

As Reported by the House Public Utilities Committee

129th General Assembly

Regular Session

2011-2012

Sub. 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 167.03, 4927.03, 4927.15, 4931.40, 1
4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 2
4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 3
4931.66, 4931.67, 4931.69, and 4931.99, to enact 4
sections 4931.611, 4931.621, and 4931.622, and to 5
repeal section 4931.70 of the Revised Code to 6
revise the amount and methods of collection and 7
remittance of the wireless 9-1-1 charge for 8
prepaid wireless services, to take effect in 2013. 9

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

Section 1. That sections 167.03, 4927.03, 4927.15, 4931.40, 10
4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 4931.62, 11
4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 4931.99 12
be amended and sections 4931.611, 4931.621, and 4931.622 of the 13
Revised Code be enacted to read as follows: 14

Sec. 167.03. (A) The council shall have the power to: 15

(1) Study such area governmental problems common to two or 16
more members of the council as it deems appropriate, including but 17
not limited to matters affecting health, safety, welfare, 18

education, economic conditions, and regional development;	19
(2) Promote cooperative arrangements and coordinate action	20
among its members, and between its members and other agencies of	21
local or state governments, whether or not within Ohio, and the	22
federal government;	23
(3) Make recommendations for review and action to the members	24
and other public agencies that perform functions within the	25
region;	26
(4) Promote cooperative agreements and contracts among its	27
members or other governmental agencies and private persons,	28
corporations, or agencies;	29
(5) Operate a public safety answering point in accordance	30
with sections 4931.40 to 4931.70 <u>4931.69</u> of the Revised Code;	31
(6) Perform planning directly by personnel of the council, or	32
under contracts between the council and other public or private	33
planning agencies.	34
(B) The council may:	35
(1) Review, evaluate, comment upon, and make recommendations,	36
relative to the planning and programming, and the location,	37
financing, and scheduling of public facility projects within the	38
region and affecting the development of the area;	39
(2) Act as an areawide agency to perform comprehensive	40
planning for the programming, locating, financing, and scheduling	41
of public facility projects within the region and affecting the	42
development of the area and for other proposed land development or	43
uses, which projects or uses have public metropolitan wide or	44
interjurisdictional significance;	45
(3) Act as an agency for coordinating, based on metropolitan	46
wide comprehensive planning and programming, local public	47
policies, and activities affecting the development of the region	48

or area. 49

(C) The council may, by appropriate action of the governing 50
bodies of the members, perform such other functions and duties as 51
are performed or capable of performance by the members and 52
necessary or desirable for dealing with problems of mutual 53
concern. 54

(D) The authority granted to the council by this section or 55
in any agreement by the members thereof shall not displace any 56
existing municipal, county, regional, or other planning commission 57
or planning agency in the exercise of its statutory powers. 58

Sec. 4927.03. (A) Except as provided in divisions (A) and (B) 59
of section 4927.04 of the Revised Code and except to the extent 60
required to exercise authority under federal law, the commission 61
has no authority over any interconnected voice over internet 62
protocol-enabled service or any telecommunications service that is 63
not commercially available on ~~the effective date of this section~~ 64
September 13, 2010, and that employs technology that became 65
available for commercial use only after ~~the effective date of this~~ 66
~~section~~ September 13, 2010, unless the commission, upon a finding 67
that the exercise of the commission's authority is necessary for 68
the protection, welfare, and safety of the public, adopts rules 69
specifying the necessary regulation. A consumer purchase of a 70
service that is not commercially available on ~~the effective date~~ 71
~~of this section~~ September 13, 2010, and that employs technology 72
that became available for commercial use only after ~~the effective~~ 73
~~date of this section~~ September 13, 2010, shall constitute a 74
consumer transaction for purposes of sections 1345.01 to 1345.13 75
of the Revised Code, notwithstanding any provision of those 76
sections to the contrary, unless the commission exercises 77
jurisdiction over the service in accordance with this division. 78
Notwithstanding any contrary provision of Chapter 4911. of the 79

Revised Code, to the extent that the commission adopts rules under
division (A) of this section regarding any interconnected voice
over internet protocol enabled service provided to residential
customers or regarding any telecommunications service that is
provided to residential customers, that is not commercially
available on ~~the effective date of this section~~ September 13,
2010, and that employs technology that became available for
commercial use only after ~~the effective date of this section~~
September 13, 2010, the office of the consumers' counsel shall
have authority to assist and represent residential customers in
the implementation and enforcement of those rules.

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

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

(b) With respect to division (C) of section 4927.15 of the
Revised Code;

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

(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:

(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;

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

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

provider. 110

(4) The commission has such authority as is necessary to 111
enforce division (B) of this section. 112

(C) For purposes of sections 4927.01 to 4927.21 of the 113
Revised Code, sections 4903.02, 4903.03, 4903.24, 4903.25, 114
4905.04, 4905.05, 4905.06, 4905.13, 4905.15, 4905.16, 4905.17, 115
4905.22, 4905.26, 4905.27, 4905.28, 4905.29, 4905.31, 4905.32, 116
4905.33, 4905.35, 4905.37, 4905.38, 4905.39, 4905.48, 4905.54, 117
4905.55, 4905.56, and 4905.60 of the Revised Code do not apply to 118
a telephone company or, as applicable, to an officer, employee, or 119
agent of such company or provider, except to the extent necessary 120
for the commission to carry out sections 4927.01 to 4927.21 of the 121
Revised Code. 122

(D) Except as specifically authorized in sections 4927.01 to 123
4927.21 of the Revised Code, the commission has no authority over 124
the quality of service and the service rates, terms, and 125
conditions of telecommunications service provided to end users by 126
a telephone company. 127

(E) The commission shall initially adopt the rules required 128
by this chapter not later than one hundred twenty days after ~~the~~ 129
~~effective date of this section~~ September 13, 2010. Subject to the 130
authority granted to the commission under this chapter, the 131
commission may adopt other rules, including rules regarding the 132
removal from tariffs of services that were required to be filed in 133
tariffs prior to ~~the effective date of this section~~ September 13, 134
2010, as it finds necessary to carry out this chapter. 135

Sec. 4927.15. (A) The rates, terms, and conditions for 9-1-1 136
service provided in this state by a telephone company or a 137
telecommunications carrier and each of the following provided in 138
this state by a telephone company shall be approved and tariffed 139
in the manner prescribed by rule adopted by the public utilities 140

commission and shall be subject to the applicable laws, including 141
rules or regulations adopted and orders issued by the commission 142
or the federal communications commission and, including, as to 143
9-1-1 service, sections 4931.40 to ~~4931.70~~ 4931.69 and 4931.99 of 144
the Revised Code: 145

(1) Carrier access; 146

(2) N-1-1 services, other than 9-1-1 service; 147

(3) Pole attachments and conduit occupancy under section 148
4905.71 of the Revised Code; 149

