest due shall be remitted in the same manner as the wireless 704  
9-1-1 charge imposed under division (A) of section 4931.61 of the 705  
Revised Code. 706

(4) An assessment is final and due and payable and shall be 707  
remitted to the commission unless the assessed party petitions for 708  
rehearing under section 4903.10 of the Revised Code. The 709  
proceedings of the commission specified in division ~~(C)~~(D)(4) of 710  
this section are subject to and governed by Chapter 4903. of the 711  
Revised Code, except that the court of appeals of Franklin county 712  
has exclusive, original jurisdiction to review, modify, or vacate 713  
an order of the commission under division ~~(C)~~(D)(2) of this 714  
section. The court shall hear and determine such appeal in the 715  
same manner and under the same standards as the Ohio supreme court 716  
hears and determines appeals under Chapter 4903. of the Revised 717  
Code. 718

The judgment of the court of appeals is final and conclusive 719  
unless reversed, vacated, or modified on appeal. Such an appeal 720  
may be made by the commission or the person to whom the order 721  
under division ~~(C)~~(D)(2) of this section was issued and shall 722  
proceed as in the case of appeals in civil actions as provided in 723  
Chapter 2505. of the Revised Code. 724

(5) After an assessment becomes final, if any portion of the 725  
assessment remains unpaid, including accrued interest, a certified 726  
copy of the commission's entry making the assessment final may be 727  
filed in the office of the clerk of the court of common pleas in 728  
the county in which the place of business of the assessed party is 729  
located. If the party maintains no place of business in this 730  
state, the certified copy of the entry may be filed in the office 731  
of the clerk of the court of common pleas of Franklin county. 732  
Immediately upon the filing, the clerk shall enter a judgment for 733  
the state against the assessed party in the amount shown on the 734



entry. The judgment may be filed by the clerk in a loose-leaf book 735  
entitled "special judgments for wireless 9-1-1 charges" and shall 736  
have the same effect as other judgments. The judgment shall be 737  
executed upon the request of the commission. 738

(6) An assessment under this division does not discharge a 739  
subscriber's liability to reimburse the provider or reseller for 740  
the wireless 9-1-1 charge imposed under division (A) of section 741  
4931.61 of the Revised Code. If, after the date of service of the 742  
audit notice under division ~~(C)~~(D)(1) of this section, a 743  
subscriber pays a wireless 9-1-1 charge for the period covered by 744  
the assessment, the payment shall be credited against the 745  
assessment. 746

(7) All money collected by the commission under this division 747  
shall be paid to the treasurer of state, for deposit to the credit 748  
of the wireless 9-1-1 government assistance fund. 749

**Sec. 4931.621.** (A) The department of taxation shall transfer 750  
the total amount of remitted wireless 9-1-1 charges to the Ohio 751  
9-1-1 coordinator, except for the amount authorized under division 752  
(B) of this section, not later than thirty days after receipt of 753  
the charges. 754

(B) The department may retain two per cent of remitted 755  
wireless 9-1-1 charges as an administrative fee. 756

**Sec. 4931.622.** (A) A seller of a prepaid wireless calling 757  
service subject to the remittance requirement of either division 758  
(B)(1)(a) or (b) of section 4931.62 of the Revised Code shall also 759  
be subject to the provisions of Chapter 5739. of the Revised Code 760  
regarding the excise tax on retail sales levied under section 761  
5739.02 of the Revised Code, as those provisions apply to filing 762  
returns, remittance, audits, assessments, appeals, enforcement, 763  
liability, and penalties. 764

(B) The department of taxation shall establish procedures by which a seller may document that a sale is not a retail sale of a prepaid wireless calling service. The procedures shall substantially coincide with similar procedures under Chapter 5739. of the Revised Code.

**Sec. 4931.63.** (A) There is hereby created the wireless 9-1-1 administrative fund in the state treasury. A sufficient percentage, determined by the chairperson of the public utilities commission but not to exceed two per cent, of the periodic remittances and transfers of the wireless 9-1-1 ~~charge~~ charges under ~~section~~ sections 4931.62 and 4931.621 of the Revised Code shall be deposited to the credit of the fund, to be used by the commission to cover such nonpayroll costs and, at the discretion of the commission such payroll costs, of the commission as are incurred in assisting the coordinator in carrying out sections 4931.60 to ~~4931.70~~ 4931.69 of the Revised Code and in conducting audits under division ~~(C)~~(D) of section 4931.62 of the Revised Code. In addition, the compensation of the Ohio 9-1-1 coordinator, and any expenses of the coordinator in carrying out those sections, shall be paid from the fund.

