

As Reported by the Senate Energy and 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, Combs, Stautberg Speaker Batchelder

Senators Hite, LaRose

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A B I L L

To amend sections 125.183, 167.03, 2307.64, 2913.01,	1
3745.13, 4742.01, 4905.30, 4927.03, 4927.15,	2
4931.40, 4931.41, 4931.42, 4931.43, 4931.44,	3
4931.45, 4931.46, 4931.47, 4931.48, 4931.49,	4
4931.50, 4931.51, 4931.52, 4931.53, 4931.54,	5
4931.60, 4931.61, 4931.62, 4931.63, 4931.64,	6
4931.65, 4931.651, 4931.66, 4931.67, 4931.68,	7
4931.69, 4931.99, 5705.19, and 5733.55; to amend,	8
for the purpose of adopting new section numbers as	9
indicated in parentheses, sections 125.183	10
(5507.02), 4931.40 (5507.01), 4931.41 (5507.03),	11
4931.42 (5507.06), 4931.43 (5507.07), 4931.44	12
(5507.08), 4931.45 (5507.12), 4931.46 (5507.15),	13
4931.47 (5507.18), 4931.48 (5507.09), 4931.49	14
(5507.32), 4931.50 (5507.34), 4931.51 (5507.22),	15
4931.52 (5507.25), 4931.53 (5507.26), 4931.54	16
(5507.27), 4931.60 (5507.40), 4931.61 (5507.42),	17
4931.62 (5507.46), 4931.63 (5507.53), 4931.64	18
(5507.55), 4931.65 (5507.57), 4931.651 (5507.571),	19
4931.66 (5507.60), 4931.67 (5507.63), 4931.68	20
(5507.65), 4931.69 (5507.66), 4931.75 (4931.10),	21

and 4931.99 (5507.99); to enact new section 22
4931.99 and sections 5507.021, 5507.022, 5507.44, 23
5507.51, and 5507.52; and to repeal section 24
4931.70 of the Revised Code to transfer certain 25
9-1-1 authority to the Director of Public Safety 26
and to the tax commissioner, to revise the amount 27
and methods of collection and remittance of the 28
wireless 9-1-1 charge for prepaid wireless 29
services, and to declare an emergency. 30

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

Section 1. That sections 125.183, 167.03, 2307.64, 2913.01, 31
3745.13, 4742.01, 4905.30, 4927.03, 4927.15, 4931.40, 4931.41, 32
4931.42, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 33
4931.49, 4931.50, 4931.51, 4931.52, 4931.53, 4931.54, 4931.60, 34
4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.651, 4931.66, 35
4931.67, 4931.68, 4931.69, 4931.99, 5705.19, and 5733.55 be 36
amended; sections 125.183 (5507.02), 4931.40 (5507.01), 4931.41 37
(5507.03), 4931.42 (5507.06), 4931.43 (5507.07), 4931.44 38
(5507.08), 4931.45 (5507.12), 4931.46 (5507.15), 4931.47 39
(5507.18), 4931.48 (5507.09), 4931.49 (5507.32), 4931.50 40
(5507.34), 4931.51 (5507.22), 4931.52 (5507.25), 4931.53 41
(5507.26), 4931.54 (5507.27), 4931.60 (5507.40), 4931.61 42
(5507.42), 4931.62 (5507.46), 4931.63 (5507.53), 4931.64 43
(5507.55), 4931.65 (5507.57), 4931.651 (5507.571), 4931.66 44
(5507.60), 4931.67 (5507.63), 4931.68 (5507.65), 4931.69 45
(5507.66), 4931.75 (4931.10), and 4931.99 (5507.99) be amended for 46
the purpose of adopting new section numbers as indicated in 47
parentheses; that new section 4931.99 and sections 5507.021, 48
5507.022, 5507.44, 5507.51, and 5507.52 of the Revised Code be 49
enacted to read as follows: 50

Sec. 167.03. (A) The council shall have the power to: 51

(1) Study such area governmental problems common to two or 52
more members of the council as it deems appropriate, including but 53
not limited to matters affecting health, safety, welfare, 54
education, economic conditions, and regional development; 55

(2) Promote cooperative arrangements and coordinate action 56
among its members, and between its members and other agencies of 57
local or state governments, whether or not within Ohio, and the 58
federal government; 59

(3) Make recommendations for review and action to the members 60
and other public agencies that perform functions within the 61
region; 62

(4) Promote cooperative agreements and contracts among its 63
members or other governmental agencies and private persons, 64
corporations, or agencies; 65

(5) Operate a public safety answering point in accordance 66
with ~~sections 4931.40 to 4931.70~~ Chapter 5507. of the Revised 67
Code; 68

(6) Perform planning directly by personnel of the council, or 69
under contracts between the council and other public or private 70
planning agencies. 71

(B) The council may: 72

(1) Review, evaluate, comment upon, and make recommendations, 73
relative to the planning and programming, and the location, 74
financing, and scheduling of public facility projects within the 75
region and affecting the development of the area; 76

(2) Act as an areawide agency to perform comprehensive 77
planning for the programming, locating, financing, and scheduling 78
of public facility projects within the region and affecting the 79
development of the area and for other proposed land development or 80

uses, which projects or uses have public metropolitan wide or 81
interjurisdictional significance; 82

(3) Act as an agency for coordinating, based on metropolitan 83
wide comprehensive planning and programming, local public 84
policies, and activities affecting the development of the region 85
or area. 86

(C) The council may, by appropriate action of the governing 87
bodies of the members, perform such other functions and duties as 88
are performed or capable of performance by the members and 89
necessary or desirable for dealing with problems of mutual 90
concern. 91

(D) The authority granted to the council by this section or 92
in any agreement by the members thereof shall not displace any 93
existing municipal, county, regional, or other planning commission 94
or planning agency in the exercise of its statutory powers. 95

Sec. 2307.64. (A) As used in this section: 96

(1) "Advertisement" has the same meaning as in section 97
~~4931.75~~ 4931.10 of the Revised Code. 98

(2) "Computer," "computer network," "computer program," 99
"computer services," and "telecommunications device" have the same 100
meanings as in section 2913.01 of the Revised Code. 101

(3) "Electronic mail" means an electronic message that is 102
transmitted between two or more telecommunications devices or 103
electronic devices capable of receiving electronic messages, 104
whether or not the message is converted to hard copy format after 105
receipt, and whether or not the message is viewed upon the 106
transmission or stored for later retrieval. "Electronic mail" 107
includes electronic messages that are transmitted through a local, 108
regional, or global computer network. 109

(4) "Electronic mail advertisement" means electronic mail 110

containing an advertisement. 111

(5) "Electronic mail service provider" means any person that 112
is an intermediary in sending and receiving electronic mail and 113
that provides to users of electronic mail services the ability to 114
send or receive electronic mail. "Electronic mail service 115
provider" includes an internet service provider. 116

(6) "Originating address" means the string of characters used 117
to specify the source of any electronic mail message. 118

(7) "Person" has the same meaning as in section 1.59 of the 119
Revised Code, but when a person is not an individual, the person 120
responsible for transmitting or causing to be transmitted an 121
electronic mail advertisement is the particular division of the 122
partnership, corporation, or other business entity actually 123
responsible for the transmission of the electronic mail 124
advertisement. 125

(8) "Pre-existing business relationship" means that there was 126
a business transaction between the initiator and the recipient of 127
a commercial electronic mail message during the five-year period 128
preceding the receipt of that message. A pre-existing business 129
relationship includes a transaction involving the free provision 130
of information, goods, or services requested by the recipient. A 131
pre-existing business relationship does not exist after a 132
recipient requests to be removed from the distribution lists of an 133
initiator pursuant to division (B) of this section and a 134
reasonable amount of time has expired since that request. 135

(9) "Receiving address" means the string of characters used 136
to specify a recipient with each receiving address creating a 137
unique and separate recipient. 138

(10) "Recipient" means a person who receives an electronic 139
mail advertisement at any one of the following receiving 140
addresses: 141

(a) A receiving address furnished by an electronic mail service provider that bills for furnishing and maintaining that receiving address to a mailing address within this state;	142 143 144
(b) A receiving address ordinarily accessed from a computer located within this state;	145 146
(c) A receiving address ordinarily accessed by a person domiciled within this state;	147 148
(d) Any other receiving address with respect to which the obligations imposed by this section can be imposed consistent with the United States Constitution.	149 150 151
(B)(1) Except as otherwise provided in division (B)(3) of this section, a person that transmits or causes to be transmitted to a recipient an electronic mail advertisement shall clearly and conspicuously provide to the recipient, within the body of the electronic mail advertisement, both of the following:	152 153 154 155 156
(a) The person's name and complete residence or business address and the electronic mail address of the person transmitting the electronic mail advertisement;	157 158 159
(b) A notice that the recipient may decline to receive from the person transmitting or causing to be transmitted the electronic mail advertisement any additional electronic mail advertisements and a detailed procedure for declining to receive any additional electronic mail advertisements at no cost. The notice shall be of the same size of type as the majority of the text of the message and shall not require that the recipient provide any information other than the receiving address.	160 161 162 163 164 165 166 167
(2) If the recipient of an electronic mail advertisement uses the procedure contained in the notice described in division (B)(1)(b) of this section to decline to receive any additional electronic mail advertisements, the person that transmitted or caused to be transmitted the original electronic mail	168 169 170 171 172

advertisement, within a reasonable period of time, shall cease 173
transmitting or causing to be transmitted to the receiving address 174
any additional electronic mail advertisements. 175

(3) A person does not violate division (B) of this section if 176
the person transmits or causes to be transmitted to the recipient 177
an electronic mail advertisement when any of the following apply: 178

(a) The person has a pre-existing business or personal 179
relationship with the recipient. 180

(b) The recipient has consented or has agreed as a condition 181
of service to receive the electronic mail advertisement. 182

(c) The recipient receives the electronic mail advertisement 183
because another recipient forwarded the advertisement to that 184
recipient via an internet web site or another recipient made a 185
direct referral of that recipient to receive the advertisement. 186

(C) No person shall use a computer, a computer network, or 187
the computer services of an electronic mail service provider to 188
transmit an electronic mail advertisement in contravention of the 189
authority granted by, or in violation of the policies related to 190
electronic mail advertisements set by, the electronic mail service 191
provider if the electronic mail service provider has provided the 192
person notice of those policies. For the purposes of this 193
division, notice of those policies shall be deemed sufficient if 194
an electronic mail service provider maintains an easily accessible 195
web page containing its policies regarding electronic mail 196
advertisements and can demonstrate that notice was supplied via 197
electronic means between the sending and receiving computers. 198

(D) No electronic mail service provider shall be liable for 199
transmitting another person's electronic mail advertisement 200
through its service in violation of this section, or shall be 201
liable for any action it voluntarily takes in good faith to block 202
the receipt or transmission through its service of any electronic 203

mail advertisement that it believes is, or will be sent, in 204
violation of this section. 205

(E) A recipient of an electronic mail advertisement 206
transmitted in violation of division (B) of this section may bring 207
a civil action against a person who transmitted that advertisement 208
or caused it to be transmitted. In that action, the recipient may 209
recover the following: 210

(1) One hundred dollars for each violation, not to exceed a 211
total of fifty thousand dollars; 212

(2) Reasonable attorney's fees, court costs, and other costs 213
of bringing the action. 214

(F) An electronic mail service provider whose authority or 215
policy has been contravened in violation of division (C) of this 216
section may bring a civil action against a person who transmitted 217
that advertisement or caused it to be transmitted. In that action, 218
the electronic mail service provider may recover the following: 219

(1)(a) Fifty dollars for each violation of division (C) of 220
this section, not to exceed fifty thousand dollars; 221

(b) If a violation of division (C) of this section is a 222
willful or knowing violation, the court may increase the amount 223
recoverable to an amount not to exceed five hundred thousand 224
dollars. 225

(c) If a violation of division (C) of this section is 226
accompanied by a violation of division (H) of this section, there 227
shall be no limit on the amount that may be recovered pursuant to 228
this section. 229

(2) Reasonable attorney's fees, court costs, and other costs 230
of bringing the action. 231

(G) In addition to any recovery that is allowed under 232
~~divisions~~ division (E) or (F) of this section, the recipient of an 233

electronic mail advertisement transmitted in violation of division 234
(B) of this section or the electronic mail service provider of an 235
advertisement transmitted in violation of division (C) of this 236
section may apply to the court of common pleas of the county in 237
which the recipient resides or the service provider is located for 238
an order enjoining the person who transmitted or caused to be 239
transmitted that electronic mail advertisement from transmitting 240
or causing to be transmitted to the recipient any additional 241
electronic mail advertisement. 242

(H) No person shall use a computer, a computer network, a 243
computer program, or the computer services of an electronic mail 244
service provider with the intent to forge an originating address 245
or other routing information, in any manner, in connection with 246
the transmission of an electronic mail advertisement through or 247
into the network of an electronic mail service provider or its 248
subscribers. Each use of a computer, a computer network, a 249
computer program, or the computer services of an electronic mail 250
service provider in violation of this division constitutes a 251
separate offense. A person who violates this division is guilty of 252
forgery under section 2913.31 of the Revised Code. 253

Sec. 2913.01. As used in this chapter, unless the context 254
requires that a term be given a different meaning: 255

(A) "Deception" means knowingly deceiving another or causing 256
another to be deceived by any false or misleading representation, 257
by withholding information, by preventing another from acquiring 258
information, or by any other conduct, act, or omission that 259
creates, confirms, or perpetuates a false impression in another, 260
including a false impression as to law, value, state of mind, or 261
other objective or subjective fact. 262

(B) "Defraud" means to knowingly obtain, by deception, some 263
benefit for oneself or another, or to knowingly cause, by 264

deception, some detriment to another.	265
(C) "Deprive" means to do any of the following:	266
(1) Withhold property of another permanently, or for a period	267
that appropriates a substantial portion of its value or use, or	268
with purpose to restore it only upon payment of a reward or other	269
consideration;	270
(2) Dispose of property so as to make it unlikely that the	271
owner will recover it;	272
(3) Accept, use, or appropriate money, property, or services,	273
with purpose not to give proper consideration in return for the	274
money, property, or services, and without reasonable justification	275
or excuse for not giving proper consideration.	276
(D) "Owner" means, unless the context requires a different	277
meaning, any person, other than the actor, who is the owner of,	278
who has possession or control of, or who has any license or	279
interest in property or services, even though the ownership,	280
possession, control, license, or interest is unlawful.	281
(E) "Services" include labor, personal services, professional	282
services, rental services, public utility services including	283
wireless service as defined in division (F)(1) of section 4931.40	284
<u>5507.01</u> of the Revised Code, common carrier services, and food,	285
drink, transportation, entertainment, and cable television	286
services and, for purposes of section 2913.04 of the Revised Code,	287
include cable services as defined in that section.	288
(F) "Writing" means any computer software, document, letter,	289
memorandum, note, paper, plate, data, film, or other thing having	290
in or upon it any written, typewritten, or printed matter, and any	291
token, stamp, seal, credit card, badge, trademark, label, or other	292
symbol of value, right, privilege, license, or identification.	293
(G) "Forge" means to fabricate or create, in whole or in part	294

and by any means, any spurious writing, or to make, execute, 295
alter, complete, reproduce, or otherwise purport to authenticate 296
any writing, when the writing in fact is not authenticated by that 297
conduct. 298

(H) "Utter" means to issue, publish, transfer, use, put or 299
send into circulation, deliver, or display. 300

(I) "Coin machine" means any mechanical or electronic device 301
designed to do both of the following: 302

(1) Receive a coin, bill, or token made for that purpose; 303

(2) In return for the insertion or deposit of a coin, bill, 304
or token, automatically dispense property, provide a service, or 305
grant a license. 306

(J) "Slug" means an object that, by virtue of its size, 307
shape, composition, or other quality, is capable of being inserted 308
or deposited in a coin machine as an improper substitute for a 309
genuine coin, bill, or token made for that purpose. 310

(K) "Theft offense" means any of the following: 311

(1) A violation of section 2911.01, 2911.02, 2911.11, 312
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 313
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 314
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 315
2913.47, 2913.48, former section 2913.47 or 2913.48, section 316
2913.51, 2915.05, or 2921.41, or division (B)(2) of section 317
4737.04 of the Revised Code; 318

(2) A violation of an existing or former municipal ordinance 319
or law of this or any other state, or of the United States, 320
substantially equivalent to any section listed in division (K)(1) 321
of this section or a violation of section 2913.41, 2913.81, or 322
2915.06 of the Revised Code as it existed prior to July 1, 1996; 323

(3) An offense under an existing or former municipal 324

ordinance or law of this or any other state, or of the United 325
States, involving robbery, burglary, breaking and entering, theft, 326
embezzlement, wrongful conversion, forgery, counterfeiting, 327
deceit, or fraud; 328