(4) Pay telephone access lines; 150

(5) Toll presubscription; 151

(6) Telecommunications relay service. 152

(B) The public utilities commission may order changes in a 153
telephone company's rates for carrier access in this state subject 154
to this division. In the event that the public utilities 155
commission reduces a telephone company's rates for carrier access 156
that are in effect on ~~the effective date of this section~~ September 157
13, 2010, that reduction shall be on a revenue-neutral basis under 158
terms and conditions established by the public utilities 159
commission, and any resulting rate changes necessary to comply 160
with division (B) or (C) of this section shall be in addition to 161
any upward rate alteration made under section 4927.12 of the 162
Revised Code. 163

(C) The public utilities commission has authority to address 164
carrier access policy and to create and administer mechanisms for 165
carrier access reform, including, but not limited to, high cost 166
support. 167

Sec. 4931.40. As used in sections 4931.40 to ~~4931.70~~ 4931.69 168
of the Revised Code: 169

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

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

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

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

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

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

(2) Nothing in sections 4931.40 to ~~4931.70~~ 4931.69 of the

Revised Code applies to paging or any service that cannot be used 201
to call 9-1-1. 202

(G) "Wireless service provider" means a facilities-based 203
provider of wireless service to one or more end users in this 204
state. 205

(H) "Wireless 9-1-1" means the emergency calling service 206
provided by a 9-1-1 system pursuant to a call originating in the 207
network of a wireless service provider. 208

(I) "Wireline 9-1-1" means the emergency calling service 209
provided by a 9-1-1 system pursuant to a call originating in the 210
network of a wireline service provider. 211

(J) "Wireline service provider" means a facilities-based 212
provider of wireline service to one or more end-users in this 213
state. 214

(K) "Wireline service" means basic local exchange service, as 215
defined in section 4927.01 of the Revised Code, that is 216
transmitted by means of interconnected wires or cables by a 217
wireline service provider authorized by the public utilities 218
commission. 219

(L) "Wireline telephone network" means the selective router 220
and data base processing systems, trunking and data wiring cross 221
connection points at the public safety answering point, and all 222
other voice and data components of the 9-1-1 system. 223

(M) "Subdivision" means a county, municipal corporation, 224
township, township fire district, joint fire district, township 225
police district, joint police district, joint ambulance district, 226
or joint emergency medical services district that provides 227
emergency service within its territory, or that contracts with 228
another municipal corporation, township, or district or with a 229
private entity to provide such service; and a state college or 230
university, port authority, or park district of any kind that 231

employs law enforcement officers that act as the primary police 232
force on the grounds of the college or university or port 233
authority or in the parks operated by the district. 234

(N) "Emergency service" means emergency law enforcement, 235
firefighting, ambulance, rescue, and medical service. 236

(O) "Emergency service provider" means the state highway 237
patrol and an emergency service department or unit of a 238
subdivision or that provides emergency service to a subdivision 239
under contract with the subdivision. 240

(P) "Public safety answering point" means a facility to which 241
9-1-1 system calls for a specific territory are initially routed 242
for response and where personnel respond to specific requests for 243
emergency service by directly dispatching the appropriate 244
emergency service provider, relaying a message to the appropriate 245
provider, or transferring the call to the appropriate provider. 246

(Q) "Customer premises equipment" means telecommunications 247
equipment, including telephone instruments, on the premises of a 248
public safety answering point that is used in answering and 249
responding to 9-1-1 system calls. 250

(R) "Municipal corporation in the county" includes any 251
municipal corporation that is wholly contained in the county and 252
each municipal corporation located in more than one county that 253
has a greater proportion of its territory in the county to which 254
the term refers than in any other county. 255

(S) "Board of county commissioners" includes the legislative 256
authority of a county established under Section 3 of Article X, 257
Ohio Constitution, or Chapter 302. of the Revised Code. 258

(T) "Final plan" means a final plan adopted under division 259
(B) of section 4931.44 of the Revised Code and, except as 260
otherwise expressly provided, an amended final plan adopted under 261
section 4931.45 of the Revised Code. 262

(U) "Subdivision served by a public safety answering point" 263
means a subdivision that provides emergency service for any part 264
of its territory that is located within the territory of a public 265
safety answering point whether the subdivision provides the 266
emergency service with its own employees or pursuant to a 267
contract. 268

(V) A township's population includes only population of the 269
unincorporated portion of the township. 270

(W) "Telephone company" means a company engaged in the 271
business of providing local exchange telephone service by making 272
available or furnishing access and a dial tone to persons within a 273
local calling area for use in originating and receiving voice 274
grade communications over a switched network operated by the 275
provider of the service within the area and gaining access to 276
other telecommunications services. "Telephone company" includes a 277
wireline service provider and a wireless service provider unless 278
otherwise expressly specified. For purposes of sections 4931.52 279
and 4931.53 of the Revised Code, "telephone company" means a 280
wireline service provider. 281

(X) "Prepaid wireless calling service" has the same meaning 282
as in division (AA)(5) of section 5739.01 of the Revised Code. 283

(Y) "Provider of a prepaid wireless calling service" means a 284
wireless service provider that provides a prepaid wireless calling 285
service. 286

(Z) "Retail sale" has the same meaning as in section 5739.01 287
of the Revised Code. 288

(AA) "Seller" means a person that sells a prepaid wireless 289
calling service to another person by retail sale. 290

Sec. 4931.41. (A)(1) A countywide 9-1-1 system shall include 291
all of the territory of the townships and municipal corporations 292

in the county and any portion of such a municipal corporation that 293
extends into an adjacent county. 294

(2) The system shall exclude any territory served by a 295
wireline service provider that is not capable of reasonably 296
meeting the technical and economic requirements of providing the 297
wireline telephone network portion of the countywide system for 298
that territory. The system shall exclude from enhanced 9-1-1 any 299
territory served by a wireline service provider that is not 300
capable of reasonably meeting the technical and economic 301
requirements of providing the wireline telephone network portion 302
of enhanced 9-1-1 for that territory. If a 9-1-1 planning 303
committee and a wireline service provider do not agree on whether 304
the provider is so capable, the committee shall notify the public 305
utilities commission, and the commission shall determine whether 306
the wireline service provider is so capable. The committee shall 307
ascertain whether such disagreement exists before making its 308
implementation proposal under division (A) of section 4931.43 of 309
the Revised Code. The commission's determination shall be in the 310
form of an order. No final plan shall require a wireline service 311
provider to provide the wireline telephone network portion of a 312
9-1-1 system that the commission has determined the provider is 313
not reasonably capable of providing. 314

(B) A countywide 9-1-1 system may be a basic or enhanced 315
9-1-1 system, or a combination of the two, and shall be for the 316
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 317

(C) Every emergency service provider that provides emergency 318
service within the territory of a countywide 9-1-1 system shall 319
participate in the countywide system. 320

(D)(1) Each public safety answering point shall be operated 321
by a subdivision or a regional council of governments and shall be 322
operated constantly. 323