(B) There is hereby created the wireless 9-1-1 government assistance fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The periodic remittances and transfers of the wireless 9-1-1 ~~charge~~ charges remaining after the deposit required by division (A) of this section shall be deposited to the credit of the wireless 9-1-1 government assistance fund. The treasurer of state shall deposit or invest the moneys in this fund in accordance with Chapter 135. of the Revised Code and any other provision of law governing public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest earned to the fund. The treasurer of state shall disburse money

from the fund solely upon order of the coordinator as authorized 797  
under section 4931.64 of the Revised Code. Annually, until the 798  
fund is depleted, the treasurer of state shall certify to the 799  
coordinator the amount of moneys in the treasurer of state's 800  
custody belonging to the fund. 801

**Sec. 4931.64.** (A) Prior to the first disbursement under this 802  
section and annually thereafter not later than the twenty-fifth 803  
day of January, until the wireless 9-1-1 government assistance 804  
fund is depleted, the Ohio 9-1-1 coordinator shall do both of the 805  
following for the purposes of division (B) of this section: 806

(1) Determine, for a county that has adopted a final plan 807  
under sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code for 808  
the provision of wireless enhanced 9-1-1 within the territory 809  
covered by the countywide 9-1-1 system established under the plan, 810  
the number of wireless telephone numbers assigned to wireless 811  
service subscribers that have billing addresses within the county. 812  
That number shall be adjusted between any two counties so that the 813  
number of wireless telephone numbers assigned to wireless service 814  
subscribers who have billing addresses within any portion of a 815  
municipal corporation that territorially lies primarily in one of 816  
the two counties but extends into the other county is added to the 817  
number already determined for that primary county and subtracted 818  
for the other county. 819

(2) Determine each county's proportionate share of the 820  
wireless 9-1-1 government assistance fund for the ensuing calendar 821  
year on the basis set forth in division (B) of this section; 822  
estimate the ensuing calendar year's fund balance; compute each 823  
such county's estimated proceeds for the ensuing calendar year 824  
based on its proportionate share and the estimated fund balance; 825  
and certify such amount of proceeds to the county auditor of each 826  
such county. 827

(B) The Ohio 9-1-1 coordinator, in accordance with this 828  
division and not later than the last day of each month, shall 829  
disburse the amount credited as remittances to the wireless 9-1-1 830  
government assistance fund during the second preceding month, plus 831  
any accrued interest on the fund. Such a disbursement shall be 832  
paid to each county treasurer. The amount to be so disbursed 833  
monthly to a particular county shall be a proportionate share of 834  
the wireless 9-1-1 government assistance fund balance based on the 835  
ratio between the following: 836

(1) The number of wireless telephone numbers determined for 837  
the county by the coordinator pursuant to division (A) of this 838  
section; 839

(2) The total number of wireless telephone numbers assigned 840  
to subscribers who have billing addresses within this state. To 841  
the extent that the fund balance permits, the disbursements to 842  
each county shall total at least ninety thousand dollars annually. 843

(C)(1) Each county that has not adopted a final plan for the 844  
provision of wireless enhanced 9-1-1 under sections 4931.40 to 845  
~~4931.70~~ 4931.69 of the Revised Code shall be deemed as having done 846  
so for the purposes of making the determinations under divisions 847  
(A)(1) and (2) of this section. 848

(2) For each county described in division (C)(1) of this 849  
section, the coordinator shall retain in the wireless 9-1-1 850  
government assistance fund an amount equal to what would otherwise 851  
be paid as the county's disbursements under division (B) of this 852  
section if it had adopted such a final plan, plus any related 853  
accrued interest, to be set aside for that county. If the board of 854  
county commissioners notifies the coordinator prior to January 1, 855  
2010, that a final plan for the provision of wireless enhanced 856  
9-1-1 has been adopted, the coordinator shall disburse and pay to 857  
the county treasurer, not later than the last day of the month 858  
following the month the notification is made, the total amount so 859

set aside for the county plus any related accrued interest. As of 860  
January 1, 2010, any money and interest so retained and not 861  
disbursed as authorized under this division shall be available for 862  
disbursement only as provided in division (B) of this section. 863

(D) Immediately upon receipt by a county treasurer of a 864  
disbursement under division (B) or (C) of this section, the county 865  
shall disburse, in accordance with the allocation formula set 866  
forth in the final plan, the amount the county so received to any 867  
other subdivisions in the county that pay the costs of a public 868  
safety answering point providing wireless enhanced 9-1-1 under the 869  
plan. 870