(4) A conspiracy or attempt to commit, or complicity in 329
committing, any offense under division (K)(1), (2), or (3) of this 330
section. 331

(L) "Computer services" includes, but is not limited to, the 332
use of a computer system, computer network, computer program, data 333
that is prepared for computer use, or data that is contained 334
within a computer system or computer network. 335

(M) "Computer" means an electronic device that performs 336
logical, arithmetic, and memory functions by the manipulation of 337
electronic or magnetic impulses. "Computer" includes, but is not 338
limited to, all input, output, processing, storage, computer 339
program, or communication facilities that are connected, or 340
related, in a computer system or network to an electronic device 341
of that nature. 342

(N) "Computer system" means a computer and related devices, 343
whether connected or unconnected, including, but not limited to, 344
data input, output, and storage devices, data communications 345
links, and computer programs and data that make the system capable 346
of performing specified special purpose data processing tasks. 347

(O) "Computer network" means a set of related and remotely 348
connected computers and communication facilities that includes 349
more than one computer system that has the capability to transmit 350
among the connected computers and communication facilities through 351
the use of computer facilities. 352

(P) "Computer program" means an ordered set of data 353
representing coded instructions or statements that, when executed 354
by a computer, cause the computer to process data. 355

(Q) "Computer software" means computer programs, procedures, 356
and other documentation associated with the operation of a 357
computer system. 358

(R) "Data" means a representation of information, knowledge, 359
facts, concepts, or instructions that are being or have been 360
prepared in a formalized manner and that are intended for use in a 361
computer, computer system, or computer network. For purposes of 362
section 2913.47 of the Revised Code, "data" has the additional 363
meaning set forth in division (A) of that section. 364

(S) "Cable television service" means any services provided by 365
or through the facilities of any cable television system or other 366
similar closed circuit coaxial cable communications system, or any 367
microwave or similar transmission service used in connection with 368
any cable television system or other similar closed circuit 369
coaxial cable communications system. 370

(T) "Gain access" means to approach, instruct, communicate 371
with, store data in, retrieve data from, or otherwise make use of 372
any resources of a computer, computer system, or computer network, 373
or any cable service or cable system both as defined in section 374
2913.04 of the Revised Code. 375

(U) "Credit card" includes, but is not limited to, a card, 376
code, device, or other means of access to a customer's account for 377
the purpose of obtaining money, property, labor, or services on 378
credit, or for initiating an electronic fund transfer at a 379
point-of-sale terminal, an automated teller machine, or a cash 380
dispensing machine. It also includes a county procurement card 381
issued under section 301.29 of the Revised Code. 382

(V) "Electronic fund transfer" has the same meaning as in 92 383
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 384

(W) "Rented property" means personal property in which the 385
right of possession and use of the property is for a short and 386

possibly indeterminate term in return for consideration; the 387
rentee generally controls the duration of possession of the 388
property, within any applicable minimum or maximum term; and the 389
amount of consideration generally is determined by the duration of 390
possession of the property. 391

(X) "Telecommunication" means the origination, emission, 392
dissemination, transmission, or reception of data, images, 393
signals, sounds, or other intelligence or equivalence of 394
intelligence of any nature over any communications system by any 395
method, including, but not limited to, a fiber optic, electronic, 396
magnetic, optical, digital, or analog method. 397

(Y) "Telecommunications device" means any instrument, 398
equipment, machine, or other device that facilitates 399
telecommunication, including, but not limited to, a computer, 400
computer network, computer chip, computer circuit, scanner, 401
telephone, cellular telephone, pager, personal communications 402
device, transponder, receiver, radio, modem, or device that 403
enables the use of a modem. 404

(Z) "Telecommunications service" means the providing, 405
allowing, facilitating, or generating of any form of 406
telecommunication through the use of a telecommunications device 407
over a telecommunications system. 408

(AA) "Counterfeit telecommunications device" means a 409
telecommunications device that, alone or with another 410
telecommunications device, has been altered, constructed, 411
manufactured, or programmed to acquire, intercept, receive, or 412
otherwise facilitate the use of a telecommunications service or 413
information service without the authority or consent of the 414
provider of the telecommunications service or information service. 415
"Counterfeit telecommunications device" includes, but is not 416
limited to, a clone telephone, clone microchip, tumbler telephone, 417
or tumbler microchip; a wireless scanning device capable of 418

acquiring, intercepting, receiving, or otherwise facilitating the 419
use of telecommunications service or information service without 420
immediate detection; or a device, equipment, hardware, or software 421
designed for, or capable of, altering or changing the electronic 422
serial number in a wireless telephone. 423

(BB)(1) "Information service" means, subject to division 424
(BB)(2) of this section, the offering of a capability for 425
generating, acquiring, storing, transforming, processing, 426
retrieving, utilizing, or making available information via 427
telecommunications, including, but not limited to, electronic 428
publishing. 429

(2) "Information service" does not include any use of a 430
capability of a type described in division (BB)(1) of this section 431
for the management, control, or operation of a telecommunications 432
system or the management of a telecommunications service. 433

(CC) "Elderly person" means a person who is sixty-five years 434
of age or older. 435

(DD) "Disabled adult" means a person who is eighteen years of 436
age or older and has some impairment of body or mind that makes 437
the person unable to work at any substantially remunerative 438
employment that the person otherwise would be able to perform and 439
that will, with reasonable probability, continue for a period of 440
at least twelve months without any present indication of recovery 441
from the impairment, or who is eighteen years of age or older and 442
has been certified as permanently and totally disabled by an 443
agency of this state or the United States that has the function of 444
so classifying persons. 445

(EE) "Firearm" and "dangerous ordnance" have the same 446
meanings as in section 2923.11 of the Revised Code. 447

(FF) "Motor vehicle" has the same meaning as in section 448
4501.01 of the Revised Code. 449

(GG) "Dangerous drug" has the same meaning as in section 450
4729.01 of the Revised Code. 451

(HH) "Drug abuse offense" has the same meaning as in section 452
2925.01 of the Revised Code. 453

(II)(1) "Computer hacking" means any of the following: 454

(a) Gaining access or attempting to gain access to all or 455
part of a computer, computer system, or a computer network without 456
express or implied authorization with the intent to defraud or 457
with intent to commit a crime; 458

(b) Misusing computer or network services including, but not 459
limited to, mail transfer programs, file transfer programs, proxy 460
servers, and web servers by performing functions not authorized by 461
the owner of the computer, computer system, or computer network or 462
other person authorized to give consent. As used in this division, 463
"misuse of computer and network services" includes, but is not 464
limited to, the unauthorized use of any of the following: 465

(i) Mail transfer programs to send mail to persons other than 466
the authorized users of that computer or computer network; 467

(ii) File transfer program proxy services or proxy servers to 468
access other computers, computer systems, or computer networks; 469

(iii) Web servers to redirect users to other web pages or web 470
servers. 471

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 472
using a group of computer programs commonly known as "port 473
scanners" or "probes" to intentionally access any computer, 474
computer system, or computer network without the permission of the 475
owner of the computer, computer system, or computer network or 476
other person authorized to give consent. The group of computer 477
programs referred to in this division includes, but is not limited 478
to, those computer programs that use a computer network to access 479

a computer, computer system, or another computer network to 480
determine any of the following: the presence or types of computers 481
or computer systems on a network; the computer network's 482
facilities and capabilities; the availability of computer or 483
network services; the presence or versions of computer software 484
including, but not limited to, operating systems, computer 485
services, or computer contaminants; the presence of a known 486
computer software deficiency that can be used to gain unauthorized 487
access to a computer, computer system, or computer network; or any 488
other information about a computer, computer system, or computer 489
network not necessary for the normal and lawful operation of the 490
computer initiating the access. 491

(ii) The group of computer programs referred to in division 492
(II)(1)(c)(i) of this section does not include standard computer 493
software used for the normal operation, administration, 494
management, and test of a computer, computer system, or computer 495
network including, but not limited to, domain name services, mail 496
transfer services, and other operating system services, computer 497
programs commonly called "ping," "tcpdump," and "traceroute" and 498
other network monitoring and management computer software, and 499
computer programs commonly known as "nslookup" and "whois" and 500
other systems administration computer software. 501

(d) The intentional use of a computer, computer system, or a 502
computer network in a manner that exceeds any right or permission 503
granted by the owner of the computer, computer system, or computer 504
network or other person authorized to give consent. 505

(2) "Computer hacking" does not include the introduction of a 506
computer contaminant, as defined in section 2909.01 of the Revised 507
Code, into a computer, computer system, computer program, or 508
computer network. 509

(JJ) "Police dog or horse" has the same meaning as in section 510
2921.321 of the Revised Code. 511

(KK) "Anhydrous ammonia" is a compound formed by the 512
combination of two gaseous elements, nitrogen and hydrogen, in the 513
manner described in this division. Anhydrous ammonia is one part 514
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 515
weight is fourteen parts nitrogen to three parts hydrogen, which 516
is approximately eighty-two per cent nitrogen to eighteen per cent 517
hydrogen. 518

(LL) "Assistance dog" has the same meaning as in section 519
955.011 of the Revised Code. 520

(MM) "Federally licensed firearms dealer" has the same 521
meaning as in section 5502.63 of the Revised Code. 522

Sec. 3745.13. (A) When emergency action is required to 523
protect the public health or safety or the environment, any person 524
responsible for causing or allowing an unauthorized spill, 525
release, or discharge of material into or upon the environment or 526
responsible for the operation of an illegal methamphetamine 527
manufacturing laboratory that has caused contamination of the 528
environment is liable to the municipal corporation, county, 529
township, countywide emergency management agency established under 530
section 5502.26 of the Revised Code, regional authority for 531
emergency management established under section ~~5507.27~~ 5502.27 of 532
the Revised Code, or emergency management program established by a 533
political subdivision under section 5502.271 of the Revised Code, 534
having territorial jurisdiction, or responsibility for emergency 535
management activities in the location of the spill, release, 536
discharge, or contamination, for the necessary and reasonable, 537
additional or extraordinary costs it incurs in investigating, 538
mitigating, minimizing, removing, or abating the spill, release, 539
discharge, or contamination, in the course of its emergency 540
action, but, to the extent criteria and methods for response 541
actions prescribed under 40 C.F.R. 300, as amended, may be applied 542

to the type of material involved and the conditions of the spill, 543
release, discharge, or contamination, that person is liable for 544
those costs only if the political subdivision, countywide agency, 545
or regional authority employed those criteria and methods in its 546
emergency action. 547

The officers of the municipal corporation, county, township, 548
countywide emergency management agency, or regional authority for 549
emergency management performing the emergency action shall keep a 550
detailed record of its costs for investigating, mitigating, 551
minimizing, removing, or abating the unauthorized spill, release, 552
discharge, or contamination; promptly after the completion of 553
those measures, shall certify those costs to the city director of 554
law or village solicitor, as appropriate, of the municipal 555
corporation, the prosecuting attorney of the county in the case of 556
a county, township, or countywide emergency management agency, or 557
the legal counsel retained thereby in the case of a regional 558
authority for emergency management; and may request that the legal 559
officer or counsel bring a civil action for recovery of costs 560
against the person responsible for the unauthorized spill, 561
release, or discharge or responsible for the operation of the 562
illegal methamphetamine manufacturing laboratory that caused 563
contamination of the environment. If the officers request that the 564
legal officer or counsel bring such a civil action regarding 565
emergency action taken in relation to the operation of an illegal 566
methamphetamine manufacturing laboratory that has caused 567
contamination of the environment, the legal officer or counsel 568
also may pursue a forfeiture proceeding against the responsible 569
person under Chapter 2981. of the Revised Code, or in any other 570
manner authorized by law. 571

The legal officer or counsel shall submit a written, itemized 572
claim for the total certified costs incurred by the municipal 573
corporation, county, township, countywide agency, or regional 574

authority for the emergency action to the responsible party and a 575
written demand that those costs be paid to the political 576
subdivision, countywide agency, or regional authority. Not less 577
than thirty days before bringing a civil action for recovery of 578
those costs, the legal officer or counsel shall mail written 579
notice to the responsible party informing the responsible party 580
that, unless the total certified costs are paid to the political 581
subdivision, countywide agency, or regional authority within 582
thirty days after the date of mailing of the notice, the legal 583
officer or counsel will bring a civil action for that amount. 584
Except for emergency action taken in relation to the operation of 585
an illegal methamphetamine manufacturing laboratory that has 586
caused contamination of the environment, in making a determination 587
of an award for reimbursement, the responsible party's status as a 588
taxpayer to the governmental entity shall be taken into 589
consideration. Nothing in this section prevents a political 590
subdivision, countywide emergency management agency, or regional 591
authority for emergency management from entering into a settlement 592
of a claim against a responsible party that compromises the amount 593
of the claim. Moneys recovered as described in this section shall 594
be credited to the appropriate funds of the political subdivision, 595
countywide agency, or regional authority from which moneys were 596
expended in performing the emergency action. 597

(B) As used in this section: 598

(1) "Methamphetamine" means methamphetamine, any salt, 599
isomer, or salt of an isomer of methamphetamine, or any compound, 600
mixture, preparation, or substance containing methamphetamine or 601
any salt, isomer, or salt of an isomer of methamphetamine. 602

(2) "Illegal methamphetamine manufacturing laboratory" means 603
any laboratory or other premises that is used for the manufacture 604
or production of methamphetamine in violation of section 2925.04 605
of the Revised Code, whether or not there has been a prior 606

conviction of that violation. 607

Sec. 4742.01. As used in this chapter: 608

(A) "Emergency service provider" has the same meaning as in 609
section ~~4931.40~~ 5507.01 of the Revised Code. 610

(B) "Emergency service telecommunicator" means an individual 611
employed by an emergency service provider, whose primary 612
responsibility is to be an operator for the receipt or processing 613
of calls for emergency services made by telephone, radio, or other 614
electronic means. 615

Sec. 4905.30. (A) A public utility shall print and file with 616
the public utilities commission schedules showing all rates, joint 617
rates, rentals, tolls, classifications, and charges for service of 618
every kind furnished by it, and all rules and regulations 619
affecting them. The schedules shall be plainly printed and kept 620
open to public inspection. The commission may prescribe the form 621
of every such schedule, and may prescribe, by order, changes in 622
the form of such schedules. The commission may establish and 623
modify rules and regulations for keeping such schedules open to 624
public inspection. A copy of the schedules, or so much thereof as 625
the commission deems necessary for the use and information of the 626
public, shall be printed in plain type and kept on file or posted 627
in such places and in such manner as the commission orders. 628

(B) Division (A) of this section applies to a telephone 629
company only regarding rates, joint rates, tolls, classifications, 630
charges, rules, and regulations established pursuant to sections 631
4905.71, 4927.12, 4927.13, 4927.14, 4927.15, and 4927.18, ~~and~~ 632
~~4931.47~~ of the Revised Code. 633

Sec. 4927.03. (A) Except as provided in divisions (A) and (B) 634
of section 4927.04 of the Revised Code and except to the extent 635

required to exercise authority under federal law, the public 636
utilities commission has no authority over any interconnected 637
voice over internet protocol-enabled service or any 638
telecommunications service that is not commercially available on 639
~~the effective date of this section September 13, 2010,~~ and that 640
employs technology that became available for commercial use only 641
~~after the effective date of this section September 13, 2010,~~ 642
unless the commission, upon a finding that the exercise of the 643
commission's authority is necessary for the protection, welfare, 644
and safety of the public, adopts rules specifying the necessary 645
regulation. A consumer purchase of a service that is not 646
commercially available on ~~the effective date of this section~~ 647
September 13, 2010, and that employs technology that became 648
available for commercial use only after ~~the effective date of this~~ 649
~~section September 13, 2010,~~ shall constitute a consumer 650
transaction for purposes of sections 1345.01 to 1345.13 of the 651
Revised Code, notwithstanding any provision of those sections to 652
the contrary, unless the commission exercises jurisdiction over 653
the service in accordance with this division. Notwithstanding any 654
contrary provision of Chapter 4911. of the Revised Code, to the 655
extent that the commission adopts rules under division (A) of this 656
section regarding any interconnected voice over internet protocol 657
enabled service provided to residential customers or regarding any 658
telecommunications service that is provided to residential 659
customers, that is not commercially available on ~~the effective~~ 660
~~date of this section September 13, 2010,~~ and that employs 661
technology that became available for commercial use only after ~~the~~ 662
~~effective date of this section September 13, 2010,~~ the office of 663
the consumers' counsel shall have authority to assist and 664
represent residential customers in the implementation and 665
enforcement of those rules. 666

(B)(1) The commission has no authority over wireless service, 667
resellers of wireless service, or wireless service providers, 668

except as follows: 669

(a) As provided under ~~sections~~ section 4905.84, ~~4931.40 to~~ 670
~~4931.70, and 4931.99~~ of the Revised Code; 671