(2) A subdivision or a regional council of governments that 324
operates a public safety answering point shall pay all of the 325
costs associated with establishing, equipping, furnishing, 326
operating, and maintaining that facility and shall allocate those 327
costs among itself and the subdivisions served by the answering 328
point based on the allocation formula in a final plan. The 329
wireline service provider or other entity that provides or 330
maintains the customer premises equipment shall bill the operating 331
subdivision or the operating regional council of governments for 332
the cost of providing such equipment, or its maintenance. A 333
wireless service provider and a subdivision or regional council of 334
governments operating a public safety answering point may enter 335
into a service agreement for providing wireless enhanced 9-1-1 336
pursuant to a final plan adopted under sections 4931.40 to ~~4931.70~~ 337
4931.69 of the Revised Code. 338

(E) Except to the extent provided in a final plan that 339
provides for funding of a 9-1-1 system in part through charges 340
imposed under section 4931.51 of the Revised Code, each 341
subdivision served by a public safety answering point shall pay 342
the subdivision or regional council of governments that operates 343
the answering point the amount computed in accordance with the 344
allocation formula set forth in the final plan. 345

(F) Notwithstanding any other provision of law, the purchase 346
or other acquisition, installation, and maintenance of the 347
telephone network for a 9-1-1 system and the purchase or other 348
acquisition, installation, and maintenance of customer premises 349
equipment at a public safety answering point made in compliance 350
with a final plan or an agreement under section 4931.48 of the 351
Revised Code, including customer premises equipment used to 352
provide wireless enhanced 9-1-1, are not subject to any 353
requirement of competitive bidding. 354

(G) Each emergency service provider participating in a 355

countywide 9-1-1 system shall maintain a telephone number in 356
addition to 9-1-1. 357

(H) Whenever a final plan provides for the implementation of 358
basic 9-1-1, the planning committee shall so notify the public 359
utilities commission, which shall determine whether the wireline 360
service providers serving the territory covered by the plan are 361
capable of reasonably meeting the technical and economic 362
requirements of providing the wireline telephone network portion 363
of an enhanced 9-1-1 system. The determination shall be made 364
solely for purposes of division (C)(2) of section 4931.47 of the 365
Revised Code. 366

(I) If the public safety answering point personnel reasonably 367
determine that a 9-1-1 call is not an emergency, the personnel 368
shall provide the caller with the telephone number of an 369
appropriate subdivision agency as applicable. 370

(J) A final plan adopted under sections 4931.40 to ~~4931.70~~ 371
4931.69 of the Revised Code, or an agreement under section 4931.48 372
of the Revised Code, may provide that, by further agreement 373
included in the plan or agreement, the state highway patrol or one 374
or more public safety answering points of another 9-1-1 system is 375
the public safety answering point or points for the provision of 376
wireline or wireless 9-1-1 for all or part of the territory of the 377
9-1-1 system established under the plan or agreement. In that 378
event, the subdivision for which the wireline or wireless 9-1-1 is 379
provided as named in the agreement shall be deemed the subdivision 380
operating the public safety answering point or points for purposes 381
of sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code, except 382
that, for the purpose of division (D)(2) of this section, that 383
subdivision shall pay only so much of the costs of establishing, 384
equipping, furnishing, operating, or maintaining any such public 385
safety answering point as are specified in the agreement with the 386
patrol or other system. 387

(K) A final plan for the provision of wireless enhanced 9-1-1 388
shall provide that any wireless 9-1-1 calls routed to a state 389
highway patrol-operated public safety answering point by default, 390
due to a wireless service provider so routing all such calls of 391
its subscribers without prior permission, are instead to be routed 392
as provided under the plan. Upon the implementation of countywide 393
wireless enhanced 9-1-1 pursuant to a final plan, the state 394
highway patrol shall cease any functioning as a public safety 395
answering point providing wireless 9-1-1 within the territory 396
covered by the countywide 9-1-1 system so established, unless the 397
patrol functions as a public safety answering point providing 398
wireless enhanced 9-1-1 pursuant to an agreement included in the 399
plan as authorized under division (J) of this section. 400

Sec. 4931.44. (A) Within sixty days after receipt of the 401
final plan pursuant to division (C) of section 4931.43 of the 402
Revised Code, the board of county commissioners of the county and 403
the legislative authority of each municipal corporation in the 404
county and of each township whose territory is proposed to be 405
included in a countywide 9-1-1 system shall act by resolution to 406
approve or disapprove the plan, except that, with respect to a 407
final plan that provides for funding of the 9-1-1 system in part 408
through charges imposed under section 4931.51 of the Revised Code, 409
the board of county commissioners shall not act by resolution to 410
approve or disapprove the plan until after a resolution adopted 411
under section 4931.51 of the Revised Code has become effective as 412
provided in division (D) of that section. A municipal corporation 413
or township whose territory is proposed to be included in the 414
system includes any municipal corporation or township in which a 415
part of its territory is excluded pursuant to division (A)(2) of 416
section 4931.41 of the Revised Code. Each such authority 417
immediately shall notify the board of county commissioners in 418
writing of its approval or disapproval of the final plan. Failure 419

by a board or legislative authority to notify the board of county 420
commissioners of approval or disapproval within such sixty-day 421
period shall be deemed disapproval by the board or authority. 422

(B) As used in this division, "county's population" excludes 423
the population of any municipal corporation or township that, 424
under the plan, is completely excluded from 9-1-1 service in the 425
county's final plan. A countywide plan is effective if all of the 426
following entities approve the plan in accordance with this 427
section: 428

(1) The board of county commissioners; 429

(2) The legislative authority of a municipal corporation that 430
contains at least thirty per cent of the county's population, if 431
any; 432

(3) The legislative authorities of municipal corporations and 433
townships that contain at least sixty per cent of the county's 434
population or, if the plan has been approved by a municipal 435
corporation that contains at least sixty per cent of the county's 436
population, by the legislative authorities of municipal 437
corporations and townships that contain at least seventy-five per 438
cent of the county's population. 439

(C) After a countywide plan approved in accordance with this 440
section is adopted, all of the telephone companies, subdivisions, 441
and regional councils of governments included in the plan are 442
subject to the specific requirements of the plan and to sections 443
4931.40 to ~~4931.70~~ 4931.69 of the Revised Code. 444

Sec. 4931.49. (A)(1) The state, the state highway patrol, a 445
subdivision, or a regional council of governments participating in 446
a 9-1-1 system established under sections 4931.40 to ~~4931.70~~ 447
4931.69 of the Revised Code and any officer, agent, employee, or 448
independent contractor of the state, the state highway patrol, or 449

such a participating subdivision or regional council of 450
governments is not liable in damages in a civil action for 451
injuries, death, or loss to persons or property arising from any 452
act or omission, except willful or wanton misconduct, in 453
connection with developing, adopting, or approving any final plan 454
or any agreement made under section 4931.48 of the Revised Code or 455
otherwise bringing into operation the 9-1-1 system pursuant to 456
sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code. 457