(E) Nothing in sections 4931.40 to ~~4931.70~~ 4931.69 of the 871  
Revised Code affects the authority of a subdivision operating or 872  
served by a public safety answering point of a 9-1-1 system to 873  
use, as provided in the final plan for the system or in an 874  
agreement under section 4931.48 of the Revised Code, any other 875  
authorized revenue of the subdivision for the purposes of 876  
providing basic or enhanced 9-1-1. 877

**Sec. 4931.65.** Except as otherwise provided in section 878  
4931.651 of the Revised Code: 879

(A) A countywide 9-1-1 system receiving a disbursement under 880  
section 4931.64 of the Revised Code shall provide countywide 881  
wireless enhanced 9-1-1 in accordance with sections 4931.40 to 882  
~~4931.70~~ 4931.69 of the Revised Code beginning as soon as 883  
reasonably possible after receipt of the first disbursement or, if 884  
that service is already implemented, shall continue to provide 885  
such service. Except as provided in divisions (B) and (C) of this 886  
section, a disbursement shall be used solely for the purpose of 887  
paying either or both of the following: 888

(1) Any costs of designing, upgrading, purchasing, leasing, 889  
programming, installing, testing, or maintaining the necessary 890

data, hardware, software, and trunking required for the public 891  
safety answering point or points of the 9-1-1 system to provide 892  
wireless enhanced 9-1-1, which costs are incurred before or on or 893  
after May 6, 2005, and consist of such additional costs of the 894  
9-1-1 system over and above any costs incurred to provide wireline 895  
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 896  
up to twenty-five thousand dollars of the disbursements received 897  
on or after January 1, 2009, may be applied to data, hardware, and 898  
software that automatically alerts personnel receiving a 9-1-1 899  
call that a person at the subscriber's address or telephone number 900  
may have a mental or physical disability, of which that personnel 901  
shall inform the appropriate emergency service provider. On or 902  
after the provision of technical and operational standards 903  
pursuant to division (D)(1) of section 4931.68 of the Revised 904  
Code, a subdivision shall consider the standards before incurring 905  
any costs described in this division. 906

(2) Any costs of training the staff of the public safety 907  
answering point or points to provide wireless enhanced 9-1-1, 908  
which costs are incurred before or on or after May 6, 2005. 909

(B) Beginning one year following the imposition of the 910  
wireless 9-1-1 charge under division (A) of section 4931.61 of the 911  
Revised Code, a subdivision that certifies to the Ohio 9-1-1 912  
coordinator that it has paid the costs described in divisions 913  
(A)(1) and (2) of this section and is providing countywide 914  
wireless enhanced 9-1-1 may use disbursements received under 915  
section 4931.64 of the Revised Code to pay any of its personnel 916  
costs of one or more public safety answering points providing 917  
countywide wireless enhanced 9-1-1. 918

(C) After receiving its April 2013, disbursement under 919  
section 4931.64 of the Revised Code, a subdivision may use any 920  
remaining balance of disbursements it received under that section 921  
to pay any of its costs of providing countywide wireless 9-1-1, 922

including the personnel costs of one or more public safety 923  
answering points providing that service. 924

(D) The costs described in divisions (A), (B), and (C) of 925  
this section may include any such costs payable pursuant to an 926  
agreement under division (J) of section 4931.41 of the Revised 927  
Code. 928

**Sec. 4931.66.** (A)(1) A telephone company, the state highway 929  
patrol as described in division (J) of section 4931.41 of the 930  
Revised Code, and each subdivision operating one or more public 931  
safety answering points for a countywide system providing wireless 932  
9-1-1, shall provide the Ohio 9-1-1 coordinator with such 933  
information as the coordinator requests for the purposes of 934  
carrying out the coordinator's duties under sections 4931.60 to 935  
~~4931.70~~ 4931.69 of the Revised Code, including, but not limited 936  
to, duties regarding the collection of the wireless 9-1-1 ~~charge~~ 937  
~~and regarding the provision of a report or recommendation under~~ 938  
~~section 4931.70 of the Revised Code~~ charges. 939

(2) A wireless service provider shall provide an official, 940  
employee, agent, or representative of a subdivision operating a 941  
public safety answering point, or of the state highway patrol as 942  
described in division (J) of section 4931.41 of the Revised Code, 943  
with such technical, service, and location information as the 944  
official, employee, agent, or representative requests for the 945  
purpose of providing wireless 9-1-1. 946