(b) With respect to division (C) of section 4927.15 of the 672
Revised Code; 673

(c) As provided in divisions (B)(2), (3), and (4) of this 674
section. 675

(2) The commission has authority over wireless service and 676
wireless service providers as follows, but only to the extent 677
authorized by federal law, including federal regulations: 678

(a) To the extent that the commission carries out the acts 679
described in divisions (A), (B), (C), (D), and (F) of section 680
4927.04 of the Revised Code; 681

(b) As provided in sections 4927.05, 4927.20, and 4927.21 of 682
the Revised Code. 683

(3) The requirements of sections 4905.10, 4905.14, and 684
4911.18 of the Revised Code shall apply to a wireless service 685
provider. 686

(4) The commission has such authority as is necessary to 687
enforce division (B) of this section. 688

(C) For purposes of sections 4927.01 to 4927.21 of the 689
Revised Code, sections 4903.02, 4903.03, 4903.24, 4903.25, 690
4905.04, 4905.05, 4905.06, 4905.13, 4905.15, 4905.16, 4905.17, 691
4905.22, 4905.26, 4905.27, 4905.28, 4905.29, 4905.31, 4905.32, 692
4905.33, 4905.35, 4905.37, 4905.38, 4905.39, 4905.48, 4905.54, 693
4905.55, 4905.56, and 4905.60 of the Revised Code do not apply to 694
a telephone company or, as applicable, to an officer, employee, or 695
agent of such company or provider, except to the extent necessary 696
for the commission to carry out sections 4927.01 to 4927.21 of the 697
Revised Code. 698

(D) Except as specifically authorized in sections 4927.01 to 699
4927.21 of the Revised Code, the commission has no authority over 700
the quality of service and the service rates, terms, and 701
conditions of telecommunications service provided to end users by 702
a telephone company. 703

(E) The commission shall initially adopt the rules required 704
by this chapter not later than one hundred twenty days after ~~the~~ 705
~~effective date of this section~~ September 13, 2010. Subject to the 706
authority granted to the commission under this chapter, the 707
commission may adopt other rules, including rules regarding the 708
removal from tariffs of services that were required to be filed in 709
tariffs prior to ~~the effective date of this section~~ September 13, 710
2010, as it finds necessary to carry out this chapter. 711

Sec. 4927.15. (A) The rates, terms, and conditions for 9-1-1 712
service provided in this state by a telephone company or a 713
telecommunications carrier and each of the following provided in 714
this state by a telephone company shall be approved and tariffed 715
in the manner prescribed by rule adopted by the public utilities 716
commission and shall be subject to the applicable laws, including 717
rules or regulations adopted and orders issued by the commission 718
or the federal communications commission ~~and, including, as to~~ 719
~~9-1-1 service, sections 4931.40 to 4931.70 and 4931.99 of the~~ 720
~~Revised Code:~~ 721

- (1) Carrier access; 722
- (2) N-1-1 services, other than 9-1-1 service; 723
- (3) Pole attachments and conduit occupancy under section 724
4905.71 of the Revised Code; 725
- (4) Pay telephone access lines; 726
- (5) Toll presubscription; 727
- (6) Telecommunications relay service. 728

(B) The public utilities commission may order changes in a 729
telephone company's rates for carrier access in this state subject 730
to this division. In the event that the public utilities 731
commission reduces a telephone company's rates for carrier access 732
that are in effect on ~~the effective date of this section~~ September 733
13, 2010, that reduction shall be on a revenue-neutral basis under 734
terms and conditions established by the public utilities 735
commission, and any resulting rate changes necessary to comply 736
with division (B) or (C) of this section shall be in addition to 737
any upward rate alteration made under section 4927.12 of the 738
Revised Code. 739

(C) The public utilities commission has authority to address 740
carrier access policy and to create and administer mechanisms for 741
carrier access reform, including, but not limited to, high cost 742
support. 743

Sec. ~~4931.75~~ 4931.10. (A) As used in this section: 744

(1) "Advertisement" means a message or material intended to 745
cause the sale of realty, goods, or services. 746

(2) "Facsimile device" means a device that electronically or 747
telephonically receives and copies onto paper reasonable 748
reproductions or facsimiles of documents and photographs through 749
connection with a telephone network. 750

(3) "Pre-existing business relationship" does not include 751
transmitting an advertisement to the owner's or lessee's facsimile 752
device. 753

(B)(1) No person shall transmit an advertisement to a 754
facsimile device unless the person has received prior permission 755
from the owner or, if the device is leased, from the lessee of the 756
device to which the message is to be sent to transmit the 757
advertisement; or the person has a pre-existing business 758

relationship with such owner or lessee. Division (B)(1) of this 759
section does not apply to a person who transmits an advertisement 760
to a facsimile device located on residential premises. 761

(2) No person shall transmit an advertisement to a facsimile 762
device located on residential premises unless the person has 763
received prior written permission from the owner or, if the device 764
is leased, from the lessee of the device to which the message is 765
to be sent to transmit the advertisement. In addition to any other 766
penalties or remedies, a recipient of an advertisement transmitted 767
in violation of division (B)(2) of this section may bring a civil 768
action against the person who transmitted that advertisement or 769
caused it to be transmitted. In that action, the recipient may 770
recover one thousand dollars for each violation. 771

(C) When requested by the owner or lessee, the transmission 772
shall occur between seven p.m. and five a.m. 773

This section applies to all such advertisements intended to 774
be so transmitted within this state. 775

Sec. 4931.99. (A) Whoever violates division (B) of section 776
4931.06 of the Revised Code is guilty of a misdemeanor in the 777
first degree. 778

(B) Whoever violates section 4931.10 of the Revised Code is 779
guilty of a minor misdemeanor for a first offense and a 780
misdemeanor of the first degree on each subsequent offense. 781

~~Sec. 4931.40~~ **5507.01.** As used in ~~sections 4931.40 to 4931.70~~ 782
~~of the Revised Code this chapter:~~ 783

(A) "9-1-1 system" means a system through which individuals 784
can request emergency service using the telephone number 9-1-1. 785

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 786
provides information on the nature of and the location of an 787

emergency, and the personnel receiving the call must determine the 788
appropriate emergency service provider to respond at that 789
location. 790

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 791
providing both enhanced wireline 9-1-1 and wireless enhanced 792
9-1-1. 793

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 794
the wireline telephone network, in providing wireline 9-1-1, 795
automatically routes the call to emergency service providers that 796
serve the location from which the call is made and immediately 797
provides to personnel answering the 9-1-1 call information on the 798
location and the telephone number from which the call is being 799
made. 800

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 801
providing wireless 9-1-1, has the capabilities of phase I and, to 802
the extent available, phase II enhanced 9-1-1 services as 803
described in 47 C.F.R. 20.18 (d) to (h). 804

(F)(1) "Wireless service" means federally licensed commercial 805
mobile service as defined in 47 U.S.C. 332(d) and further defined 806
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 807
service provided by any wireless, two-way communications device, 808
including a radio-telephone communications line used in cellular 809
telephone service or personal communications service, a network 810
radio access line, or any functional or competitive equivalent of 811
such a radio-telephone communications or network radio access 812
line. 813

(2) Nothing in ~~sections 4931.40 to 4931.70 of the Revised~~ 814
~~Code~~ this chapter applies to paging or any service that cannot be 815
used to call 9-1-1. 816

(G) "Wireless service provider" means a facilities-based 817
provider of wireless service to one or more end users in this 818

state. 819

(H) "Wireless 9-1-1" means the emergency calling service 820
provided by a 9-1-1 system pursuant to a call originating in the 821
network of a wireless service provider. 822

(I) "Wireline 9-1-1" means the emergency calling service 823
provided by a 9-1-1 system pursuant to a call originating in the 824
network of a wireline service provider. 825

(J) "Wireline service provider" means a facilities-based 826
provider of wireline service to one or more end-users in this 827
state. 828

(K) "Wireline service" means basic local exchange service, as 829
defined in section 4927.01 of the Revised Code, that is 830
transmitted by means of interconnected wires or cables by a 831
wireline service provider authorized by the public utilities 832
commission. 833

(L) "Wireline telephone network" means the selective router 834
and data base processing systems, trunking and data wiring cross 835
connection points at the public safety answering point, and all 836
other voice and data components of the 9-1-1 system. 837

(M) "Subdivision" means a county, municipal corporation, 838
township, township fire district, joint fire district, township 839
police district, joint police district, joint ambulance district, 840
or joint emergency medical services district that provides 841
emergency service within its territory, or that contracts with 842
another municipal corporation, township, or district or with a 843
private entity to provide such service; and a state college or 844
university, port authority, or park district of any kind that 845
employs law enforcement officers that act as the primary police 846
force on the grounds of the college or university or port 847
authority or in the parks operated by the district. 848

(N) "Emergency service" means emergency law enforcement, 849

firefighting, ambulance, rescue, and medical service. 850

(O) "Emergency service provider" means the state highway 851
patrol and an emergency service department or unit of a 852
subdivision or that provides emergency service to a subdivision 853
under contract with the subdivision. 854

(P) "Public safety answering point" means a facility to which 855
9-1-1 system calls for a specific territory are initially routed 856
for response and where personnel respond to specific requests for 857
emergency service by directly dispatching the appropriate 858
emergency service provider, relaying a message to the appropriate 859
provider, or transferring the call to the appropriate provider. 860

(Q) "Customer premises equipment" means telecommunications 861
equipment, including telephone instruments, on the premises of a 862
public safety answering point that is used in answering and 863
responding to 9-1-1 system calls. 864

(R) "Municipal corporation in the county" includes any 865
municipal corporation that is wholly contained in the county and 866
each municipal corporation located in more than one county that 867
has a greater proportion of its territory in the county to which 868
the term refers than in any other county. 869

(S) "Board of county commissioners" includes the legislative 870
authority of a county established under Section 3 of Article X, 871
Ohio Constitution, or Chapter 302. of the Revised Code. 872

(T) "Final plan" means a final plan adopted under division 873
(B) of section ~~4931.44~~ 5507.08 of the Revised Code and, except as 874
otherwise expressly provided, an amended final plan adopted under 875
section ~~4931.45~~ 5507.12 of the Revised Code. 876

(U) "Subdivision served by a public safety answering point" 877
means a subdivision that provides emergency service for any part 878
of its territory that is located within the territory of a public 879
safety answering point whether the subdivision provides the 880

emergency service with its own employees or pursuant to a 881
contract. 882

(V) A township's population includes only population of the 883
unincorporated portion of the township. 884

(W) "Telephone company" means a company engaged in the 885
business of providing local exchange telephone service by making 886
available or furnishing access and a dial tone to persons within a 887
local calling area for use in originating and receiving voice 888
grade communications over a switched network operated by the 889
provider of the service within the area and gaining access to 890
other telecommunications services. "Telephone company" includes a 891
wireline service provider and a wireless service provider unless 892
otherwise expressly specified. For purposes of sections ~~4931.52~~ 893
5507.25 and ~~4931.53~~ 5507.26 of the Revised Code, "telephone 894
company" means a wireline service provider. 895

(X) "Prepaid wireless calling service" has the same meaning 896
as in division (AA)(5) of section 5739.01 of the Revised Code. 897

(Y) "Provider of a prepaid wireless calling service" means a 898
wireless service provider that provides a prepaid wireless calling 899
service. 900

(Z) "Retail sale" has the same meaning as in section 5739.01 901
of the Revised Code. 902

(AA) "Seller" means a person that sells a prepaid wireless 903
calling service to another person by retail sale. 904

Sec. ~~125.183~~ 5507.02. (A)(1) There is hereby created the 905
statewide emergency services internet protocol network steering 906
committee, consisting of the following ten members: 907

(a) The state chief information officer or the officer's 908
designee; 909

(b) Two members of the house of representatives appointed by 910

the speaker, one from the majority party and one from the minority 911
party; 912

(c) Two members of the senate appointed by the president, one 913
from the majority party and one from the minority party; 914

(d) Five members appointed by the governor. 915

(2) In appointing the five members under division (A)(1)(d) 916
of this section, the governor shall appoint two representatives of 917
the county commissioners' association of Ohio or a successor 918
organization, two representatives of the Ohio municipal league or 919
a successor organization, and one representative of the Ohio 920
township association or a successor organization. For each of 921
these appointments, the governor shall consider a nominee proposed 922
by the association or successor organization. The governor may 923
reject any of the nominees and may request that a nominating 924
entity submit alternative nominees. 925

(3) Initial appointments shall be made not later than ten 926
days after ~~the effective date of this section~~ September 28, 2012. 927

(B)(1) The state chief information officer or the officer's 928
designee shall serve as the chairperson of the steering committee 929
and shall be a nonvoting member. All other members shall be voting 930
members. 931

(2) A member of the steering committee appointed from the 932
membership of the senate or the house of representatives shall 933
serve during the member's term as a member of the general assembly 934
and until a successor is appointed and qualified, notwithstanding 935
adjournment of the general assembly or the expiration of the 936
member's term as a member of the general assembly. 937

(3) The initial terms of one of the representatives of the 938
county commissioners' association of Ohio, one of the 939
representatives of the Ohio municipal league, and the 940
representative of the Ohio township association shall all expire 941

on December 31, 2016. The initial terms of the other 942
representatives of the county commissioners' association of Ohio 943
and the Ohio municipal league shall expire on December 31, 2014. 944
Thereafter, terms of the members appointed by the governor shall 945
be for four years, with each term ending on the same day of the 946
same month as the term it succeeds. Each member appointed by the 947
governor shall hold office from the date of the member's 948
appointment until the end of the term for which the member was 949
appointed, and may be reappointed. A member appointed by the 950
governor shall continue in office after the expiration date of the 951
member's term until the member's successor takes office or until a 952
period of sixty days has elapsed, whichever occurs first. Members 953
appointed by the governor shall serve without compensation and 954
shall not be reimbursed for expenses. 955

(4) A vacancy in the position of any member of the steering 956
committee shall be filled for the unexpired term in the same 957
manner as the original appointment. 958

(C) The steering committee shall generally advise the state 959
on the implementation, operation, and maintenance of a statewide 960
emergency services internet protocol network that would support 961
state and local government next-generation 9-1-1 and the dispatch 962
of emergency service providers. The steering committee shall do 963
all of the following: 964

(1) On or before ~~November 15, 2012~~ May 15, 2013, deliver an 965
initial report to the speaker of the house of representatives, the 966
president of the senate, and the governor providing 967
recommendations for the state to address the development of a 968
statewide emergency services internet protocol network, ~~including~~ 969
which recommendations shall include a review of the current 970
funding model for this state's 9-1-1 systems and may include a 971
recommendation for a reduction in wireless 9-1-1 charges; 972

(2) Examine the readiness of the state's current technology 973

infrastructure for a statewide emergency services internet 974
protocol network; 975

(3) Research legislative authority with regard to governance 976
and funding of a statewide emergency services internet protocol 977
network, and provide recommendations on best practices to limit 978
duplicative efforts to ensure an effective transition to 979
next-generation 9-1-1; 980

(4) Make recommendations for consolidation of 981
public-safety-answering-point operations in this state, including 982
recommendations for accelerating the consolidation schedule 983
established in section 5507.571 of the Revised Code, to 984
accommodate next-generation 9-1-1 technology and to facilitate a 985
more efficient and effective emergency services system; 986

(5) Recommend policies, procedures, and statutory or 987
regulatory authority to effectively govern a statewide emergency 988
services internet protocol network; 989

(6) Designate a next-generation 9-1-1 statewide coordinator 990
to serve as the primary point of contact for federal initiatives; 991

(7) Coordinate with statewide initiatives and associations 992
such as the state interoperable executive committee, the Ohio 993
geographically referenced information program council, the Ohio 994
multi-agency radio communications system steering committee, and 995
other interested parties. 996

(D)(1) Not later than February 15, 2013, each chairperson of 997
a countywide 9-1-1 planning committee or the chairperson's 998
designee shall report the following information to the steering 999
committee: 1000

(a) The geographic location and population of the area for 1001
which the planning committee is responsible; 1002

(b) Statistics detailing the number of 9-1-1 calls received; 1003

(c) A report of expenditures made from disbursements from the 1004
wireless 9-1-1 government assistance fund; 1005

(d) An inventory of and the technical specifications for the 1006
current 9-1-1 network and equipment; 1007

(e) Any other information requested by the steering 1008
committee. 1009

(2) If, by February 15, 2013, a countywide 9-1-1 planning 1010
committee fails to provide to the steering committee the 1011
information required under division (D)(1) of this section, the 1012
steering committee shall notify the tax commissioner of the 1013
failure and the tax commissioner shall suspend disbursements from 1014
the wireless 9-1-1 government assistance fund to that county. 1015
Disbursements to the county shall resume after the steering 1016
committee receives the required information and notifies the tax 1017
commissioner that the requirement has been met. 1018