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 458
board, and any member of that council or board are not liable in 459
damages in a civil action for injuries, death, or loss to persons 460
or property arising from any act or omission, except willful or 461
wanton misconduct, in connection with the development or operation 462
of a 9-1-1 system established under sections 4931.40 to ~~4931.70~~ 463
4931.69 of the Revised Code. 464

(B) Except as otherwise provided in section 4765.49 of the 465
Revised Code, an individual who gives emergency instructions 466
through a 9-1-1 system established under sections 4931.40 to 467
~~4931.70~~ 4931.69 of the Revised Code, and the principals for whom 468
the person acts, including both employers and independent 469
contractors, public and private, and an individual who follows 470
emergency instructions and the principals for whom that person 471
acts, including both employers and independent contractors, public 472
and private, are not liable in damages in a civil action for 473
injuries, death, or loss to persons or property arising from the 474
issuance or following of emergency instructions, except where the 475
issuance or following of the instructions constitutes willful or 476
wanton misconduct. 477

(C) Except for willful or wanton misconduct, a telephone 478
company, and any other installer, maintainer, or provider, through 479
the sale or otherwise, of customer premises equipment, and their 480
respective officers, directors, employees, agents, and suppliers 481

are not liable in damages in a civil action for injuries, death, 482
or loss to persons or property incurred by any person resulting 483
from any of the following: 484

(1) Such an entity's or its officers', directors', 485
employees', agents', or suppliers' participation in or acts or 486
omissions in connection with participating in or developing, 487
maintaining, or operating a 9-1-1 system, whether that system is 488
established pursuant to sections 4931.40 to ~~4931.70~~ 4931.69 of the 489
Revised Code or otherwise in accordance with schedules regarding 490
9-1-1 systems filed with the public utilities commission pursuant 491
to section 4905.30 of the Revised Code by a telephone company that 492
is a wireline service provider; 493

(2) Such an entity's or its officers', directors', 494
employees', agents', or suppliers' provision of assistance to a 495
public utility, municipal utility, or state or local government as 496
authorized by divisions ~~(F)~~(G)(4) and (5) of this section. 497

(D) Except for willful or wanton misconduct, a provider of 498
and a seller of a prepaid wireless calling service and their 499
respective officers, directors, employees, agents, and suppliers 500
are not liable in damages in a civil action for injuries, death, 501
or loss to persons or property incurred by any person resulting 502
from anything described in division (C) of this section. 503

(E) No person shall knowingly use the telephone number of a 504
9-1-1 system established under sections 4931.40 to ~~4931.70~~ 4931.69 505
of the Revised Code to report an emergency if the person knows 506
that no emergency exists. 507

~~(E)~~(F) No person shall knowingly use a 9-1-1 system for a 508
purpose other than obtaining emergency service. 509

~~(F)~~(G) No person shall disclose or use any information 510
concerning telephone numbers, addresses, or names obtained from 511
the data base that serves the public safety answering point of a 512

9-1-1 system established under sections 4931.40 to ~~4931.70~~ 4931.69 513
of the Revised Code, except for any of the following purposes or 514
under any of the following circumstances: 515

(1) For the purpose of the 9-1-1 system; 516

(2) For the purpose of responding to an emergency call to an 517
emergency service provider; 518

(3) In the circumstance of the inadvertent disclosure of such 519
information due solely to technology of the wireline telephone 520
network portion of the 9-1-1 system not allowing access to the 521
data base to be restricted to 9-1-1 specific answering lines at a 522
public safety answering point; 523

(4) In the circumstance of access to a data base being given 524
by a telephone company that is a wireline service provider to a 525
public utility or municipal utility in handling customer calls in 526
times of public emergency or service outages. The charge, terms, 527
and conditions for the disclosure or use of such information for 528
the purpose of such access to a data base shall be subject to the 529
jurisdiction of the public utilities commission. 530

(5) In the circumstance of access to a data base given by a 531
telephone company that is a wireline service provider to a state 532
and local government in warning of a public emergency, as 533
determined by the public utilities commission. The charge, terms, 534
and conditions for the disclosure or use of that information for 535
the purpose of access to a data base is subject to the 536
jurisdiction of the public utilities commission. 537

Sec. 4931.50. (A) The attorney general, upon request of the 538
public utilities commission or on the attorney general's own 539
initiative, shall begin proceedings against a telephone company 540
that is a wireline service provider to enforce compliance with 541
sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code or with 542

the terms, conditions, requirements, or specifications of a final 543
plan or of an agreement under section 4931.48 of the Revised Code 544
as to wireline or wireless 9-1-1. 545

(B) The attorney general, upon the attorney general's own 546
initiative, or any prosecutor, upon the prosecutor's initiative, 547
shall begin proceedings against a subdivision or a regional 548
council of governments as to wireline or wireless 9-1-1 to enforce 549
compliance with sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised 550
Code or with the terms, conditions, requirements, or 551
specifications of a final plan or of an agreement under section 552
4931.48 of the Revised Code as to wireline or wireless 9-1-1. 553

Sec. 4931.60. There is hereby created within the public 554
utilities commission the 9-1-1 service program, headed by an Ohio 555
9-1-1 coordinator in the unclassified civil service pursuant to 556
division (A)(9) of section 124.11 of the Revised Code. The 557
coordinator shall be appointed by and serve at the pleasure of the 558
commission chairperson and shall report directly to the 559
chairperson. ~~Upon the effective date of this section~~ On May 6, 560
2005, the chairperson shall appoint an interim coordinator and, 561
upon submission of a list of nominees by the Ohio 9-1-1 council 562
pursuant to section 4931.69 of the Revised Code, shall consider 563
those nominees in making the final appointment and in appointing 564
any subsequent coordinator. The chairperson may request the 565
council to submit additional nominees and may reject any of the 566
nominees. The chairperson shall fix the compensation of the 567
coordinator. The chairperson shall evaluate the performance of the 568
coordinator after considering the evaluation and recommendations 569
of the council under section 4931.68 of the Revised Code. 570

The Ohio 9-1-1 coordinator shall administer the wireless 571
9-1-1 government assistance fund as specified in sections 4931.63 572
and 4931.64 of the Revised Code and otherwise carry out the 573

coordinator's duties under sections 4931.60 to ~~4931.70~~ 4931.69 of 574
the Revised Code. The chairperson may establish additional duties 575
of the coordinator based on a list of recommended duties submitted 576
by the Ohio 9-1-1 council pursuant to section 4931.68 of the 577
Revised Code. The chairperson may assign one or more commission 578
employees to assist the coordinator in carrying out the 579
coordinator's duties. 580

