

As Introduced

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

H. B. No. 360

Representative Rosenberger

**Cosponsors: Representatives Butler, Murray, Grossman, Adams, J., Ruhl,
Gonzales**

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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 52
Revised Code; 53

(c) As provided in divisions (B)(2), (3), and (4) of this 54
section. 55

(2) The commission has authority over wireless service and 56
wireless service providers as follows, but only to the extent 57
authorized by federal law, including federal regulations: 58

(a) To the extent that the commission carries out the acts 59
described in divisions (A), (B), (C), (D), and (F) of section 60
4927.04 of the Revised Code; 61

(b) As provided in sections 4927.05, 4927.20, and 4927.21 of 62
the Revised Code. 63

(3) The requirements of sections 4905.10, 4905.14, and 64
4911.18 of the Revised Code shall apply to a wireless service 65
provider. 66

(4) The commission has such authority as is necessary to 67
enforce division (B) of this section. 68

(C) For purposes of sections 4927.01 to 4927.21 of the 69
Revised Code, sections 4903.02, 4903.03, 4903.24, 4903.25, 70
4905.04, 4905.05, 4905.06, 4905.13, 4905.15, 4905.16, 4905.17, 71
4905.22, 4905.26, 4905.27, 4905.28, 4905.29, 4905.31, 4905.32, 72
4905.33, 4905.35, 4905.37, 4905.38, 4905.39, 4905.48, 4905.54, 73
4905.55, 4905.56, and 4905.60 of the Revised Code do not apply to 74
a telephone company or, as applicable, to an officer, employee, or 75
agent of such company or provider, except to the extent necessary 76
for the commission to carry out sections 4927.01 to 4927.21 of the 77
Revised Code. 78

(D) Except as specifically authorized in sections 4927.01 to 79
4927.21 of the Revised Code, the commission has no authority over 80

the quality of service and the service rates, terms, and 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 203
equipment, including telephone instruments, on the premises of a 204
public safety answering point that is used in answering and 205
responding to 9-1-1 system calls. 206

(R) "Municipal corporation in the county" includes any 207
municipal corporation that is wholly contained in the county and 208
each municipal corporation located in more than one county that 209
has a greater proportion of its territory in the county to which 210
the term refers than in any other county. 211

(S) "Board of county commissioners" includes the legislative 212
authority of a county established under Section 3 of Article X, 213
Ohio Constitution, or Chapter 302. of the Revised Code. 214

(T) "Final plan" means a final plan adopted under division 215
(B) of section 4931.44 of the Revised Code and, except as 216
otherwise expressly provided, an amended final plan adopted under 217
section 4931.45 of the Revised Code. 218

(U) "Subdivision served by a public safety answering point" 219
means a subdivision that provides emergency service for any part 220
of its territory that is located within the territory of a public 221
safety answering point whether the subdivision provides the 222
emergency service with its own employees or pursuant to a 223
contract. 224

(V) A township's population includes only population of the 225
unincorporated portion of the township. 226

(W) "Telephone company" means a company engaged in the 227
business of providing local exchange telephone service by making 228
available or furnishing access and a dial tone to persons within a 229
local calling area for use in originating and receiving voice 230
grade communications over a switched network operated by the 231
provider of the service within the area and gaining access to 232

other telecommunications services. "Telephone company" includes a 233
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 265
provider to provide the wireline telephone network portion of a 266
9-1-1 system that the commission has determined the provider is 267
not reasonably capable of providing. 268

(B) A countywide 9-1-1 system may be a basic or enhanced 269
9-1-1 system, or a combination of the two, and shall be for the 270
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 271

(C) Every emergency service provider that provides emergency 272
service within the territory of a countywide 9-1-1 system shall 273
participate in the countywide system. 274

(D)(1) Each public safety answering point shall be operated 275
by a subdivision and shall be operated constantly. 276

(2) A subdivision that operates a public safety answering 277
point shall pay all of the costs associated with establishing, 278
equipping, furnishing, operating, and maintaining that facility 279
and shall allocate those costs among itself and the subdivisions 280
served by the answering point based on the allocation formula in a 281
final plan. The wireline service provider or other entity that 282
provides or maintains the customer premises equipment shall bill 283
the operating subdivision for the cost of providing such 284
equipment, or its maintenance. A wireless service provider and a 285
subdivision operating a public safety answering point may enter 286
into a service agreement for providing wireless enhanced 9-1-1 287
pursuant to a final plan adopted under sections 4931.40 to ~~4931.70~~ 288
4931.69 of the Revised Code. 289