(E) The steering committee shall hold its inaugural meeting 1019
not later than thirty days after the effective date of this 1020
section September 28, 2012. Thereafter, the steering committee 1021
shall meet at least once a month, either in person or utilizing 1022
telecommunication-conferencing technology. A majority of the 1023
voting members shall constitute a quorum. 1024

~~(E)~~(F)(1) The steering committee shall have a permanent 1025
technical-standards subcommittee and a permanent 1026
public-safety-answering-point-operations subcommittee, and may, 1027
from time to time, establish additional subcommittees, to advise 1028
and assist the steering committee based upon the subcommittees' 1029
areas of expertise. 1030

(2) The membership of subcommittees shall be determined by 1031
the steering committee. 1032

(a) The technical-standards subcommittee shall include one 1033
member representing a wireline or wireless service provider that 1034

participates in the state's 9-1-1 system, one representative of 1035
the Ohio academic resources network, one representative of the 1036
Ohio multi-agency radio communications system steering committee, 1037
one representative of the Ohio geographically referenced 1038
information program, and one member representing each of the 1039
following associations selected by the steering committee from 1040
nominations received from that association: 1041

(i) The Ohio telephone association; 1042

(ii) The Ohio chapter of the association of public-safety 1043
communications officials; 1044

(iii) The Ohio chapter of the national emergency number 1045
association. 1046

(b) The public-safety-answering-point-operations subcommittee 1047
shall include one member representing the division of emergency 1048
management of the department of public safety, one member 1049
representing the state highway patrol, two members recommended by 1050
the county commissioners' association of Ohio who are managers of 1051
public safety answering points, two members recommended by the 1052
Ohio municipal league who are managers of public safety answering 1053
points, and one member from each of the following associations 1054
selected by the steering committee from nominations received from 1055
that association: 1056

(i) The buckeye state sheriffs' association; 1057

(ii) The Ohio association of chiefs of police; 1058

(iii) The Ohio association of fire chiefs; 1059

(iv) The Ohio chapter of the association of public-safety 1060
communications officials; 1061

(v) The Ohio chapter of the national emergency number 1062
association. 1063

~~(F)~~(G) The committee is not an agency, as defined in section 1064

101.82 of the Revised Code, for purposes of sections 101.82 to 1065
101.87 of the Revised Code. 1066

~~(G)~~(H) As used in this section, "9-1-1 system," "wireless 1067
service provider," "wireline service provider," "emergency service 1068
provider," and "public safety answering point" have the same 1069
meanings as in section ~~4931.40~~ 5507.01 of the Revised Code. 1070

Sec. 5507.021. Not later than January 1, 2014, and in 1071
accordance with Chapter 119. of the Revised Code, the statewide 1072
emergency services internet protocol network steering committee 1073
shall adopt rules that establish technical and operational 1074
standards for public safety answering points eligible to receive 1075
disbursements under section 5507.55 of the Revised Code. The rules 1076
shall incorporate industry standards and best practices for 1077
wireless 9-1-1 services. Public safety answering points shall 1078
comply with the standards not later than two years after the 1079
effective date of the rules adopting the standards. 1080

Sec. 5507.022. The statewide emergency services internet 1081
protocol network steering committee shall establish guidelines for 1082
the tax commissioner to use when disbursing money from the next 1083
generation 9-1-1 fund to countywide 9-1-1 systems in the state. 1084
The guidelines shall be consistent with the standards adopted in 1085
section 5507.021 of the Revised Code and shall specify that 1086
disbursements may be used for costs associated with the operation 1087
of and equipment for phase II wireless systems and for costs 1088
associated with a county's migration to next generation 9-1-1 1089
systems and technology. 1090

Sec. ~~4931.41~~ 5507.03. (A)(1) A countywide 9-1-1 system shall 1091
include all of the territory of the townships and municipal 1092
corporations in the county and any portion of such a municipal 1093
corporation that extends into an adjacent county. 1094

(2) The system shall exclude any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of the countywide system for that territory. The system shall exclude from enhanced 9-1-1 any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of enhanced 9-1-1 for that territory. If a 9-1-1 planning committee and a wireline service provider do not agree on whether the provider is so capable, the committee shall notify the department of public utilities ~~commission~~ safety, and the ~~commission~~ department shall determine whether the wireline service provider is so capable. The committee shall ascertain whether such disagreement exists before making its implementation proposal under division (A) of section ~~4931.43~~ 5507.07 of the Revised Code. The ~~commission's~~ department's determination shall be in the form of an order. No final plan shall require a wireline service provider to provide the wireline telephone network portion of a 9-1-1 system that the ~~commission~~ department has determined the provider is not reasonably capable of providing.

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

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

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

(2) A subdivision or a regional council of governments that operates a public safety answering point shall pay all of the

costs associated with establishing, equipping, furnishing, 1127
operating, and maintaining that facility and shall allocate those 1128
costs among itself and the subdivisions served by the answering 1129
point based on the allocation formula in a final plan. The 1130
wireline service provider or other entity that provides or 1131
maintains the customer premises equipment shall bill the operating 1132
subdivision or the operating regional council of governments for 1133
the cost of providing such equipment, or its maintenance. A 1134
wireless service provider and a subdivision or regional council of 1135
governments operating a public safety answering point may enter 1136
into a service agreement for providing wireless enhanced 9-1-1 1137
pursuant to a final plan adopted under ~~sections 4931.40 to 4931.70~~ 1138
~~of the Revised Code~~ this chapter. 1139

(E) Except to the extent provided in a final plan that 1140
provides for funding of a 9-1-1 system in part through charges 1141
imposed under section ~~4931.51~~ 5507.22 of the Revised Code, each 1142
subdivision served by a public safety answering point shall pay 1143
the subdivision or regional council of governments that operates 1144
the answering point the amount computed in accordance with the 1145
allocation formula set forth in the final plan. 1146

(F) Notwithstanding any other provision of law, the purchase 1147
or other acquisition, installation, and maintenance of the 1148
telephone network for a 9-1-1 system and the purchase or other 1149
acquisition, installation, and maintenance of customer premises 1150
equipment at a public safety answering point made in compliance 1151
with a final plan or an agreement under section ~~4931.48~~ 5507.09 of 1152
the Revised Code, including customer premises equipment used to 1153
provide wireless enhanced 9-1-1, are not subject to any 1154
requirement of competitive bidding. 1155

(G) Each emergency service provider participating in a 1156
countywide 9-1-1 system shall maintain a telephone number in 1157
addition to 9-1-1. 1158

(H) Whenever a final plan provides for the implementation of
basic 9-1-1, the planning committee shall so notify the department
of public utilities commission safety, which shall determine
whether the wireline service providers serving the territory
covered by the plan are capable of reasonably meeting the
technical and economic requirements of providing the wireline
telephone network portion of an enhanced 9-1-1 system. The
determination shall be made solely for purposes of division (C)(2)
of section ~~4931.47~~ 5507.18 of the Revised Code.

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

(J) A final plan adopted under ~~sections 4931.40 to 4931.70 of~~
~~the Revised Code this chapter~~, or an agreement under section
~~4931.48~~ 5507.09 of the Revised Code, may provide that, by further
agreement included in the plan or agreement, the state highway
patrol or one or more public safety answering points of another
9-1-1 system is the public safety answering point or points for
the provision of wireline or wireless 9-1-1 for all or part of the
territory of the 9-1-1 system established under the plan or
agreement. In that event, the subdivision for which the wireline
or wireless 9-1-1 is provided as named in the agreement shall be
deemed the subdivision operating the public safety answering point
or points for purposes of ~~sections 4931.40 to 4931.70 of the~~
~~Revised Code this chapter~~, except that, for the purpose of
division (D)(2) of this section, that subdivision shall pay only
so much of the costs of establishing, equipping, furnishing,
operating, or maintaining any such public safety answering point
as are specified in the agreement with the patrol or other system.

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

highway patrol-operated public safety answering point by default, 1191
due to a wireless service provider so routing all such calls of 1192
its subscribers without prior permission, are instead to be routed 1193
as provided under the plan. Upon the implementation of countywide 1194
wireless enhanced 9-1-1 pursuant to a final plan, the state 1195
highway patrol shall cease any functioning as a public safety 1196
answering point providing wireless 9-1-1 within the territory 1197
covered by the countywide 9-1-1 system so established, unless the 1198
patrol functions as a public safety answering point providing 1199
wireless enhanced 9-1-1 pursuant to an agreement included in the 1200
plan as authorized under division (J) of this section. 1201

Sec. ~~4931.42~~ 5507.06. (A) A board of county commissioners or 1202
the legislative authority of any municipal corporation in the 1203
county that contains at least thirty per cent of the county's 1204
population may adopt a resolution to convene a 9-1-1 planning 1205
committee, which shall serve without compensation and shall 1206
consist of three voting members as follows: 1207

(1) The president or other presiding officer of the board of 1208
county commissioners, who shall serve as ~~chairman~~ chairperson of 1209
the committee; 1210

(2) The chief executive officer of the most populous 1211
municipal corporation in the county; 1212

(3) From the more populous of the following, either the chief 1213
executive officer of the second most populous municipal 1214
corporation in the county or a member of the board of township 1215
trustees of the most populous township in the county as selected 1216
by majority vote of the board of trustees. 1217

In counties with a population of one hundred seventy-five 1218
thousand or more, the planning committee shall consist of two 1219
additional voting members as follows: a member of a board of 1220
township trustees selected by the majority of boards of township 1221

trustees in the county pursuant to resolutions they adopt, and the 1222
chief executive officer of a municipal corporation in the county 1223
selected by the majority of the legislative authorities of 1224
municipal corporations in the county pursuant to resolutions they 1225
adopt. 1226

When determining population under this division, population 1227
residing outside the county shall be excluded. 1228

(B) Within thirty days after the adoption of a resolution to 1229
convene the committee under division (A) of this section, the 1230
committee shall convene for the sole purpose of developing a final 1231
plan for implementing a countywide 9-1-1 system. The county shall 1232
provide the committee with any clerical, legal, and other staff 1233
assistance necessary to develop the final plan and shall pay for 1234
copying, mailing, and any other such expenses incurred by the 1235
committee in developing the final plan and in meeting the 1236
requirements imposed by sections ~~4931.42~~ 5507.06 to ~~4931.44~~ 1237
5507.08 of the Revised Code. 1238

(C) The 9-1-1 planning committee shall appoint a 9-1-1 1239
technical advisory committee to assist it in planning the 1240
countywide 9-1-1 system. The advisory committee shall include at 1241
least one fire chief and one police chief serving in the county, 1242
the county sheriff, a representative of the state highway patrol 1243
selected by the patrol, one representative of each telephone 1244
company in each case selected by the telephone company 1245
represented, the director/coordinator of emergency management 1246
appointed under section 5502.26, 5502.27, or 5502.271 of the 1247
Revised Code, as appropriate, and a member of a board of township 1248
trustees of a township in the county selected by a majority of 1249
boards of township trustees in the county pursuant to resolutions 1250
they adopt. 1251

Sec. ~~4931.43~~ 5507.07. (A) The 9-1-1 planning committee shall 1252

prepare a proposal on the implementation of a countywide 9-1-1 1253
system and shall hold a public meeting on the proposal to explain 1254
the system to and receive comments from public officials. At least 1255
thirty but not more than sixty days before the meeting, the 1256
committee shall send a copy of the implementation proposal and 1257
written notice of the meeting: 1258

(1) By certified mail, to the board of county commissioners, 1259
the legislative authority of each municipal corporation in the 1260
county, and to the board of trustees of each township in the 1261
county; and 1262

(2) To the board of trustees, directors, or park 1263
commissioners of each subdivision that will be served by a public 1264
safety answering point under the plan. 1265

(B) The proposal and the final plan adopted by the committee 1266
shall specify: 1267

(1) Which telephone companies serving customers in the county 1268
and, as authorized in division (A)(1) of section ~~4931.41~~ 5507.03 1269
of the Revised Code, in an adjacent county will participate in the 1270
9-1-1 system; 1271

(2) The location and number of public safety answering 1272
points; how they will be connected to a company's telephone 1273
network; from what geographic territory each will receive 9-1-1 1274
calls; whether basic or enhanced 9-1-1 service will be provided 1275
within such territory; what subdivisions will be served by the 1276
answering point; and whether an answering point will respond to 1277
calls by directly dispatching an emergency service provider, by 1278
relaying a message to the appropriate provider, or by transferring 1279
the call to the appropriate provider; 1280

(3) Which subdivision or regional council of governments will 1281
establish, equip, furnish, operate, and maintain a particular 1282

public safety answering point; 1283

(4) A projection of the initial cost of establishing, 1284
equipping, and furnishing and of the annual cost of the first five 1285
years of operating and maintaining each public safety answering 1286
point; 1287

(5) Whether the cost of establishing, equipping, furnishing, 1288
operating, or maintaining each public safety answering point 1289
should be funded through charges imposed under section ~~4931.51~~ 1290
5507.22 of the Revised Code or will be allocated among the 1291
subdivisions served by the answering point and, if any such cost 1292
is to be allocated, the formula for so allocating it; 1293

(6) How each emergency service provider will respond to a 1294
misdirected call. 1295

(C) Following the meeting required by this section, the 9-1-1 1296
planning committee may modify the implementation proposal and, no 1297
later than nine months after the resolution authorized by section 1298
~~4931.42~~ 5507.06 of the Revised Code is adopted, may adopt, by 1299
majority vote, a final plan for implementing a countywide 9-1-1 1300
system. If a planning committee and wireline service provider do 1301
not agree on whether the wireline service provider is capable of 1302
providing the wireline telephone network as described under 1303
division (A) of section ~~4931.41~~ 5507.03 of the Revised Code and 1304
the planning committee refers that question to the department of 1305
public utilities-commission safety, the ~~commission~~ department may 1306
extend the nine-month deadline established by this division to 1307
twelve months. Immediately on completion of the plan, the 1308
committee shall send a copy of the final plan: 1309

(1) By certified mail to the board of county commissioners of 1310
the county, to the legislative authority of each municipal 1311
corporation in the county, and to the board of township trustees 1312
of each township in the county; and 1313

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

(D) If the committee has not adopted a final plan on or before the deadline in division (C) of this section, the committee shall cease to exist. A new 9-1-1 planning committee may be convened in the manner established in section ~~4931.42~~ 5507.06 of the Revised Code to develop an implementation proposal and final plan in accordance with the requirements of sections ~~4931.42~~ 5507.06 to ~~4931.44~~ 5507.08 of the Revised Code.