Sec. 4931.61. (A) Beginning on the first day of the third 581
month following May 6, 2005, and ending December 31, 2012, there 582
is hereby imposed, on each wireless telephone number of a wireless 583
service subscriber who has a billing address in this state, except 584
prepaid wireless telephone numbers, a wireless 9-1-1 charge of 585
twenty-eight cents per month. The subscriber shall pay the 586
wireless 9-1-1 charge for each such wireless telephone number 587
assigned to the subscriber. Each wireless service provider and 588
each reseller of wireless service shall collect the wireless 9-1-1 589
charge as a specific line item on each subscriber's monthly bill. 590
The line item shall be expressly designated "State/Local 591
Wireless-E911 Costs (\$0.28/billed number)." If a provider bills a 592
subscriber for any wireless enhanced 9-1-1 costs that the provider 593
may incur, the charge or amount is not to appear in the same line 594
item as the state/local line item. If the charge or amount is to 595
appear in its own, separate line item on the bill, the charge or 596
amount shall be expressly designated "[Name of Provider] Federal 597
Wireless-E911 Costs." ~~For any subscriber of prepaid wireless~~ 598
~~service, a wireless service provider or reseller shall collect the~~ 599
~~wireless 9-1-1 charge in any of the following manners:~~ 600

~~(1) At the point of sale. For purposes of prepaid wireless~~ 601
~~services, point of sale includes the purchasing of additional~~ 602
~~minutes by the subscriber along with any necessary activation of~~ 603
~~those minutes.~~ 604

~~(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) Ending at the same time as the fee imposed under division (A) of this section, 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 fifty-six hundredths of a per cent of the sale price.

(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 associated with the mobile telephone number.

(3) Except as provided in division (B)(4)(c) of this section, the seller of the prepaid wireless calling service shall collect the charge from the consumer at the time of each retail sale and disclose the amount of the charge to the consumer at the time of the sale by itemizing the charge on the receipt, invoice, or similar form of written documentation provided to the consumer.

(4) When a prepaid wireless calling service is sold with one 636
or more other products or services for a single, nonitemized 637
price, the wireless 9-1-1 charge imposed under division (B)(1) of 638
this section shall apply to the entire nonitemized price, except 639
as provided in divisions (B)(4)(a) to (c) of this section. 640

(a) If the amount of the prepaid wireless calling service is 641
disclosed to the consumer as a dollar amount, the seller may elect 642
to apply the charge only to that dollar amount. 643

(b) If the seller can identify the portion of the nonitemized 644
price that is attributable to the prepaid wireless calling 645
service, by reasonable and verifiable standards from the seller's 646
books and records that are kept in the regular course of business 647
for other purposes, including nontax purposes, the seller may 648
elect to apply the charge only to that portion. 649

(c) If a minimal amount of a prepaid wireless calling service 650
is sold with a prepaid wireless calling device for the single, 651
nonitemized price, the seller may elect not to collect the charge. 652
As used in this division, "minimal" means either ten minutes or 653
less or five dollars or less. 654

(C) The wireless 9-1-1 ~~charge~~ charges shall be exempt from 655
state or local taxation. 656

Sec. 4931.611. The tax commissioner shall provide notice to 657
all known sellers of prepaid wireless calling services of any 658
increase or decrease in the wireless 9-1-1 charge imposed under 659
division (B)(1) of section 4931.61 of the Revised Code. Each 660
notice shall be provided not less than thirty days before the 661
effective date of the increase or decrease. 662

Sec. 4931.62. (A)(1) Beginning with the second month 663
following the month in which the wireless 9-1-1 charge is first 664
imposed under division (A) of section 4931.61 of the Revised Code, 665

a wireless service provider or reseller of wireless service, not 666
later than the last day of each month, shall remit the full amount 667
of all such wireless 9-1-1 charges it collected for the second 668
preceding calendar month to the Ohio 9-1-1 coordinator, with the 669
exception of charges equivalent to the amount authorized as a 670
billing and collection fee under division (A)(2) of this section. 671
In doing so, the provider or reseller may remit the requisite 672
amount in any reasonable manner consistent with its existing 673
operating or technological capabilities, such as by customer 674
address, location associated with the wireless telephone number, 675
or another allocation method based on comparable, relevant data. 676
If the wireless service provider or reseller receives a partial 677
payment for a bill from a wireless service subscriber, the 678
wireless service provider or reseller shall apply the payment 679
first against the amount the subscriber owes the wireless service 680
provider or reseller and shall remit to the coordinator such 681
lesser amount, if any, as results from that invoice. 682

(2) A wireless service provider or reseller of wireless 683
service may retain as a billing and collection fee two per cent of 684
the total wireless 9-1-1 charges it collects in any month and 685
shall account to the coordinator for the amount retained. 686

(3) The coordinator shall return to, or credit against the 687
next month's remittance of, a wireless service provider or service 688
reseller the amount of any remittances the coordinator determines 689
were erroneously submitted by the provider or reseller. 690

(B)(1) Subject to division (B)(2) of this section, each 691
seller of a prepaid wireless calling service required to collect 692
prepaid wireless 9-1-1 charges under division (B) of section 693
4931.61 of the Revised Code shall, on or before the twenty-third 694
day of each month, except as provided in divisions (B)(2)(b), (c), 695
and (d) of this section, do both of the following: 696

(a) Make and file a return for the preceding month, in the 697
form prescribed by the tax commissioner, showing the amount of the 698
charges collected during that month; 699

(b) Remit the full amount due, as shown on the return. 700

(2)(a) The return required under division (B)(1)(a) of this 701
section shall be filed electronically using the Ohio business 702
gateway, as defined in section 718.051 of the Revised Code, the 703
Ohio telefile system, or any other electronic means prescribed by 704
the tax commissioner. Payment of the amount due shall be made 705
electronically in a manner approved by the commissioner. A seller 706
may apply to the commissioner on a form prescribed by the 707
commissioner to be excused from either electronic requirement of 708
this division. For good cause shown, the commissioner may excuse 709
the seller from either or both of the requirements and may permit 710
the seller to file returns or make payments by nonelectronic 711
means. 712

(b) The commissioner may extend the time for making and 713
filing returns and paying amounts due. 714

(c) The commissioner may require that the return for the last 715
month of any annual or semiannual period, as determined by the 716
commissioner, be a reconciliation return detailing the prepaid 717
wireless 9-1-1 charges collected during the preceding annual or 718
semiannual period. A reconciliation return shall be filed on or 719
before the last day of the month following the last month of the 720
annual or semiannual period. 721

(d) If a seller is required to collect prepaid wireless 9-1-1 722
charges in amounts that do not merit monthly returns, the 723
commissioner may authorize the seller to make and file returns 724
less frequently. The commissioner shall ascertain whether this 725
authorization is warranted upon the basis of administrative costs 726
to the state. 727

(e) A seller may retain as a collection fee three per cent of 728
the total wireless 9-1-1 charges described in division (B)(1) of 729
this section, and shall account to the department for the amount 730
retained. 731