(E) Except to the extent provided in a final plan that 290
provides for funding of a 9-1-1 system in part through charges 291
imposed under section 4931.51 of the Revised Code, each 292
subdivision served by a public safety answering point shall pay 293
the subdivision that operates the answering point the amount 294

computed in accordance with the allocation formula set forth in 295
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 ~~4931.70~~ 322
4931.69 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
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:~~

~~(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 576
section 5739.033 of the Revised Code, the seller, rather than the 577
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 765
which a seller may document that a sale is not a retail sale of a 766
prepaid wireless calling service. The procedures shall 767
substantially coincide with similar procedures under Chapter 5739. 768
of the Revised Code. 769

Sec. 4931.63. (A) There is hereby created the wireless 9-1-1 770
administrative fund in the state treasury. A sufficient 771
percentage, determined by the chairperson of the public utilities 772
commission but not to exceed two per cent, of the periodic 773
remittances and transfers of the wireless 9-1-1 ~~charge~~ charges 774
under ~~section~~ sections 4931.62 and 4931.621 of the Revised Code 775
shall be deposited to the credit of the fund, to be used by the 776
commission to cover such nonpayroll costs and, at the discretion 777
of the commission such payroll costs, of the commission as are 778
incurred in assisting the coordinator in carrying out sections 779
4931.60 to ~~4931.70~~ 4931.69 of the Revised Code and in conducting 780
audits under division ~~(C)~~ (D) of section 4931.62 of the Revised 781
Code. In addition, the compensation of the Ohio 9-1-1 coordinator, 782
and any expenses of the coordinator in carrying out those 783
sections, shall be paid from the fund. 784

(B) There is hereby created the wireless 9-1-1 government 785
assistance fund, which shall be in the custody of the treasurer of 786
state but shall not be part of the state treasury. The periodic 787
remittances and transfers of the wireless 9-1-1 ~~charge~~ charges 788
remaining after the deposit required by division (A) of this 789
section shall be deposited to the credit of the wireless 9-1-1 790
government assistance fund. The treasurer of state shall deposit 791
or invest the moneys in this fund in accordance with Chapter 135. 792
of the Revised Code and any other provision of law governing 793

public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest earned to the fund. The treasurer of state shall disburse money from the fund solely upon order of the coordinator as authorized under section 4931.64 of the Revised Code. Annually, until the fund is depleted, the treasurer of state shall certify to the coordinator the amount of moneys in the treasurer of state's custody belonging to the fund.

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

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

(2) Determine each county's proportionate share of the wireless 9-1-1 government assistance fund for the ensuing calendar year on the basis set forth in division (B) of this section; estimate the ensuing calendar year's fund balance; compute each such county's estimated proceeds for the ensuing calendar year

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 1017
member and shall have one vote in all deliberations of the board. 1018
A majority of the members constitutes a quorum. 1019

~~(D)(1) The advisory board shall make a recommendation to the 1020
coordinator regarding the amount of the wireless 9 1 1 charge to 1021
be included in the report required by division (B) of section 1022
4931.70 of the Revised Code and shall consult with the coordinator 1023
regarding that report. 1024~~

~~(2) The advisory board shall make recommendations to and 1025
consult with the public utilities commission and the coordinator 1026
regarding any rules to be adopted under section 4931.67 of the 1027
Revised Code. 1028~~

(E) The advisory board is not an agency, as defined in 1029
section 101.82 of the Revised Code, for purposes of sections 1030
101.82 to 101.87 of the Revised Code. 1031

Sec. 4931.99. (A) Whoever violates division ~~(D)~~(E) of section 1032
4931.49 of the Revised Code is guilty of a misdemeanor of the 1033
fourth degree. 1034

(B) Whoever violates division (B) of section 4931.06 of the 1035
Revised Code is guilty of a misdemeanor in the first degree. 1036

(C) Whoever violates division ~~(E)~~(F) or ~~(F)~~(G) of section 1037
4931.49 or division (B)(2) of section 4931.66 of the Revised Code 1038
is guilty of a misdemeanor of the fourth degree on a first offense 1039
and a felony of the fifth degree on each subsequent offense. 1040

(D) Whoever violates section 4931.75 of the Revised Code is 1041

guilty of a minor misdemeanor for a first offense and a 1042
misdemeanor of the first degree on each subsequent offense. 1043

Section 2. That existing sections 4927.03, 4927.15, 4931.40, 1044
4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 4931.62, 1045
4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 4931.99 1046
and section 4931.70 of the Revised Code are hereby repealed. 1047