Sec. ~~4931.44~~ 5507.08. (A) Within sixty days after receipt of the final plan pursuant to division (C) of section ~~4931.43~~ 5507.07 of the Revised Code, the board of county commissioners of the county and the legislative authority of each municipal corporation in the county and of each township whose territory is proposed to be included in a countywide 9-1-1 system shall act by resolution to approve or disapprove the plan, except that, with respect to a final plan that provides for funding of the 9-1-1 system in part through charges imposed under section ~~4931.51~~ 5507.22 of the Revised Code, the board of county commissioners shall not act by resolution to approve or disapprove the plan until after a resolution adopted under section ~~4931.51~~ 5507.22 of the Revised Code has become effective as provided in division (D) of that section. A municipal corporation or township whose territory is proposed to be included in the system includes any municipal corporation or township in which a part of its territory is excluded pursuant to division (A)(2) of section ~~4931.41~~ 5507.03 of the Revised Code. Each such authority immediately shall notify the board of county commissioners in writing of its approval or disapproval of the final plan. Failure by a board or legislative authority to notify the board of county commissioners of approval or disapproval within such sixty-day period shall be deemed

disapproval by the board or authority. 1346

(B) As used in this division, "county's population" excludes 1347
the population of any municipal corporation or township that, 1348
under the plan, is completely excluded from 9-1-1 service in the 1349
county's final plan. A countywide plan is effective if all of the 1350
following entities approve the plan in accordance with this 1351
section: 1352

(1) The board of county commissioners; 1353

(2) The legislative authority of a municipal corporation that 1354
contains at least thirty per cent of the county's population, if 1355
any; 1356

(3) The legislative authorities of municipal corporations and 1357
townships that contain at least sixty per cent of the county's 1358
population or, if the plan has been approved by a municipal 1359
corporation that contains at least sixty per cent of the county's 1360
population, by the legislative authorities of municipal 1361
corporations and townships that contain at least seventy-five per 1362
cent of the county's population. 1363

(C) After a countywide plan approved in accordance with this 1364
section is adopted, all of the telephone companies, subdivisions, 1365
and regional councils of governments included in the plan are 1366
subject to the specific requirements of the plan and to ~~sections~~ 1367
~~4931.40 to 4931.70 of the Revised Code~~ this chapter. 1368

Sec. ~~4931.48~~ 5507.09. (A) If a final plan is disapproved 1369
under division (B) of section ~~4931.44~~ 5507.08 of the Revised Code, 1370
by resolution, the legislative authority of a municipal 1371
corporation or township that contains at least thirty per cent of 1372
the county's population may establish within its boundaries, or 1373
the legislative authorities of a group of municipal corporations 1374
or townships each of which is contiguous with at least one other 1375

such municipal corporation or township in the group, together 1376
containing at least thirty per cent of the county's population, 1377
may jointly establish within their boundaries a 9-1-1 system. For 1378
that purpose, the municipal corporation or township may enter into 1379
an agreement, and the contiguous municipal corporations or 1380
townships may jointly enter into an agreement with one or more 1381
telephone companies. 1382

(B) If no resolution has been adopted to convene a 9-1-1 1383
planning committee under section ~~4931.42~~ 5507.06 of the Revised 1384
Code, by resolution, the legislative authority of any municipal 1385
corporation in the county may establish within its boundaries, or 1386
the legislative authorities of a group of municipal corporations 1387
and townships each of which is contiguous to at least one of the 1388
other such municipal corporations or townships in the group may 1389
jointly establish within their boundaries, a 9-1-1 system. For 1390
that purpose, the municipal corporation, or contiguous municipal 1391
corporations and townships, may enter into an agreement with one 1392
or more telephone companies. 1393

(C) Whenever a telephone company that is a wireline service 1394
provider and one or more municipal corporations and townships 1395
enter into an agreement under division (A) or (B) of this section 1396
to provide for the wireline telephone network portion of a basic 1397
9-1-1 system, the telephone company shall so notify the department 1398
of public utilities ~~commission~~ safety, which shall determine 1399
whether the telephone company is capable of reasonably meeting the 1400
technical and economic requirements of providing the wireline 1401
telephone network for an enhanced system within the territory 1402
served by the company and covered by the agreement. The 1403
determination shall be made solely for the purposes of division 1404
(C)(2) of section ~~4931.47~~ 5507.18 of the Revised Code. 1405

(D) Within three years from the date of entering into an 1406
initial agreement described under division (C) of this section, 1407

the telephone company shall have installed the wireline telephone 1408
network portion of the 9-1-1 system according to the terms, 1409
conditions, requirements, and specifications set forth in the 1410
agreement. 1411

(E) A telephone company that is a wireline service provider 1412
shall recover the cost of installing the wireline telephone 1413
network system pursuant to agreements made under this section as 1414
provided in sections ~~4931.47~~ 5507.18 and 5733.55 of the Revised 1415
Code. 1416

Sec. ~~4931.45~~ 5507.12. (A) An amended final plan is required 1417
for any of the following purposes: 1418

(1) Expanding the territory included in the countywide 9-1-1 1419
system; 1420

(2) Upgrading any part or all of a system from basic to 1421
enhanced wireline 9-1-1; 1422

(3) Adjusting the territory served by a public safety 1423
answering point; 1424

(4) Permitting a regional council of governments to operate a 1425
public safety answering point; 1426

(5) Represcribing the funding of public safety answering 1427
points as between the alternatives set forth in division (B)(5) of 1428
section ~~4931.43~~ 5507.07 of the Revised Code; 1429

(6) Providing for wireless enhanced 9-1-1; 1430

(7) Adding a telephone company as a participant in a 1431
countywide 9-1-1 system after the implementation of wireline 9-1-1 1432
or wireless enhanced 9-1-1; 1433

(8) Providing that the state highway patrol or one or more 1434
public safety answering points of another 9-1-1 system function as 1435
a public safety answering point or points for the provision of 1436

wireline or wireless 9-1-1 for all or part of the territory of the 1437
system established under the final plan, as contemplated under 1438
division (J) of section ~~4931.41~~ 5507.03 of the Revised Code; 1439

(9) Making any other necessary adjustments to the plan. 1440

(B) Except as otherwise provided in division (C) of this 1441
section, a final plan shall be amended in the manner provided for 1442
adopting a final plan under sections ~~4931.42~~ 5507.06 to ~~4931.44~~ 1443
5507.08 of the Revised Code, including convening a 9-1-1 planning 1444
committee and developing a proposed amended plan prior to adopting 1445
an amended final plan. 1446

(C)(1) To amend a final plan for the purpose described in 1447
division (A)(7) of this section, an entity that wishes to be added 1448
as a participant in a 9-1-1 system shall file a written letter of 1449
that intent with the board of county commissioners of the county 1450
that approved the final plan. The final plan is deemed amended 1451
upon the filing of that letter. The entity that files the letter 1452
shall send written notice of that filing to all subdivisions, 1453
regional councils of governments, and telephone companies 1454
participating in the system. 1455

(2) An amendment to a final plan for a purpose set forth in 1456
division (A)(1), (3), (6), or (9) of this section may be made by 1457
an addendum approved by a majority of the 9-1-1 planning 1458
committee. The board of county commissioners shall call a meeting 1459
of the 9-1-1 planning committee for the purpose of considering an 1460
addendum pursuant to this division. 1461

(3) Adoption of any resolution under section ~~4931.51~~ 5507.22 1462
of the Revised Code pursuant to a final plan that both has been 1463
adopted and provides for funding through charges imposed under 1464
that section is not an amendment of a final plan for the purpose 1465
of this division. 1466

(D) When a final plan is amended for a purpose described in 1467

division (A)(1), (2), or (7) of this section, sections ~~4931.47~~ 1468
~~5507.18~~ and 5733.55 of the Revised Code apply with respect to the 1469
receipt of the nonrecurring and recurring rates and charges for 1470
the wireline telephone network portion of the 9-1-1 system. 1471

Sec. ~~4931.46~~ 5507.15. (A) Within three years from the date an 1472
initial final plan becomes effective under division (B) of section 1473
~~4931.44~~ 5507.08 of the Revised Code, the wireline service 1474
providers designated in the plan shall have installed the wireline 1475
telephone network portion of the 9-1-1 system according to the 1476
terms, conditions, requirements, and specifications set forth in 1477
that plan. 1478

(B)(1) Upon installation of a countywide 9-1-1 system, the 1479
board of county commissioners may direct the county engineer to 1480
erect and maintain at the county boundaries on county roads and 1481
state and interstate highways, signs indicating the availability 1482
of a countywide 9-1-1 system. Any sign erected by a county under 1483
this section shall be erected in accordance with and meet the 1484
specifications established under division (B)(2) of this section. 1485
All expenses incurred in erecting and maintaining the signs shall 1486
be paid by the county. 1487

(2) The director of transportation shall develop design 1488
specifications for signs giving notice of the availability of a 1489
countywide 9-1-1 system. The director also shall establish 1490
standards for the erection of the signs and, in accordance with 1491
federal law and regulations and recognized engineering practices, 1492
specify those locations where the signs shall not be erected. 1493

Sec. ~~4931.47~~ 5507.18. (A) In accordance with ~~Chapters 4901.,~~ 1494
~~4903., 4905., 4909., and 4931. of the Revised Code~~ this chapter, 1495
the ~~public utilities commission~~ tax commissioner shall determine 1496
the just, reasonable, and compensatory rates, tolls, 1497

classifications, charges, or rentals to be observed and charged 1498
for the wireline telephone network portion of a basic or enhanced 1499
9-1-1 system, and each telephone company that is a wireline 1500
service provider participating in the system shall be subject to 1501
~~such chapters~~ this chapter, to the extent ~~they apply~~ it applies, 1502
as to the service provided by its portion of the wireline 1503
telephone network for the system as described in the final plan or 1504
to be installed pursuant to agreements under section ~~4931.48~~ 1505
5507.09 of the Revised Code, and as to the rates, tolls, 1506
classifications, charges, or rentals to be observed and charged 1507
for that service. 1508

(B) Only the customers of a participating telephone company 1509
described in division (A) of this section that are served within 1510
the area covered by a 9-1-1 system shall pay the recurring rates 1511
for the maintenance and operation of the company's portion of the 1512
wireline telephone network of the system. Such rates shall be 1513
computed by dividing the total monthly recurring rates set forth 1514
in the company's schedule as filed in accordance with section 1515
4905.30 of the Revised Code, by the total number of residential 1516
and business customer access lines, or their equivalent, within 1517
the area served. Each residential and business customer within the 1518
area served shall pay the recurring rates based on the number of 1519
its residential and business customer access lines or their 1520
equivalent. No company shall include such amount on any customer's 1521
bill until the company has completed its portion of the wireline 1522
telephone network in accordance with the terms, conditions, 1523
requirements, and specifications of the final plan or an agreement 1524
made under section ~~4931.48~~ 5507.09 of the Revised Code. 1525

(C)(1) Except as otherwise provided in division (C)(2) of 1526
this section, a participating telephone company described in 1527
division (A) of this section may receive through the credit 1528
authorized by section 5733.55 of the Revised Code the total 1529

nonrecurring charges for its portion of the wireline telephone 1530
network of the system and the total nonrecurring charges for any 1531
updating or modernization of that wireline telephone network in 1532
accordance with the terms, conditions, requirements, and 1533
specifications of the final plan or pursuant to agreements under 1534
section ~~4931.48~~ 5507.09 of the Revised Code, as such charges are 1535
set forth in the schedule filed by the telephone company in 1536
accordance with section 4905.30 of the Revised Code. However, that 1537
portion, updating, or modernization shall not be for or include 1538
the provision of wireless 9-1-1. As applicable, the receipt of 1539
permissible charges shall occur only upon the completion of the 1540
installation of the network or the completion of the updating or 1541
modernization. 1542

(2) The credit shall not be allowed under division (C)(1) of 1543
this section for the upgrading of a system from basic to enhanced 1544
wireline 9-1-1 if both of the following apply: 1545

(a) The telephone company received the credit for the 1546
wireline telephone network portion of the basic 9-1-1 system now 1547
proposed to be upgraded. 1548

(b) At the time the final plan or agreement pursuant to 1549
section ~~4931.48~~ 5507.09 of the Revised Code calling for the basic 1550
9-1-1 system was agreed to, the telephone company was capable of 1551
reasonably meeting the technical and economic requirements of 1552
providing the wireline telephone network portion of an enhanced 1553
9-1-1 system within the territory proposed to be upgraded, as 1554
determined by the department of public utilities commission safety 1555
under division (A) or (H) of section ~~4931.41~~ 5507.03 or division 1556
(C) of section ~~4931.48~~ 5507.09 of the Revised Code. 1557

(3) If the credit is not allowed under division (C)(2) of 1558
this section, the total nonrecurring charges for the wireline 1559
telephone network used in providing 9-1-1 service, as set forth in 1560
the schedule filed by a telephone company in accordance with 1561

section 4905.30 of the Revised Code, on completion of the 1562
installation of the network in accordance with the terms, 1563
conditions, requirements, and specifications of the final plan or 1564
pursuant to section ~~4931.48~~ 5507.09 of the Revised Code, shall be 1565
paid by the municipal corporations and townships with any 1566
territory in the area in which such upgrade from basic to enhanced 1567
9-1-1 is made. 1568

(D) If customer premises equipment for a public safety 1569
answering point is supplied by a telephone company that is 1570
required to file a schedule under section 4905.30 of the Revised 1571
Code pertaining to customer premises equipment, the recurring and 1572
nonrecurring rates and charges for the installation and 1573
maintenance of the equipment specified in the schedule shall 1574
apply. 1575

Sec. ~~4931.51~~ 5507.22. (A)(1) For the purpose of paying the 1576
costs of establishing, equipping, and furnishing one or more 1577
public safety answering points as part of a countywide 9-1-1 1578
system effective under division (B) of section ~~4931.44~~ 5507.08 of 1579
the Revised Code and paying the expense of administering and 1580
enforcing this section, the board of county commissioners of a 1581
county, in accordance with this section, may fix and impose, on 1582
each lot or parcel of real property in the county that is owned by 1583
a person, municipal corporation, township, or other political 1584
subdivision and is improved, or is in the process of being 1585
improved, reasonable charges to be paid by each such owner. The 1586
charges shall be sufficient to pay only the estimated allowed 1587
costs and shall be equal in amount for all such lots or parcels. 1588

(2) For the purpose of paying the costs of operating and 1589
maintaining the answering points and paying the expense of 1590
administering and enforcing this section, the board, in accordance 1591
with this section, may fix and impose reasonable charges to be 1592

paid by each owner, as provided in division (A)(1) of this 1593
section, that shall be sufficient to pay only the estimated 1594
allowed costs and shall be equal in amount for all such lots or 1595
parcels. The board may fix and impose charges under this division 1596
pursuant to a resolution adopted for the purposes of both 1597
divisions (A)(1) and (2) of this section or pursuant to a 1598
resolution adopted solely for the purpose of division (A)(2) of 1599
this section, and charges imposed under division (A)(2) of this 1600
section may be separately imposed or combined with charges imposed 1601
under division (A)(1) of this section. 1602

(B) Any board adopting a resolution under this section 1603
pursuant to a final plan initiating the establishment of a 9-1-1 1604
system or pursuant to an amendment to a final plan shall adopt the 1605
resolution within sixty days after the board receives the final 1606
plan for the 9-1-1 system pursuant to division (C) of section 1607
~~4931.43~~ 5507.07 of the Revised Code. The board by resolution may 1608
change any charge imposed under this section whenever the board 1609
considers it advisable. Any resolution adopted under this section 1610
shall declare whether securities will be issued under Chapter 133. 1611
of the Revised Code in anticipation of the collection of unpaid 1612
special assessments levied under this section. 1613

(C) The board shall adopt a resolution under this section at 1614
a public meeting held in accordance with section 121.22 of the 1615
Revised Code. Additionally, the board, before adopting any such 1616
resolution, shall hold at least two public hearings on the 1617
proposed charges. Prior to the first hearing, the board shall 1618
publish notice of the hearings once a week for two consecutive 1619
weeks in a newspaper of general circulation in the county or as 1620
provided in section 7.16 of the Revised Code. The notice shall 1621
include a listing of the charges proposed in the resolution and 1622
the date, time, and location of each of the hearings. The board 1623
shall hear any person who wishes to testify on the charges or the 1624

resolution. 1625

(D) No resolution adopted under this section shall be 1626
effective sooner than thirty days following its adoption nor shall 1627
any such resolution be adopted as an emergency measure. The 1628
resolution is subject to a referendum in accordance with sections 1629
305.31 to 305.41 of the Revised Code unless, in the resolution, 1630
the board of county commissioners directs the board of elections 1631
of the county to submit the question of imposing the charges to 1632
the electors of the county at the next primary or general election 1633
in the county occurring not less than ninety days after the 1634
resolution is certified to the board. No resolution shall go into 1635
effect unless approved by a majority of those voting upon it in 1636
any election allowed under this division. 1637

(E) To collect charges imposed under division (A) of this 1638
section, the board of county commissioners shall certify them to 1639
the county auditor of the county who then shall place them upon 1640
the real property duplicate against the properties to be assessed, 1641
as provided in division (A) of this section. Each assessment shall 1642
bear interest at the same rate that securities issued in 1643
anticipation of the collection of the assessments bear, is a lien 1644
on the property assessed from the date placed upon the real 1645
property duplicate by the auditor, and shall be collected in the 1646
same manner as other taxes. 1647

(F) All money collected by or on behalf of a county under 1648
this section shall be paid to the county treasurer of the county 1649
and kept in a separate and distinct fund to the credit of the 1650
county. The fund shall be used to pay the costs allowed in 1651
division (A) of this section and specified in the resolution 1652
adopted under that division. In no case shall any surplus so 1653
collected be expended for other than the use and benefit of the 1654
county. 1655

Sec. ~~4931.52~~ 5507.25. (A) This section applies only to a 1656
county that meets both of the following conditions: 1657

(1) A final plan for a countywide 9-1-1 system either has not 1658
been approved in the county under section ~~4931.44~~ 5507.08 of the 1659
Revised Code or has been approved but has not been put into 1660
operation because of a lack of funding; 1661

(2) The board of county commissioners, at least once, has 1662
submitted to the electors of the county the question of raising 1663
funds for a 9-1-1 system under section ~~4931.51~~ 5507.22, 5705.19, 1664
or 5739.026 of the Revised Code, and a majority of the electors 1665
has disapproved the question each time it was submitted. 1666

(B) A board of county commissioners may adopt a resolution 1667
imposing a monthly charge on telephone access lines to pay for the 1668
equipment costs of establishing and maintaining no more than three 1669
public safety answering points of a countywide 9-1-1 system, which 1670
public safety answering points shall be only twenty-four-hour 1671
dispatching points already existing in the county. The resolution 1672
shall state the amount of the charge, which shall not exceed fifty 1673
cents per month, and the month the charge will first be imposed, 1674
which shall be no earlier than four months after the special 1675
election held pursuant to this section. Each residential and 1676
business telephone company customer within the area served by the 1677
9-1-1 system shall pay the monthly charge for each of its 1678
residential or business customer access lines or their equivalent. 1679