(C)(1) Each subscriber on which a wireless 9-1-1 charge is 732
imposed under division (A) of section 4931.61 of the Revised Code 733
is liable to the state for the amount of the charge. If a wireless 734
service provider or reseller ~~fails to collect the charge under~~ 735
~~that division from a subscriber of prepaid wireless service, or~~ 736
fails to bill any ~~other~~ subscriber for the charge imposed under 737
division (A) of section 4931.61 of the Revised Code, the wireless 738
service provider or reseller is liable to the state for the amount 739
not ~~collected or~~ billed. If a wireless service provider or 740
reseller collects charges under that division and fails to remit 741
the money to the coordinator, the wireless service provider or 742
reseller is liable to the state for any amount collected and not 743
remitted. 744

~~(C)(2)~~ No provider of a prepaid wireless calling service 745
shall be liable to the state for any wireless 9-1-1 charge imposed 746
under division (B)(1) of section 4931.61 of the Revised Code that 747
was not collected or remitted. 748

(D)(1) If the public utilities commission has reason to 749
believe that a wireless service provider or reseller has failed to 750
bill, collect, or remit the wireless 9-1-1 charge as required by 751
divisions (A)(1) and ~~(B)(C)(1)~~ of this section or has retained 752
more than the amount authorized under division (A)(2) of this 753
section, and after written notice to the provider or reseller, the 754
commission may audit the provider or reseller for the sole purpose 755
of making such a determination. The audit may include, but is not 756
limited to, a sample of the provider's or reseller's billings, 757
collections, remittances, or retentions for a representative 758
period, and the commission shall make a good faith effort to reach 759

agreement with the provider or reseller in selecting that sample. 760

(2) Upon written notice to the wireless service provider or 761
reseller, the commission, by order after completion of the audit, 762
may make an assessment against the provider or reseller if, 763
pursuant to the audit, the commission determines that the provider 764
or reseller has failed to bill, collect, or remit the wireless 765
9-1-1 charge as required by divisions (A)(1) and ~~(B)~~(C)(1) of this 766
section or has retained more than the amount authorized under 767
division (A)(2) of this section. The assessment shall be in the 768
amount of any remittance that was due and unpaid on the date 769
notice of the audit was sent by the commission to the provider or 770
reseller or, as applicable, in the amount of the excess amount 771
under division (A)(2) of this section retained by the provider or 772
reseller as of that date. 773

(3) The portion of any assessment not paid within sixty days 774
after the date of service by the commission of the assessment 775
notice under division ~~(C)~~(D)(2) of this section shall bear 776
interest from that date until paid at the rate per annum 777
prescribed by section 5703.47 of the Revised Code. That interest 778
may be collected by making an assessment under division ~~(C)~~(D)(2) 779
of this section. An assessment under this division and any 780
interest due shall be remitted in the same manner as the wireless 781
9-1-1 charge imposed under division (A) of section 4931.61 of the 782
Revised Code. 783

(4) An assessment is final and due and payable and shall be 784
remitted to the commission unless the assessed party petitions for 785
rehearing under section 4903.10 of the Revised Code. The 786
proceedings of the commission specified in division ~~(C)~~(D)(4) of 787
this section are subject to and governed by Chapter 4903. of the 788
Revised Code, except that the court of appeals of Franklin county 789
has exclusive, original jurisdiction to review, modify, or vacate 790
an order of the commission under division ~~(C)~~(D)(2) of this 791

section. The court shall hear and determine such appeal in the 792
same manner and under the same standards as the Ohio supreme court 793
hears and determines appeals under Chapter 4903. of the Revised 794
Code. 795

The judgment of the court of appeals is final and conclusive 796
unless reversed, vacated, or modified on appeal. Such an appeal 797
may be made by the commission or the person to whom the order 798
under division ~~(C)~~(D)(2) of this section was issued and shall 799
proceed as in the case of appeals in civil actions as provided in 800
Chapter 2505. of the Revised Code. 801

(5) After an assessment becomes final, if any portion of the 802
assessment remains unpaid, including accrued interest, a certified 803
copy of the commission's entry making the assessment final may be 804
filed in the office of the clerk of the court of common pleas in 805
the county in which the place of business of the assessed party is 806
located. If the party maintains no place of business in this 807
state, the certified copy of the entry may be filed in the office 808
of the clerk of the court of common pleas of Franklin county. 809
Immediately upon the filing, the clerk shall enter a judgment for 810
the state against the assessed party in the amount shown on the 811
entry. The judgment may be filed by the clerk in a loose-leaf book 812
entitled "special judgments for wireless 9-1-1 charges" and shall 813
have the same effect as other judgments. The judgment shall be 814
executed upon the request of the commission. 815

(6) An assessment under this division does not discharge a 816
subscriber's liability to reimburse the provider or reseller for 817
the wireless 9-1-1 charge imposed under division (A) of section 818
4931.61 of the Revised Code. If, after the date of service of the 819
audit notice under division ~~(C)~~(D)(1) of this section, a 820
subscriber pays a wireless 9-1-1 charge for the period covered by 821
the assessment, the payment shall be credited against the 822
assessment. 823

(7) All money collected by the commission under ~~this~~ division 824
(D) of this section shall be paid to the treasurer of state, for 825
deposit to the credit of the wireless 9-1-1 government assistance 826
fund. 827

Sec. 4931.621. (A) The department of taxation shall, within 828
forty-five days after the end of each month, transfer one per cent 829
of the remitted wireless 9-1-1 charges imposed under division 830
(B)(1) of section 4931.61 of the Revised Code to the credit of the 831
prepaid wireless 9-1-1 administrative fund, which is hereby 832
created in the state treasury. This fund shall be used by the 833
department of taxation to defray the costs incurred in carrying 834
out sections 4931.61 to 4931.622 of the Revised Code. 835

(B) The department shall, within forty-five days after the 836
end of each month, transfer the amount remaining after the deposit 837
required by division (A) of this section to the credit of the 838
wireless 9-1-1 government assistance fund, created in section 839
4931.63 of the Revised Code. Immediately upon completion of this 840
transfer, the department shall certify to the Ohio 9-1-1 841
coordinator the amount transferred under this division. 842

Sec. 4931.622. (A) Each seller of a prepaid wireless calling 843
service required to collect prepaid wireless 9-1-1 charges under 844
division (B) of section 4931.61 of the Revised Code shall also be 845
subject to the provisions of Chapter 5739. of the Revised Code 846
regarding the excise tax on retail sales levied under section 847
5739.02 of the Revised Code, as those provisions apply to audits, 848
assessments, appeals, enforcement, liability, and penalties. 849

(B) The tax commissioner shall establish procedures by which 850
a person may document that a sale is not a retail sale of a 851
prepaid wireless calling service. The procedures shall 852
substantially coincide with similar procedures under Chapter 5739. 853

of the Revised Code.

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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 of the wireless 9-1-1 charge under division (A) of section 4931.62 of the Revised Code shall be deposited to the credit of the fund, ~~to~~. The fund shall 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.