(3) A subdivision operating one or more public safety 947  
answering points of a 9-1-1 system, and a telephone company, shall 948  
provide to the Ohio 9-1-1 council such information as the council 949  
requires for the purpose of carrying out its duties under division 950  
(D) of section 4931.68 of the Revised Code. 951

(B)(1) Any information provided under division (A) of this 952  
section that consists of trade secrets as defined in section 953

1333.61 of the Revised Code or of information regarding the 954  
customers, revenues, expenses, or network information of a 955  
telephone company shall be confidential and does not constitute a 956  
public record for the purpose of section 149.43 of the Revised 957  
Code. 958

(2) The public utilities commission, the Ohio 9-1-1 959  
coordinator, and any official, employee, agent, or representative 960  
of the commission, of the state highway patrol as described in 961  
division (J) of section 4931.41 of the Revised Code, or of a 962  
subdivision operating a public safety answering point, while 963  
acting or claiming to act in the capacity of the commission or 964  
coordinator or such official, employee, agent, or representative, 965  
shall not disclose any information provided under division (A) of 966  
this section regarding a telephone company's customers, revenues, 967  
expenses, or network information. Nothing in division (B)(2) of 968  
this section precludes any such information from being aggregated 969  
and included in any report required under ~~section 4931.70 or~~ 970  
division (D)~~(2)~~ of section 4931.69 of the Revised Code, provided 971  
the aggregated information does not identify the number of any 972  
particular company's customers or the amount of its revenues or 973  
expenses or identify a particular company as to any network 974  
information. 975

**Sec. 4931.67.** The public utilities commission, after 976  
consultation with the Ohio 9-1-1 coordinator, shall adopt rules in 977  
accordance with Chapter 119. of the Revised Code to carry out 978  
sections 4931.60 to ~~4931.70~~ 4931.69 of the Revised Code, including 979  
rules prescribing the necessary accounting for a wireless service 980  
provider's or reseller's billing and collection fee under division 981  
(A)(2) of section 4931.62 of the Revised Code ~~and rules~~ 982  
~~establishing a fair and reasonable process for recommending the~~ 983  
~~amount of the wireless 9-1-1 charge as authorized under division~~ 984  
~~(B) of section 4931.70 of the Revised Code.~~ The amount of the 985



wireless 9-1-1 charge shall be prescribed only by act of the 986  
general assembly. 987

**Sec. 4931.69.** (A) There is hereby created the wireless 9-1-1 988  
advisory board, consisting of the Ohio 9-1-1 council appointee 989  
that represents public safety communications officials and five 990  
members appointed by the governor as follows: one of the council 991  
appointees that represents wireless service providers in this 992  
state, whose council term expires after the council term of the 993  
council appointee representing public safety communications 994  
officials, one noncouncil representative of wireless service 995  
providers in this state, one noncouncil representative of public 996  
safety communications officials in this state, and two noncouncil 997  
representatives of municipal and county governments in this state. 998

(B) The terms of the advisory board members who are also 999  
council members shall be concurrent with their terms as members of 1000  
the council, as prescribed under division (B) of section 4931.68 1001  
of the Revised Code. The terms of the initial noncouncil appointee 1002  
to the advisory board who represents wireless service providers 1003  
and of one of the initial noncouncil appointees who represents 1004  
municipal and county government shall expire on January 31, 2009. 1005  
The terms of the initial noncouncil appointee to the advisory 1006  
board representing public safety communications officials and of 1007  
the other initial noncouncil appointee representing municipal and 1008  
county government shall expire on January 31, 2010. Thereafter, 1009  
terms of the noncouncil appointees shall be for three years, with 1010  
each term ending on the same day of the same month as the term it 1011  
succeeds. The conditions of holding office, manner of filling 1012  
vacancies, and other matters concerning service by any member of 1013  
the advisory board shall be the same as set forth for council 1014  
members under division (B) of section 4931.68 of the Revised Code. 1015

(C) The Ohio 9-1-1 coordinator shall appoint the chairperson 1016

of the advisory board. Each member of the board shall be a voting member and shall have one vote in all deliberations of the board. A majority of the members constitutes a quorum.

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

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

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

**Sec. 4931.99.** (A) Whoever violates division ~~(D)~~(E) of section 4931.49 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (B) of section 4931.06 of the Revised Code is guilty of a misdemeanor in the first degree.

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

(D) Whoever violates section 4931.75 of the Revised Code is guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree on each subsequent offense.

**Section 2.** That existing sections 4927.03, 4927.15, 4931.40, 4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 4931.99

and section 4931.70 of the Revised Code are hereby repealed.

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