Before adopting a resolution under this division, the board 1680
of county commissioners shall hold at least two public hearings on 1681
the proposed charge. Before the first hearing, the board shall 1682
publish notice of the hearings once a week for two consecutive 1683
weeks in a newspaper of general circulation in the county or as 1684
provided in section 7.16 of the Revised Code. The notice shall 1685
state the amount of the proposed charge, an explanation of the 1686

necessity for the charge, and the date, time, and location of each 1687
of the hearings. 1688

(C) A resolution adopted under division (B) of this section 1689
shall direct the board of elections to submit the question of 1690
imposing the charge to the electors of the county at a special 1691
election on the day of the next primary or general election in the 1692
county. The board of county commissioners shall certify a copy of 1693
the resolution to the board of elections not less than ninety days 1694
before the day of the special election. No resolution adopted 1695
under division (B) of this section shall take effect unless 1696
approved by a majority of the electors voting upon the resolution 1697
at an election held pursuant to this section. 1698

In any year, the board of county commissioners may impose a 1699
lesser charge than the amount originally approved by the electors. 1700
The board may change the amount of the charge no more than once a 1701
year. The board may not impose a charge greater than the amount 1702
approved by the electors without first holding an election on the 1703
question of the greater charge. 1704

(D) Money raised from a monthly charge on telephone access 1705
lines under this section shall be deposited into a special fund 1706
created in the county treasury by the board of county 1707
commissioners pursuant to section 5705.12 of the Revised Code, to 1708
be used only for the necessary equipment costs of establishing and 1709
maintaining no more than three public safety answering points of a 1710
countywide 9-1-1 system pursuant to a resolution adopted under 1711
division (B) of this section. In complying with this division, any 1712
county may seek the assistance of the department of public 1713
~~utilities commission~~ safety with regard to operating and 1714
maintaining a 9-1-1 system. 1715

(E) Pursuant to the voter approval required by division (C) 1716
of this section, the final plan for a countywide 9-1-1 system that 1717
will be funded through a monthly charge imposed in accordance with 1718

this section shall be amended by the existing 9-1-1 planning 1719
committee, and the amendment of such a final plan is not an 1720
amendment of a final plan for the purpose of division (A) of 1721
section ~~4931.45~~ 5507.12 of the Revised Code. 1722

Sec. ~~4931.53~~ 5507.26. (A) This section applies only to a 1723
county that has a final plan for a countywide 9-1-1 system that 1724
either has not been approved in the county under section ~~4931.44~~ 1725
5507.08 of the Revised Code or has been approved but has not been 1726
put into operation because of a lack of funding. 1727

(B) A board of county commissioners may adopt a resolution 1728
imposing a monthly charge on telephone access lines to pay for the 1729
operating and equipment costs of establishing and maintaining no 1730
more than one public safety answering point of a countywide 9-1-1 1731
system. The resolution shall state the amount of the charge, which 1732
shall not exceed fifty cents per month, and the month the charge 1733
will first be imposed, which shall be no earlier than four months 1734
after the special election held pursuant to this section. Each 1735
residential and business telephone company customer within the 1736
area of the county served by the 9-1-1 system shall pay the 1737
monthly charge for each of its residential or business customer 1738
access lines or their equivalent. 1739

Before adopting a resolution under this division, the board 1740
of county commissioners shall hold at least two public hearings on 1741
the proposed charge. Before the first hearing, the board shall 1742
publish notice of the hearings once a week for two consecutive 1743
weeks in a newspaper of general circulation in the county or as 1744
provided in section 7.16 of the Revised Code. The notice shall 1745
state the amount of the proposed charge, an explanation of the 1746
necessity for the charge, and the date, time, and location of each 1747
of the hearings. 1748

(C) A resolution adopted under division (B) of this section 1749

shall direct the board of elections to submit the question of 1750
imposing the charge to the electors of the county at a special 1751
election on the day of the next primary or general election in the 1752
county. The board of county commissioners shall certify a copy of 1753
the resolution to the board of elections not less than ninety days 1754
before the day of the special election. No resolution adopted 1755
under division (B) of this section shall take effect unless 1756
approved by a majority of the electors voting upon the resolution 1757
at an election held pursuant to this section. 1758

In any year, the board of county commissioners may impose a 1759
lesser charge than the amount originally approved by the electors. 1760
The board may change the amount of the charge no more than once a 1761
year. The board shall not impose a charge greater than the amount 1762
approved by the electors without first holding an election on the 1763
question of the greater charge. 1764

(D) Money raised from a monthly charge on telephone access 1765
lines under this section shall be deposited into a special fund 1766
created in the county treasury by the board of county 1767
commissioners pursuant to section 5705.12 of the Revised Code, to 1768
be used only for the necessary operating and equipment costs of 1769
establishing and maintaining no more than one public safety 1770
answering point of a countywide 9-1-1 system pursuant to a 1771
resolution adopted under division (B) of this section. In 1772
complying with this division, any county may seek the assistance 1773
of the department of public utilities commission safety with 1774
regard to operating and maintaining a 9-1-1 system. 1775

(E) Nothing in sections ~~4931.40~~ 5507.01 to ~~4931.53~~ 5507.34 of 1776
the Revised Code precludes a final plan adopted in accordance with 1777
those sections from being amended to provide that, by agreement 1778
included in the plan, a public safety answering point of another 1779
countywide 9-1-1 system is the public safety answering point of a 1780
countywide 9-1-1 system funded through a monthly charge imposed in 1781

accordance with this section. In that event, the county for which 1782
the public safety answering point is provided shall be deemed the 1783
subdivision operating the public safety answering point for 1784
purposes of sections ~~4931.40~~ 5507.01 to ~~4931.53~~ 5507.34 of the 1785
Revised Code, except that, for the purpose of division (D) of 1786
section ~~4931.41~~ 5507.03 of the Revised Code, the county shall pay 1787
only so much of the costs associated with establishing, equipping, 1788
furnishing, operating, or maintaining the public safety answering 1789
point specified in the agreement included in the final plan. 1790

(F) Pursuant to the voter approval required by division (C) 1791
of this section, the final plan for a countywide 9-1-1 system that 1792
will be funded through a monthly charge imposed in accordance with 1793
this section, or that will be amended to include an agreement 1794
described in division (E) of this section, shall be amended by the 1795
existing 9-1-1 planning committee, and the amendment of such a 1796
final plan is not an amendment of a final plan for the purpose of 1797
division (A) of section ~~4931.45~~ 5507.12 of the Revised Code. 1798

Sec. ~~4931.54~~ 5507.27. (A) As part of its normal monthly 1799
billing process, each telephone company with customers in the area 1800
served by a 9-1-1 system shall bill and collect from those 1801
customers any charge imposed under section ~~4931.52~~ 5507.25 or 1802
~~4931.53~~ 5507.26 of the Revised Code. The company may list the 1803
charge as a separate entry on each bill and may indicate on the 1804
bill that the charge is made pursuant to approval of a ballot 1805
issue by county voters. Any customer billed by a company for a 1806
charge imposed under section ~~4931.52~~ 5507.25 or ~~4931.53~~ 5507.26 of 1807
the Revised Code is liable to the county for the amount billed. 1808
The company shall apply any partial payment of a customer's bill 1809
first to the amount the customer owes the company. The company 1810
shall keep complete records of charges it bills and collects, and 1811
such records shall be open during business hours for inspection by 1812
the county commissioners or their agents or employees. If a 1813

company fails to bill any customer for the charge, it is liable to 1814
the county for the amount that was not billed. 1815

(B) A telephone company that collects charges under this 1816
section shall remit the money to the county on a quarterly basis. 1817
The company may retain three per cent of any charge it collects as 1818
compensation for the costs of such collection. If a company 1819
collects charges under this section and fails to remit the money 1820
to the county as prescribed, it is liable to the county for any 1821
amount collected and not remitted. 1822

Sec. ~~4931.49~~ 5507.32. (A)(1) The state, the state highway 1823
patrol, a subdivision, or a regional council of governments 1824
participating in a 9-1-1 system established under ~~sections 4931.40~~ 1825
~~to 4931.70 of the Revised Code~~ this chapter and any officer, 1826
agent, employee, or independent contractor of the state, the state 1827
highway patrol, or such a participating subdivision or regional 1828
council of governments is not liable in damages in a civil action 1829
for injuries, death, or loss to persons or property arising from 1830
any act or omission, except willful or wanton misconduct, in 1831
connection with developing, adopting, or approving any final plan 1832
or any agreement made under section ~~4931.48~~ 5507.09 of the Revised 1833
Code or otherwise bringing into operation the 9-1-1 system 1834
pursuant to ~~sections 4931.40 to 4931.70 of the Revised Code~~ this 1835
chapter. 1836

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 1837
board, and any member of that council or board are not liable in 1838
damages in a civil action for injuries, death, or loss to persons 1839
or property arising from any act or omission, except willful or 1840
wanton misconduct, in connection with the development or operation 1841
of a 9-1-1 system established under ~~sections 4931.40 to 4931.70 of~~ 1842
~~the Revised Code~~ this chapter. 1843

(B) Except as otherwise provided in section ~~4765.49~~ 5507.32 1844

of the Revised Code, an individual who gives emergency 1845
instructions through a 9-1-1 system established under sections 1846
~~4931.40 to 4931.70 of the Revised Code~~ this chapter, and the 1847
principals for whom the person acts, including both employers and 1848
independent contractors, public and private, and an individual who 1849
follows emergency instructions and the principals for whom that 1850
person acts, including both employers and independent contractors, 1851
public and private, are not liable in damages in a civil action 1852
for injuries, death, or loss to persons or property arising from 1853
the issuance or following of emergency instructions, except where 1854
the issuance or following of the instructions constitutes willful 1855
or wanton misconduct. 1856

(C) Except for willful or wanton misconduct, a telephone 1857
company, and any other installer, maintainer, or provider, through 1858
the sale or otherwise, of customer premises equipment, and their 1859
respective officers, directors, employees, agents, and suppliers 1860
are not liable in damages in a civil action for injuries, death, 1861
or loss to persons or property incurred by any person resulting 1862
from any of the following: 1863

(1) Such an entity's or its officers', directors', 1864
employees', agents', or suppliers' participation in or acts or 1865
omissions in connection with participating in or developing, 1866
maintaining, or operating a 9-1-1 system, ~~whether that system is~~ 1867
~~established pursuant to sections 4931.40 to 4931.70 of the Revised~~ 1868
~~Code or otherwise in accordance with schedules regarding 9-1-1~~ 1869
~~systems filed with the public utilities commission pursuant to~~ 1870
~~section 4905.30 of the Revised Code by a telephone company that is~~ 1871
~~a wireline service provider;~~ 1872

(2) Such an entity's or its officers', directors', 1873
employees', agents', or suppliers' provision of assistance to a 1874
public utility, municipal utility, or state or local government as 1875
authorized by divisions ~~(F)~~(G)(4) and (5) of this section. 1876

(D) Except for willful or wanton misconduct, a provider of 1877
and a seller of a prepaid wireless calling service and their 1878
respective officers, directors, employees, agents, and suppliers 1879
are not liable in damages in a civil action for injuries, death, 1880
or loss to persons or property incurred by any person resulting 1881
from anything described in division (C) of this section. 1882

(E) No person shall knowingly use the telephone number of a 1883
9-1-1 system established under ~~sections 4931.40 to 4931.70 of the~~ 1884
~~Revised Code~~ this chapter to report an emergency if the person 1885
knows that no emergency exists. 1886

~~(E)~~(F) No person shall knowingly use a 9-1-1 system for a 1887
purpose other than obtaining emergency service. 1888

~~(F)~~(G) No person shall disclose or use any information 1889
concerning telephone numbers, addresses, or names obtained from 1890
the data base that serves the public safety answering point of a 1891
9-1-1 system established under ~~sections 4931.40 to 4931.70 of the~~ 1892
~~Revised Code~~ this chapter, except for any of the following 1893
purposes or under any of the following circumstances: 1894

(1) For the purpose of the 9-1-1 system; 1895

(2) For the purpose of responding to an emergency call to an 1896
emergency service provider; 1897

(3) In the circumstance of the inadvertent disclosure of such 1898
information due solely to technology of the wireline telephone 1899
network portion of the 9-1-1 system not allowing access to the 1900
data base to be restricted to 9-1-1 specific answering lines at a 1901
public safety answering point; 1902

(4) In the circumstance of access to a data base being given 1903
by a telephone company that is a wireline service provider to a 1904
public utility or municipal utility in handling customer calls in 1905
times of public emergency or service outages. The charge, terms, 1906
and conditions for the disclosure or use of such information for 1907

the purpose of such access to a data base shall be subject to the 1908
jurisdiction of the department of public utilities commission 1909
safety. 1910

(5) In the circumstance of access to a data base given by a 1911
telephone company that is a wireline service provider to a state 1912
and local government in warning of a public emergency, as 1913
determined by the department of public utilities commission 1914
safety. The charge, terms, and conditions for the disclosure or 1915
use of that information for the purpose of access to a data base 1916
is subject to the jurisdiction of the department of public 1917
utilities commission safety. 1918

Sec. ~~4931.50~~ 5507.34. (A) The attorney general, upon request 1919
of the department of public utilities commission safety or the tax 1920
commissioner, or on the attorney general's own initiative, shall 1921
begin proceedings against a telephone company that is a wireline 1922
service provider to enforce compliance with ~~sections 4931.40 to~~ 1923
~~4931.70 of the Revised Code~~ this chapter or with the terms, 1924
conditions, requirements, or specifications of a final plan or of 1925
an agreement under section ~~4931.48~~ 5507.09 of the Revised Code as 1926
to wireline or wireless 9-1-1. 1927

(B) The attorney general, upon the attorney general's own 1928
initiative, or any prosecutor, upon the prosecutor's initiative, 1929
shall begin proceedings against a subdivision or a regional 1930
council of governments as to wireline or wireless 9-1-1 to enforce 1931
compliance with ~~sections 4931.40 to 4931.70 of the Revised Code~~ 1932
this chapter or with the terms, conditions, requirements, or 1933
specifications of a final plan or of an agreement under section 1934
~~4931.48~~ 5507.09 of the Revised Code as to wireline or wireless 1935
9-1-1. 1936

Sec. ~~4931.60~~ 5507.40. (A) There is hereby created within the 1937

~~department of public utilities commission safety~~ the 9-1-1 service 1938
program, headed by ~~the director of public safety in consultation~~ 1939
~~with~~ an Ohio 9-1-1 coordinator in the unclassified civil service 1940
pursuant to division (A)(9) of section 124.11 of the Revised Code. 1941
The coordinator shall be appointed by and serve at the pleasure of 1942
the ~~commission chairperson~~ director of public safety and shall 1943
report directly to the ~~chairperson~~ director. ~~Upon the effective~~ 1944
~~date of this section~~ On the effective date of this section, the 1945
~~chairperson~~ director shall appoint an interim coordinator and, 1946
upon submission of a list of nominees by the Ohio 9-1-1 council 1947
pursuant to section ~~4931.69~~ 5507.66 of the Revised Code, shall 1948
consider those nominees in making the final appointment and in 1949
appointing any subsequent coordinator. The ~~chairperson~~ director 1950
may request the council to submit additional nominees and may 1951
reject any of the nominees. The ~~chairperson~~ director shall fix the 1952
compensation of the coordinator. The ~~chairperson~~ director shall 1953
evaluate the performance of the coordinator after considering the 1954
evaluation and recommendations of the council under section 1955
~~4931.68~~ 5507.65 of the Revised Code. 1956

The ~~Ohio 9-1-1 coordinator~~ tax commissioner shall administer 1957
the wireless 9-1-1 government assistance fund as specified in 1958
sections ~~4931.63~~ 5507.53 and ~~4931.64~~ 5507.55 of the Revised Code 1959
~~and otherwise.~~ The coordinator shall carry out the coordinator's 1960
duties under ~~sections 4931.60 to 4931.70 of the Revised Code~~ this 1961
chapter. The ~~chairperson~~ director may establish additional duties 1962
of the coordinator based on a list of recommended duties submitted 1963
by the Ohio 9-1-1 council pursuant to section ~~4931.68~~ 5507.65 of 1964
the Revised Code. The ~~chairperson~~ director may assign one or more 1965
~~commission~~ department employees to assist the coordinator in 1966
carrying out the coordinator's duties. 1967