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(B) There is hereby created the wireless 9-1-1 government assistance fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The periodic remittances of the wireless 9-1-1 charge under division (A) of section 4931.62 of the Revised Code, remaining after the deposit required by division (A) of this section, shall be deposited to the credit of the wireless 9-1-1 government assistance fund. The treasurer of state shall deposit or invest the moneys in this fund in accordance with Chapter 135. of the Revised Code and any other provision of law governing public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest earned to the fund. The treasurer of state shall disburse money from the fund solely upon order of the coordinator as authorized under section 4931.64 of the Revised Code. Annually, until the fund is depleted, the treasurer of state shall certify to the coordinator the amount of moneys in the

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treasurer of state's custody belonging to the fund. 886

Sec. 4931.64. (A) Prior to the first disbursement under this 887
section and annually thereafter not later than the twenty-fifth 888
day of January, until the wireless 9-1-1 government assistance 889
fund is depleted, the Ohio 9-1-1 coordinator shall do both of the 890
following for the purposes of division (B) of this section: 891

(1) Determine, for a county that has adopted a final plan 892
under sections 4931.40 to ~~4931.70~~ 4931.69 of the Revised Code for 893
the provision of wireless enhanced 9-1-1 within the territory 894
covered by the countywide 9-1-1 system established under the plan, 895
the number of wireless telephone numbers assigned to wireless 896
service subscribers that have billing addresses within the county. 897
That number shall be adjusted between any two counties so that the 898
number of wireless telephone numbers assigned to wireless service 899
subscribers who have billing addresses within any portion of a 900
municipal corporation that territorially lies primarily in one of 901
the two counties but extends into the other county is added to the 902
number already determined for that primary county and subtracted 903
for the other county. 904

(2) Determine each county's proportionate share of the 905
wireless 9-1-1 government assistance fund for the ensuing calendar 906
year on the basis set forth in division (B) of this section; 907
estimate the ensuing calendar year's fund balance; compute each 908
such county's estimated proceeds for the ensuing calendar year 909
based on its proportionate share and the estimated fund balance; 910
and certify such amount of proceeds to the county auditor of each 911
such county. 912

(B) The Ohio 9-1-1 coordinator, in accordance with this 913
division and not later than the last day of each month, shall 914
disburse the amount credited as remittances to the wireless 9-1-1 915
government assistance fund during the second preceding month, plus 916

any accrued interest on the fund. Such a disbursement shall be 917
paid to each county treasurer. The amount to be so disbursed 918
monthly to a particular county shall be a proportionate share of 919
the wireless 9-1-1 government assistance fund balance based on the 920
ratio between the following: 921

(1) The number of wireless telephone numbers determined for 922
the county by the coordinator pursuant to division (A) of this 923
section; 924

(2) The total number of wireless telephone numbers assigned 925
to subscribers who have billing addresses within this state. To 926
the extent that the fund balance permits, the disbursements to 927
each county shall total at least ninety thousand dollars annually. 928

(C)(1) Each county that has not adopted a final plan for the 929
provision of wireless enhanced 9-1-1 under sections 4931.40 to 930
~~4931.70~~ 4931.69 of the Revised Code shall be deemed as having done 931
so for the purposes of making the determinations under divisions 932
(A)(1) and (2) of this section. 933

(2) For each county described in division (C)(1) of this 934
section, the coordinator shall retain in the wireless 9-1-1 935
government assistance fund an amount equal to what would otherwise 936
be paid as the county's disbursements under division (B) of this 937
section if it had adopted such a final plan, plus any related 938
accrued interest, to be set aside for that county. If the board of 939
county commissioners notifies the coordinator prior to January 1, 940
2010, that a final plan for the provision of wireless enhanced 941
9-1-1 has been adopted, the coordinator shall disburse and pay to 942
the county treasurer, not later than the last day of the month 943
following the month the notification is made, the total amount so 944
set aside for the county plus any related accrued interest. As of 945
January 1, 2010, any money and interest so retained and not 946
disbursed as authorized under this division shall be available for 947
disbursement only as provided in division (B) of this section. 948

(D) Immediately upon receipt by a county treasurer of a 949
disbursement under division (B) or (C) of this section, the county 950
shall disburse, in accordance with the allocation formula set 951
forth in the final plan, the amount the county so received to any 952
other subdivisions in the county and any regional councils of 953
governments in the county that pay the costs of a public safety 954
answering point providing wireless enhanced 9-1-1 under the plan. 955

(E) Nothing in sections 4931.40 to ~~4931.70~~ 4931.69 of the 956
Revised Code affects the authority of a subdivision operating or 957
served by a public safety answering point of a 9-1-1 system or a 958
regional council of governments operating a public safety 959
answering point of a 9-1-1 system to use, as provided in the final 960
plan for the system or in an agreement under section 4931.48 of 961
the Revised Code, any other authorized revenue of the subdivision 962
or the regional council of governments for the purposes of 963
providing basic or enhanced 9-1-1. 964

Sec. 4931.65. Except as otherwise provided in section 965
4931.651 of the Revised Code: 966

(A) A countywide 9-1-1 system receiving a disbursement under 967
section 4931.64 of the Revised Code shall provide countywide 968
wireless enhanced 9-1-1 in accordance with sections 4931.40 to 969
~~4931.70~~ 4931.69 of the Revised Code beginning as soon as 970
reasonably possible after receipt of the first disbursement or, if 971
that service is already implemented, shall continue to provide 972
such service. Except as provided in divisions (B) and (C) of this 973
section, a disbursement shall be used solely for the purpose of 974
paying either or both of the following: 975

(1) Any costs of designing, upgrading, purchasing, leasing, 976
programming, installing, testing, or maintaining the necessary 977
data, hardware, software, and trunking required for the public 978
safety answering point or points of the 9-1-1 system to provide 979

wireless enhanced 9-1-1, which costs are incurred before or on or 980
after May 6, 2005, and consist of such additional costs of the 981
9-1-1 system over and above any costs incurred to provide wireline 982
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 983
up to twenty-five thousand dollars of the disbursements received 984
on or after January 1, 2009, may be applied to data, hardware, and 985
software that automatically alerts personnel receiving a 9-1-1 986
call that a person at the subscriber's address or telephone number 987
may have a mental or physical disability, of which that personnel 988
shall inform the appropriate emergency service provider. On or 989
after the provision of technical and operational standards 990
pursuant to division (D)(1) of section 4931.68 of the Revised 991
Code, a regional council of governments operating a public safety 992
answering point or a subdivision shall consider the standards 993
before incurring any costs described in this division. 994

(2) Any costs of training the staff of the public safety 995
answering point or points to provide wireless enhanced 9-1-1, 996
which costs are incurred before or on or after May 6, 2005. 997

(B) Beginning one year following the imposition of the 998
wireless 9-1-1 charge under division (A) of section 4931.61 of the 999
Revised Code, a subdivision or a regional council of governments 1000
that certifies to the Ohio 9-1-1 coordinator that it has paid the 1001
costs described in divisions (A)(1) and (2) of this section and is 1002
providing countywide wireless enhanced 9-1-1 may use disbursements 1003
received under section 4931.64 of the Revised Code to pay any of 1004
its personnel costs of one or more public safety answering points 1005
providing countywide wireless enhanced 9-1-1. 1006

(C) After receiving its April 2013 disbursement under section 1007
4931.64 of the Revised Code, a regional council of governments 1008
operating a public safety answering point or a subdivision may use 1009
any remaining balance of disbursements it received under that 1010
section to pay any of its costs of providing countywide wireless 1011

9-1-1, including the personnel costs of one or more public safety
answering points providing that service.