Sec. ~~4931.61~~ 5507.42. (A) ~~Beginning on the first day of the~~ 1968

~~third month following May 6, 2005, and ending December 31, 2012,~~ 1969
~~there~~ There is hereby imposed, on each wireless telephone number 1970
of a wireless service subscriber who has a billing address in this 1971
state, except prepaid wireless telephone numbers, a wireless 9-1-1 1972
charge of ~~twenty-eight~~ twenty-five cents per month. The subscriber 1973
shall pay the wireless 9-1-1 charge for each such wireless 1974
telephone number assigned to the subscriber. Each wireless service 1975
provider and each reseller of wireless service shall collect the 1976
wireless 9-1-1 charge as a specific line item on each subscriber's 1977
monthly bill. The line item shall be expressly designated 1978
"State/Local Wireless-E911 Costs (~~\$0.28/billed~~ \$0.25/billed 1979
number)." If a provider bills a subscriber for any wireless 1980
enhanced 9-1-1 costs that the provider may incur, the charge or 1981
amount is not to appear in the same line item as the state/local 1982
line item. If the charge or amount is to appear in its own, 1983
separate line item on the bill, the charge or amount shall be 1984
expressly designated "[Name of Provider] Federal Wireless-E911 1985
Costs." ~~For any subscriber of prepaid wireless service, a wireless~~ 1986
~~service provider or reseller shall collect the wireless 9-1-1~~ 1987
~~charge in any of the following manners:~~ 1988

~~(1) At the point of sale. For purposes of prepaid wireless~~ 1989
~~services, point of sale includes the purchasing of additional~~ 1990
~~minutes by the subscriber along with any necessary activation of~~ 1991
~~those minutes.~~ 1992

~~(2) If the subscriber has a positive account balance on the~~ 1993
~~last day of the month and has used the service during that month,~~ 1994
~~by reducing that balance not later than the end of the first week~~ 1995
~~of the following month by the amount of the charge or an~~ 1996
~~equivalent number of airtime minutes;~~ 1997

~~(3) By dividing the total earned prepaid wireless telephone~~ 1998
~~revenue from sales within this state received by the wireless~~ 1999

~~service provider or reseller during the month by fifty,~~ 2000
~~multiplying the quotient by twenty eight cents, and remitting this~~ 2001
~~amount pursuant to division (A)(1) of section 4931.62 of the~~ 2002
~~Revised Code~~ The wireless 9-1-1 charge authorized under this 2003
section shall not be imposed on a wireless lifeline service 2004
provider. 2005

(B)(1) Beginning July 1, 2013, there is hereby imposed, on 2006
each retail sale of a prepaid wireless calling service occurring 2007
in this state, a wireless 9-1-1 charge of fifty hundredths of a 2008
per cent of the sale price. 2009

(2) For purposes of division (B)(1) of this section, a retail 2010
sale occurs in this state if it is effected by the consumer 2011
appearing in person at a seller's business location in this state, 2012
or if the sale is sourced to this state under division (E)(3) of 2013
section 5739.034 of the Revised Code, except that under that 2014
division, in lieu of sourcing a sale under division (C)(5) of 2015
section 5739.033 of the Revised Code, the seller, rather than the 2016
service provider, may elect to source the sale to the location 2017
associated with the mobile telephone number. 2018

(3) Except as provided in division (B)(4)(c) of this section, 2019
the seller of the prepaid wireless calling service shall collect 2020
the charge from the consumer at the time of each retail sale and 2021
disclose the amount of the charge to the consumer at the time of 2022
the sale by itemizing the charge on the receipt, invoice, or 2023
similar form of written documentation provided to the consumer. 2024

(4) When a prepaid wireless calling service is sold with one 2025
or more other products or services for a single, nonitemized 2026
price, the wireless 9-1-1 charge imposed under division (B)(1) of 2027
this section shall apply to the entire nonitemized price, except 2028
as provided in divisions (B)(4)(a) to (c) of this section. 2029

(a) If the amount of the prepaid wireless calling service is 2030

disclosed to the consumer as a dollar amount, the seller may elect 2031
to apply the charge only to that dollar amount. 2032

(b) If the seller can identify the portion of the nonitemized 2033
price that is attributable to the prepaid wireless calling 2034
service, by reasonable and verifiable standards from the seller's 2035
books and records that are kept in the regular course of business 2036
for other purposes, including nontax purposes, the seller may 2037
elect to apply the charge only to that portion. 2038

(c) If a minimal amount of a prepaid wireless calling service 2039
is sold with a prepaid wireless calling device for the single, 2040
nonitemized price, the seller may elect not to collect the charge. 2041
As used in this division, "minimal" means either ten minutes or 2042
less or five dollars or less. 2043

(C) The wireless 9-1-1 charge charges shall be exempt from 2044
state or local taxation. 2045

Sec. 5507.44. Beginning July 1, 2013, the tax commissioner 2046
shall provide notice to all known wireless service providers, 2047
resellers of wireless service, and sellers of prepaid wireless 2048
calling services of any increase or decrease in either of the 2049
wireless 9-1-1 charges imposed under section 5507.42 of the 2050
Revised Code. Each notice shall be provided not less than thirty 2051
days before the effective date of the increase or decrease. 2052

Sec. ~~4931.62~~ 5507.46. (A)(1) Beginning with the second month 2053
following the month in which the wireless 9-1-1 charge is first 2054
imposed under division (A) of section ~~4931.61~~ 5507.42 of the 2055
Revised Code, a wireless service provider or reseller of wireless 2056
service, not later than the last day of each month, shall remit 2057
the full amount of all such wireless 9-1-1 charges it collected 2058
for the second preceding calendar month to the ~~Ohio 9-1-1~~ 2059
~~coordinator~~ tax commissioner, with the exception of charges 2060

equivalent to the amount authorized as a billing and collection 2061
fee under division (A)(2) of this section. In doing so, the 2062
provider or reseller may remit the requisite amount in any 2063
reasonable manner consistent with its existing operating or 2064
technological capabilities, such as by customer address, location 2065
associated with the wireless telephone number, or another 2066
allocation method based on comparable, relevant data. If the 2067
wireless service provider or reseller receives a partial payment 2068
for a bill from a wireless service subscriber, the wireless 2069
service provider or reseller shall apply the payment first against 2070
the amount the subscriber owes the wireless service provider or 2071
reseller and shall remit to the ~~coordinator~~ tax commissioner such 2072
lesser amount, if any, as results from that invoice. 2073

(2) A wireless service provider or reseller of wireless 2074
service may retain as a billing and collection fee two per cent of 2075
the total wireless 9-1-1 charges it collects in any month and 2076
shall account to the ~~coordinator~~ tax commissioner for the amount 2077
retained. 2078

(3) The ~~coordinator~~ tax commissioner shall return to, or 2079
credit against the next month's remittance of, a wireless service 2080
provider or service reseller the amount of any remittances the 2081
~~coordinator~~ tax commissioner determines were erroneously submitted 2082
by the provider or reseller. 2083

(B)(1) Subject to division (B)(2) of this section, each 2084
seller of a prepaid wireless calling service required to collect 2085
prepaid wireless 9-1-1 charges under division (B) of section 2086
5507.42 of the Revised Code shall, on or before the twenty-third 2087
day of each month, except as provided in divisions (B)(2)(a), (b), 2088
and (c) of this section, do both of the following: 2089

(a) Make and file a return for the preceding month, in the 2090
form prescribed by the tax commissioner, showing the amount of the 2091

charges collected during that month; 2092

(b) Remit the full amount due, as shown on the return. 2093

(2)(a) The commissioner may extend the time for making and 2094
filing returns and paying amounts due. 2095

(b) The commissioner may require that the return for the last 2096
month of any annual or semiannual period, as determined by the 2097
commissioner, be a reconciliation return detailing the prepaid 2098
wireless 9-1-1 charges collected during the preceding annual or 2099
semiannual period. A reconciliation return shall be filed on or 2100
before the last day of the month following the last month of the 2101
annual or semiannual period. 2102

(c) If a seller is required to collect prepaid wireless 9-1-1 2103
charges in amounts that do not merit monthly returns, the 2104
commissioner may authorize the seller to make and file returns 2105
less frequently. The commissioner shall ascertain whether this 2106
authorization is warranted upon the basis of administrative costs 2107
to the state. 2108

(d) A seller may retain as a collection fee three per cent of 2109
the total wireless 9-1-1 charges described in division (B)(1) of 2110
this section, and shall account to the tax commissioner for the 2111
amount retained. 2112

(C) The return required under this section shall be filed 2113
electronically using the Ohio business gateway, as defined in 2114
section 718.051 of the Revised Code, the Ohio telefile system, or 2115
any other electronic means prescribed by the tax commissioner. 2116
Payment of the amount due shall be made electronically in a manner 2117
approved by the commissioner. A seller may apply to the 2118
commissioner on a form prescribed by the commissioner to be 2119
excused from either electronic requirement of this division. For 2120
good cause shown, the commissioner may excuse the seller from 2121
either or both of the requirements and may permit the seller to 2122

file returns or make payments by nonelectronic means. 2123

(D)(1) Each subscriber on which a wireless 9-1-1 charge is 2124
imposed under ~~division (A) of~~ section ~~4931.61~~ 5507.42 of the 2125
Revised Code is liable to the state for the amount of the charge. 2126
If a wireless service provider or reseller ~~fails to collect the~~ 2127
~~charge under that division from a subscriber of prepaid wireless~~ 2128
~~service, or~~ fails to bill any ~~other~~ subscriber for the charge 2129
imposed under division (A) of section 5507.42 of the Revised Code, 2130
the wireless service provider or reseller is liable to the state 2131
for the amount not ~~collected or~~ billed. If a wireless service 2132
provider or reseller collects charges under that division and 2133
fails to remit the money to the ~~coordinator~~ tax commissioner, the 2134
wireless service provider or reseller is liable to the state for 2135
any amount collected and not remitted. 2136

~~(C)~~(2) No provider of a prepaid wireless calling service 2137
shall be liable to the state for any wireless 9-1-1 charge imposed 2138
under division (B)(1) of section 5507.42 of the Revised Code that 2139
was not collected or remitted. 2140

(E)(1) If the ~~public utilities commission~~ tax commissioner 2141
has reason to believe that a wireless service provider or reseller 2142
has failed to bill, collect, or remit the wireless 9-1-1 charge as 2143
required by divisions (A)(1) and ~~(B)~~(D)(1) of this section or has 2144
retained more than the amount authorized under division (A)(2)(~~d~~) 2145
of this section, and after written notice to the provider or 2146
reseller, the ~~commission~~ tax commissioner may audit the provider 2147
or reseller for the sole purpose of making such a determination. 2148
The audit may include, but is not limited to, a sample of the 2149
provider's or reseller's billings, collections, remittances, or 2150
retentions for a representative period, and the ~~commission~~ tax 2151
commissioner shall make a good faith effort to reach agreement 2152
with the provider or reseller in selecting that sample. 2153

(2) Upon written notice to the wireless service provider or 2154

reseller, the ~~commission~~ tax commissioner, by order after 2155
completion of the audit, may make an assessment against the 2156
provider or reseller if, pursuant to the audit, the ~~commission~~ tax 2157
commissioner determines that the provider or reseller has failed 2158
to bill, collect, or remit the wireless 9-1-1 charge as required 2159
by divisions (A)(1) and ~~(B)(D)(1)~~ of this section or has retained 2160
more than the amount authorized under division (A)(2) of this 2161
section. The assessment shall be in the amount of any remittance 2162
that was due and unpaid on the date notice of the audit was sent 2163
by the ~~commission~~ tax commissioner to the provider or reseller or, 2164
as applicable, in the amount of the excess amount under division 2165
(A)(2) of this section retained by the provider or reseller as of 2166
that date. 2167

(3) The portion of any assessment not paid within sixty days 2168
after the date of service by the ~~commission~~ tax commissioner of 2169
the assessment notice under division ~~(C)(E)(2)~~ of this section 2170
shall bear interest from that date until paid at the rate per 2171
annum prescribed by section 5703.47 of the Revised Code. That 2172
interest may be collected by making an assessment under division 2173
~~(C)(E)(2)~~ of this section. An assessment under this division and 2174
any interest due shall be remitted in the same manner as the 2175
wireless 9-1-1 charge imposed under division (A) of section 2176
5507.42 of the Revised Code. 2177

(4) An assessment is final and due and payable and shall be 2178
remitted to the ~~commission~~ tax commissioner unless the assessed 2179
party petitions for rehearing under section 4903.10 of the Revised 2180
Code. The proceedings of the ~~commission~~ tax commissioner specified 2181
in division ~~(C)(E)(4)~~ of this section are subject to and governed 2182
by Chapter 4903. of the Revised Code, except that the court of 2183
appeals of Franklin county has exclusive, original jurisdiction to 2184
review, modify, or vacate an order of the ~~commission~~ tax 2185
commissioner under division ~~(C)(E)(2)~~ of this section. The court 2186

shall hear and determine such appeal in the same manner and under 2187
the same standards as the Ohio supreme court hears and determines 2188
appeals under Chapter 4903. of the Revised Code. 2189

The judgment of the court of appeals is final and conclusive 2190
unless reversed, vacated, or modified on appeal. Such an appeal 2191
may be made by the ~~commission~~ tax commissioner or the person to 2192
whom the order under division ~~(C)~~(E)(2) of this section was issued 2193
and shall proceed as in the case of appeals in civil actions as 2194
provided in Chapter 2505. of the Revised Code. 2195

(5) After an assessment becomes final, if any portion of the 2196
assessment remains unpaid, including accrued interest, a certified 2197
copy of the ~~commission's entry making the final~~ assessment final 2198
may be filed in the office of the clerk of the court of common 2199
pleas in the county in which the place of business of the assessed 2200
party is located. If the party maintains no place of business in 2201
this state, the certified copy of the entry may be filed in the 2202
office of the clerk of the court of common pleas of Franklin 2203
county. Immediately upon the filing, the clerk shall enter a 2204
judgment for the state against the assessed party in the amount 2205
shown on the entry. The judgment may be filed by the clerk in a 2206
loose-leaf book entitled "special judgments for wireless 9-1-1 2207
charges" and shall have the same effect as other judgments. The 2208
judgment shall be executed upon the request of the ~~commission~~ tax 2209
commissioner. 2210

(6) An assessment under this division does not discharge a 2211
subscriber's liability to reimburse the provider or reseller for 2212
the wireless 9-1-1 charge imposed under division (A) of section 2213
5507.42 of the Revised Code. If, after the date of service of the 2214
audit notice under division ~~(C)~~(E)(1) of this section, a 2215
subscriber pays a wireless 9-1-1 charge for the period covered by 2216
the assessment, the payment shall be credited against the 2217
assessment. 2218

(7) All money collected by the ~~commission~~ tax commissioner 2219
under ~~this~~ division (E) of this section shall be paid to the 2220
treasurer of state, for deposit to the credit of the wireless 2221
9-1-1 government assistance fund. 2222

Sec. 5507.51. (A) Beginning on July 1, 2013, the department 2223
of taxation shall, within forty-five days after the end of each 2224
month, transfer one per cent of the remitted wireless 9-1-1 2225
charges imposed under section 5507.42 of the Revised Code to the 2226
credit of the wireless 9-1-1 administrative fund, which is hereby 2227
created in the state treasury. This fund shall be used by the 2228
department of taxation to defray the costs incurred in carrying 2229
out sections 5507.42 to 5507.52 of the Revised Code. 2230

(B) The department shall, within forty-five days after the 2231
end of each month, transfer the amount remaining after the deposit 2232
required by division (A) of this section to the credit of the 2233
wireless 9-1-1 government assistance fund, created in section 2234
4931.63 of the Revised Code. Immediately upon completion of this 2235
transfer, the department shall certify to the director of public 2236
safety the amount transferred under this division. 2237

Sec. 5507.52. (A) Beginning on July 1, 2013, each seller of a 2238
prepaid wireless calling service required to collect prepaid 2239
wireless 9-1-1 charges under division (B) of section 5507.42 of 2240
the Revised Code shall also be subject to the provisions of 2241
Chapter 5739. of the Revised Code regarding the excise tax on 2242
retail sales levied under section 5739.02 of the Revised Code, as 2243
those provisions apply to audits, assessments, appeals, 2244
enforcement, liability, and penalties. 2245

(B) The tax commissioner shall establish procedures by which 2246
a person may document that a sale is not a retail sale of a 2247
prepaid wireless calling service. The procedures shall 2248

substantially coincide with similar procedures under Chapter 5739. 2249
of the Revised Code. 2250

Sec. ~~4931.63~~ 5507.53. (A) There is hereby created the 2251
wireless 9-1-1 administrative fund in the state treasury. A 2252
~~sufficient percentage, determined by the chairperson of the public~~ 2253
~~utilities commission but not to exceed two per cent, of the~~ 2254
~~periodic~~ Periodic remittances of the wireless 9-1-1 ~~charge~~ charges 2255
under section ~~4931.62~~ 5507.46 of the Revised Code shall be 2256
deposited to the credit of the fund, ~~to~~ and used as follows: 2257