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

Sec. 4931.66. (A)(1) A telephone company, the state highway
patrol as described in division (J) of section 4931.41 of the
Revised Code, and each subdivision or regional council of
governments operating one or more public safety answering points
for a countywide system providing wireless 9-1-1, shall provide
the Ohio 9-1-1 coordinator with such information as the
coordinator requests for the purposes of carrying out the
coordinator's duties under sections 4931.60 to ~~4931.70~~ 4931.69 of
the Revised Code, including, but not limited to, duties regarding
the collection of the wireless 9-1-1 charge ~~and regarding the~~
~~provision of a report or recommendation imposed~~ under division (A)
of section 4931.70 4931.61 of the Revised Code.

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

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

of the Revised Code. 1043

(B)(1) Any information provided under division (A) of this 1044
section that consists of trade secrets as defined in section 1045
1333.61 of the Revised Code or of information regarding the 1046
customers, revenues, expenses, or network information of a 1047
telephone company shall be confidential and does not constitute a 1048
public record for the purpose of section 149.43 of the Revised 1049
Code. 1050

(2) The public utilities commission, the Ohio 9-1-1 1051
coordinator, and any official, employee, agent, or representative 1052
of the commission, of the state highway patrol as described in 1053
division (J) of section 4931.41 of the Revised Code, or of a 1054
subdivision or regional council of governments operating a public 1055
safety answering point, while acting or claiming to act in the 1056
capacity of the commission or coordinator or such official, 1057
employee, agent, or representative, shall not disclose any 1058
information provided under division (A) of this section regarding 1059
a telephone company's customers, revenues, expenses, or network 1060
information. Nothing in division (B)(2) of this section precludes 1061
any such information from being aggregated and included in any 1062
report required under ~~section 4931.70~~ or division (D)(2) of 1063
section 4931.69 of the Revised Code, provided the aggregated 1064
information does not identify the number of any particular 1065
company's customers or the amount of its revenues or expenses or 1066
identify a particular company as to any network information. 1067

Sec. 4931.67. (A) The public utilities commission, after 1068
consultation with the Ohio 9-1-1 coordinator, shall adopt rules in 1069
accordance with Chapter 119. of the Revised Code to carry out 1070
sections 4931.60 to ~~4931.70~~ 4931.69 of the Revised Code, except 1071
for section 4931.622 of the Revised Code, and including rules 1072
prescribing the necessary accounting for a wireless service 1073

provider's or reseller's billing and collection fee under division 1074
(A)(2) of section 4931.62 of the Revised Code ~~and rules~~ 1075
~~establishing a fair and reasonable process for recommending the~~ 1076
~~amount of the wireless 9-1-1 charge as authorized under division~~ 1077
~~(B) of section 4931.70 of the Revised Code.~~ The amount of the 1078
wireless 9-1-1 charge shall be prescribed only by act of the 1079
general assembly. 1080

(B) In accordance with Chapter 119. of the Revised Code, the 1081
tax commissioner shall adopt rules as necessary to carry out 1082
sections 4931.61 to 4931.622 of the Revised Code. 1083

Sec. 4931.69. (A) There is hereby created the wireless 9-1-1 1084
advisory board, consisting of the Ohio 9-1-1 council appointee 1085
that represents public safety communications officials and five 1086
members appointed by the governor as follows: one of the council 1087
appointees that represents wireless service providers in this 1088
state, whose council term expires after the council term of the 1089
council appointee representing public safety communications 1090
officials, one noncouncil representative of wireless service 1091
providers in this state, one noncouncil representative of public 1092
safety communications officials in this state, and two noncouncil 1093
representatives of municipal and county governments in this state. 1094

(B) The terms of the advisory board members who are also 1095
council members shall be concurrent with their terms as members of 1096
the council, as prescribed under division (B) of section 4931.68 1097
of the Revised Code. The terms of the initial noncouncil appointee 1098
to the advisory board who represents wireless service providers 1099
and of one of the initial noncouncil appointees who represents 1100
municipal and county government shall expire on January 31, 2009. 1101
The terms of the initial noncouncil appointee to the advisory 1102
board representing public safety communications officials and of 1103
the other initial noncouncil appointee representing municipal and 1104

county government shall expire on January 31, 2010. Thereafter, 1105
terms of the noncouncil appointees shall be for three years, with 1106
each term ending on the same day of the same month as the term it 1107
succeeds. The conditions of holding office, manner of filling 1108
vacancies, and other matters concerning service by any member of 1109
the advisory board shall be the same as set forth for council 1110
members under division (B) of section 4931.68 of the Revised Code. 1111

(C) The Ohio 9-1-1 coordinator shall appoint the chairperson 1112
of the advisory board. Each member of the board shall be a voting 1113
member and shall have one vote in all deliberations of the board. 1114
A majority of the members constitutes a quorum. 1115

~~(D)(1) The advisory board shall make a recommendation to the 1116
coordinator regarding the amount of the wireless 9-1-1 charge to 1117
be included in the report required by division (B) of section 1118
4931.70 of the Revised Code and shall consult with the coordinator 1119
regarding that report. 1120~~

~~(2) The advisory board shall make recommendations to and 1121
consult with the public utilities commission ~~and~~, the coordinator, 1122
and the tax commissioner regarding any rules to be adopted under 1123
section 4931.67 of the Revised Code. 1124~~

(E) The advisory board is not an agency, as defined in 1125
section 101.82 of the Revised Code, for purposes of sections 1126
101.82 to 101.87 of the Revised Code. 1127

Sec. 4931.99. (A) Whoever violates division ~~(D)~~(E) of section 1128
4931.49 of the Revised Code is guilty of a misdemeanor of the 1129
fourth degree. 1130

(B) Whoever violates division (B) of section 4931.06 of the 1131
Revised Code is guilty of a misdemeanor in the first degree. 1132

(C) Whoever violates division ~~(E)~~(F) or ~~(F)~~(G) of section 1133
4931.49 or division (B)(2) of section 4931.66 of the Revised Code 1134

is guilty of a misdemeanor of the fourth degree on a first offense 1135
and a felony of the fifth degree on each subsequent offense. 1136

(D) Whoever violates section 4931.75 of the Revised Code is 1137
guilty of a minor misdemeanor for a first offense and a 1138
misdemeanor of the first degree on each subsequent offense. 1139

Section 2. That existing sections 167.03, 4927.03, 4927.15, 1140
4931.40, 4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 1141
4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 1142
4931.99 and section 4931.70 of the Revised Code are hereby 1143
repealed. 1144

Section 3. Sections 1 and 2 of this act take effect July 1, 1145
2013. 1146