(1) One per cent of the remittances shall be used by the 2258
~~commission~~ director of public safety to cover such nonpayroll 2259
costs and, at the discretion of the ~~commission~~ director such 2260
payroll costs, of the ~~commission~~ department of public safety as 2261
are incurred in assisting the ~~coordinator~~ director in carrying out 2262
sections ~~4931.60~~ 5507.40 to ~~4931.70~~ 5507.66 of the Revised Code 2263
and in conducting audits under division ~~(C)~~ (E) of section ~~4931.62~~ 2264
5507.46 of the Revised Code. In addition, the compensation of the 2265
Ohio 9-1-1 coordinator, and any expenses of the coordinator in 2266
carrying out those sections, shall be paid from the fund. 2267

(2) One per cent of the remittances shall be used by the 2268
department of taxation to defray the costs in carrying out 2269
sections 5507.40 to 5507.66 of the Revised Code. 2270

(3) Annually, the tax commissioner and the director of public 2271
safety, after paying administrative costs incurred in carrying out 2272
sections 5507.40 to 5507.66 of the Revised Code, shall transfer 2273
any excess remaining in the wireless 9-1-1 administrative fund to 2274
the wireless 9-1-1 government assistance fund. 2275

(B) There is hereby created the wireless 9-1-1 government 2276
assistance fund, which shall be in the custody of the treasurer of 2277
state but shall not be part of the state treasury. The periodic 2278
remittances of the wireless 9-1-1 ~~charge~~ charges under section 2279

5507.46 of the Revised Code, remaining after the ~~deposit~~ deposits 2280
required by division (A) of this section, shall be deposited to 2281
the credit of the wireless 9-1-1 government assistance fund. The 2282
treasurer of state shall deposit or invest the moneys in this fund 2283
in accordance with Chapter 135. of the Revised Code and any other 2284
provision of law governing public moneys of the state as defined 2285
in section 135.01 of the Revised Code. The treasurer of state 2286
shall credit the interest earned to the fund. The treasurer of 2287
state shall disburse money from the fund solely upon order of the 2288
~~coordinator~~ tax commissioner as authorized under section ~~4931.64~~ 2289
5507.55 of the Revised Code. Annually, until the fund is depleted, 2290
the treasurer of state shall certify to the ~~coordinator~~ director 2291
of public safety and the tax commissioner the amount of moneys in 2292
the treasurer of state's custody belonging to the fund. 2293

(C) There is hereby created the next generation 9-1-1 fund, 2294
which shall be in the custody of the treasurer but shall not be a 2295
part of the state treasury. The funds remaining in the wireless 2296
9-1-1 government assistance fund after the disbursements made 2297
under section 5507.55 of the Revised Code, shall be deposited to 2298
the credit of the next generation 9-1-1 fund. The treasurer of 2299
state shall deposit or invest the moneys in this fund in 2300
accordance with Chapter 135. of the Revised Code and any other 2301
provision of law governing public moneys of the state as defined 2302
in section 135.01 of the Revised Code. The treasurer of state 2303
shall credit the interest earned to the fund. The treasurer of 2304
state shall disburse money from the fund solely upon order of the 2305
tax commissioner according to policies established by the 2306
statewide emergency services internet protocol network steering 2307
committee as authorized under section 5507.021 of the Revised 2308
Code. Annually, until the fund is depleted, the treasurer of state 2309
shall certify to the commissioner the amount of moneys in the 2310
treasurer of state's custody belonging to the fund. 2311

Sec. ~~4931.64~~ 5507.55. (A) Prior to the first disbursement 2312
under this section and annually thereafter not later than the 2313
twenty-fifth day of January, until the wireless 9-1-1 government 2314
assistance fund is depleted, the ~~Ohio 9-1-1 coordinator~~ tax 2315
commissioner shall do both of the following for the purposes of 2316
division (B) of this section: 2317

(1) Determine, for a county that has adopted a final plan 2318
under ~~sections 4931.40 to 4931.70 of the Revised Code~~ this chapter 2319
for the provision of wireless enhanced 9-1-1 within the territory 2320
covered by the countywide 9-1-1 system established under the plan, 2321
the number of wireless telephone numbers assigned to wireless 2322
service subscribers that have billing addresses within the county. 2323
That number shall be adjusted between any two counties so that the 2324
number of wireless telephone numbers assigned to wireless service 2325
subscribers who have billing addresses within any portion of a 2326
municipal corporation that territorially lies primarily in one of 2327
the two counties but extends into the other county is added to the 2328
number already determined for that primary county and subtracted 2329
for the other county. 2330

(2) Determine each county's proportionate share of the 2331
wireless 9-1-1 government assistance fund for the ensuing calendar 2332
year on the basis set forth in division (B) of this section; 2333
estimate the ensuing calendar year's fund balance; compute each 2334
such county's estimated proceeds for the ensuing calendar year 2335
based on its proportionate share and the estimated fund balance; 2336
and certify such amount of proceeds to the county auditor of each 2337
such county. 2338

(B) ~~The Ohio 9-1-1 coordinator~~ Except as provided in division 2339
(F) of this section, the tax commissioner, in accordance with this 2340
division and not later than the last day of each month, shall 2341
disburse the amount credited as remittances to the wireless 9-1-1 2342

government assistance fund during the second preceding month, plus 2343
any accrued interest on the fund. Such a disbursement shall be 2344
paid to each county treasurer. The amount to be so disbursed 2345
monthly to a particular county shall be a proportionate share of 2346
the wireless 9-1-1 government assistance fund balance based on the 2347
ratio between the following: 2348

(1) The number of wireless telephone numbers determined for 2349
the county by the ~~coordinator~~ tax commissioner pursuant to 2350
division (A) of this section; 2351

(2) The total number of wireless telephone numbers assigned 2352
to subscribers who have billing addresses within this state. To 2353
the extent that the fund balance permits, the disbursements to 2354
each county shall total at least ninety thousand dollars annually. 2355

(C)(1) Each county that has not adopted a final plan for the 2356
provision of wireless enhanced 9-1-1 under ~~sections 4931.40 to~~ 2357
~~4931.70 of the Revised Code~~ this chapter shall be deemed as having 2358
done so for the purposes of making the determinations under 2359
divisions (A)(1) and (2) of this section. 2360

(2) For each county described in division (C)(1) of this 2361
section, the ~~coordinator~~ tax commissioner shall retain in the 2362
wireless 9-1-1 government assistance fund an amount equal to what 2363
would otherwise be paid as the county's disbursements under 2364
division (B) of this section if it had adopted such a final plan, 2365
plus any related accrued interest, to be set aside for that 2366
county. If the board of county commissioners notifies the 2367
~~coordinator~~ tax commissioner prior to January 1, 2010, that a 2368
final plan for the provision of wireless enhanced 9-1-1 has been 2369
adopted, the ~~coordinator~~ tax commissioner shall disburse and pay 2370
to the county treasurer, not later than the last day of the month 2371
following the month the notification is made, the total amount so 2372
set aside for the county plus any related accrued interest. As of 2373
January 1, 2010, any money and interest so retained and not 2374

disbursed as authorized under this division shall be available for 2375
disbursement only as provided in division (B) of this section. 2376

(D) Immediately upon receipt by a county treasurer of a 2377
disbursement under division (B) or (C) of this section, the county 2378
shall disburse, in accordance with the allocation formula set 2379
forth in the final plan, the amount the county so received to any 2380
other subdivisions in the county and any regional councils of 2381
governments in the county that pay the costs of a public safety 2382
answering point providing wireless enhanced 9-1-1 under the plan. 2383

(E) Nothing in ~~sections 4931.40 to 4931.70 of the Revised~~ 2384
~~Code this chapter~~ affects the authority of a subdivision operating 2385
or served by a public safety answering point of a 9-1-1 system or 2386
a regional council of governments operating a public safety 2387
answering point of a 9-1-1 system to use, as provided in the final 2388
plan for the system or in an agreement under section ~~4931.48~~ 2389
5507.09 of the Revised Code, any other authorized revenue of the 2390
subdivision or the regional council of governments for the 2391
purposes of providing basic or enhanced 9-1-1. 2392

(F) On and after July 1, 2013, disbursements made by the tax 2393
commissioner under this section shall remain at the level 2394
disbursed in 2012. After the disbursements are made, the balances 2395
of the remittances in the wireless 9-1-1 government assistance 2396
fund shall be deposited in the next generation 9-1-1 fund. 2397

Sec. ~~4931.65~~ 5507.57. Except as otherwise provided in section 2398
~~4931.651~~ 5507.571 of the Revised Code: 2399

(A) A countywide 9-1-1 system receiving a disbursement under 2400
section ~~4931.64~~ 5507.55 of the Revised Code shall provide 2401
countywide wireless enhanced 9-1-1 in accordance with ~~sections~~ 2402
~~4931.40 to 4931.70 of the Revised Code this chapter~~ beginning as 2403
soon as reasonably possible after receipt of the first 2404
disbursement or, if that service is already implemented, shall 2405

continue to provide such service. Except as provided in divisions 2406
(B) ~~and~~, (C), ~~and~~ (E) of this section, a disbursement shall be 2407
used solely for the purpose of paying either or both of the 2408
following: 2409

(1) Any costs of designing, upgrading, purchasing, leasing, 2410
programming, installing, testing, or maintaining the necessary 2411
data, hardware, software, and trunking required for the public 2412
safety answering point or points of the 9-1-1 system to provide 2413
wireless enhanced 9-1-1, which costs are incurred before or on or 2414
after May 6, 2005, and consist of such additional costs of the 2415
9-1-1 system over and above any costs incurred to provide wireline 2416
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 2417
up to twenty-five thousand dollars of the disbursements received 2418
on or after January 1, 2009, may be applied to data, hardware, and 2419
software that automatically alerts personnel receiving a 9-1-1 2420
call that a person at the subscriber's address or telephone number 2421
may have a mental or physical disability, of which that personnel 2422
shall inform the appropriate emergency service provider. On or 2423
after the provision of technical and operational standards 2424
pursuant to division (D)(1) of section ~~4931.68~~ 5507.65 of the 2425
Revised Code, a regional council of governments operating a public 2426
safety answering point or a subdivision shall consider the 2427
standards before incurring any costs described in this division. 2428

(2) Any costs of training the staff of the public safety 2429
answering point or points to provide wireless enhanced 9-1-1, 2430
which costs are incurred before or on or after May 6, 2005. 2431

(B) ~~Beginning one year following the imposition of the~~ 2432
~~wireless 9-1-1 charge under section 4931.61 of the Revised Code, a~~ 2433
A subdivision or a regional council of governments that certifies 2434
to the ~~Ohio 9-1-1 coordinator~~ tax commissioner that it has paid 2435
the costs described in divisions (A)(1) and (2) of this section 2436
and is providing countywide wireless enhanced 9-1-1 may use 2437

disbursements received under section ~~4931.64~~ 5507.55 of the 2438
Revised Code to pay any of its personnel costs of one or more 2439
public safety answering points providing countywide wireless 2440
enhanced 9-1-1. 2441

(C) After receiving its ~~April~~ July 2013 disbursement under 2442
section ~~4931.64~~ 5507.55 of the Revised Code, a regional council of 2443
governments operating a public safety answering point or a 2444
subdivision may use any remaining balance of disbursements it 2445
received under that section to pay any of its costs of providing 2446
countywide wireless 9-1-1, including the personnel costs of one or 2447
more public safety answering points providing that service. 2448

(D) The costs described in divisions (A), (B), ~~and~~ (C), and 2449
(E) of this section may include any such costs payable pursuant to 2450
an agreement under division (J) of section ~~4931.41~~ 5507.03 of the 2451
Revised Code. 2452

(E) No disbursement to a countywide 9-1-1 system for costs of 2453
a public safety answering point shall be made from the wireless 2454
9-1-1 government assistance fund or the next generation 9-1-1 fund 2455
unless the public safety answering point meets the standards set 2456
by rule of the statewide emergency services internet protocol 2457
network steering committee under section 5507.02 of the Revised 2458
Code. 2459

(F) The auditor of state may audit and review each county's 2460
expenditures of funds received from the wireless 9-1-1 government 2461
assistance fund to verify that the funds were used in accordance 2462
with the requirements of this chapter. 2463

Sec. ~~4931.651~~ 5507.571. ~~On or after March 1, 2009, payment~~ 2464
(A) Payment of costs specified in divisions (A) to (D) of section 2465
~~4931.65~~ 5507.57 of the Revised Code ~~and so payable~~ from a 2466
disbursement under section ~~4931.64~~ 5507.55 of the Revised Code 2467
shall be limited to those specified and payable costs incurred 2468

after that date for not more than five a specified number of 2469
public safety answering points of the particular 9-1-1 system as 2470
follows: 2471

(1) For the period beginning on March 1, 2009, and ending on 2472
December 31, 2015, a countywide 9-1-1 system may use disbursements 2473
for not more than five public safety answering points per calendar 2474
year. 2475

(2) Except as provided in division (B) of this section: 2476

(a) For the period beginning on January 1, 2016, and ending 2477
on December 31, 2017, a countywide 9-1-1 system may use 2478
disbursements for not more than four public safety answering 2479
points per calendar year. 2480

(b) For the period beginning on January 1, 2018, and 2481
thereafter a countywide 9-1-1 system may use disbursements for not 2482
more than three public safety answering points per calendar year. 2483

(B) If within a county there is a municipal corporation with 2484
a population of over 175,000 according to the most recent federal 2485
decennial census, that county may use disbursements for one public 2486
safety answering point in addition to the number of public safety 2487
answering points allowed under division (A)(2) of this section. 2488

(C) If a county exceeds the allowable number of public safety 2489
answering points under this section, disbursements to countywide 2490
9-1-1 systems made to the county from the wireless 9-1-1 2491
government assistance fund and the next generation 9-1-1 fund 2492
shall be reduced by fifty per cent until the county complies with 2493
the public safety answering point limitations established under 2494
this section. 2495

Sec. ~~4931.66~~ 5507.60. (A)(1) A telephone company, the state 2496
highway patrol as described in division (J) of section ~~4931.41~~ 2497
~~5507.03~~ of the Revised Code, and each subdivision or regional 2498

council of governments operating one or more public safety 2499
answering points for a countywide system providing wireless 9-1-1, 2500
shall provide the ~~Ohio 9-1-1 coordinator~~ director of public safety 2501
and the tax commissioner with such information as the ~~coordinator~~ 2502
~~requests~~ director and tax commissioner request for the purposes of 2503
carrying out the ~~coordinator's~~ their duties under ~~sections 4931.60~~ 2504
~~to 4931.70 of the Revised Code~~ this chapter, including, but not 2505
limited to, duties regarding the collection of the wireless 9-1-1 2506
~~charge and regarding the provision of a report or recommendation~~ 2507
charges imposed under section ~~4931.70~~ 5507.42 of the Revised Code. 2508

(2) A wireless service provider shall provide an official, 2509
employee, agent, or representative of a subdivision or regional 2510
council of governments operating a public safety answering point, 2511
or of the state highway patrol as described in division (J) of 2512
section ~~4931.41~~ 5507.03 of the Revised Code, with such technical, 2513
service, and location information as the official, employee, 2514
agent, or representative requests for the purpose of providing 2515
wireless 9-1-1. 2516

(3) A subdivision or regional council of governments 2517
operating one or more public safety answering points of a 9-1-1 2518
system, and a telephone company, shall provide to the Ohio 9-1-1 2519
council such information as the council requires for the purpose 2520
of carrying out its duties under division (D) of section ~~4931.68~~ 2521
5507.65 of the Revised Code. 2522

(B)(1) Any information provided under division (A) of this 2523
section that consists of trade secrets as defined in section 2524
1333.61 of the Revised Code or of information regarding the 2525
customers, revenues, expenses, or network information of a 2526
telephone company shall be confidential and does not constitute a 2527
public record for the purpose of section 149.43 of the Revised 2528
Code. 2529

(2) The ~~public utilities commission, the Ohio 9-1-1~~ 2530
~~coordinator~~ director, tax commissioner, and any official, 2531
employee, agent, or representative of the ~~commission~~ director, of 2532
the tax commissioner, of the state highway patrol as described in 2533
division (J) of section ~~4931.41~~ 5507.03 of the Revised Code, or of 2534
a subdivision or regional council of governments operating a 2535
public safety answering point, while acting or claiming to act in 2536
the capacity of the ~~commission or coordinator~~ director or tax 2537
commissioner or such official, employee, agent, or representative, 2538
shall not disclose any information provided under division (A) of 2539
this section regarding a telephone company's customers, revenues, 2540
expenses, or network information. Nothing in division (B)(2) of 2541
this section precludes any such information from being aggregated 2542
and included in any report required under ~~section 4931.70 or~~ 2543
division (D)~~(2)~~ of section ~~4931.69~~ 5507.66 of the Revised Code, 2544
provided the aggregated information does not identify the number 2545
of any particular company's customers or the amount of its 2546
revenues or expenses or identify a particular company as to any 2547
network information. 2548

Sec. ~~4931.67~~ 5507.63. The ~~public utilities commission tax~~ 2549
~~commissioner and the director of public safety~~, after consultation 2550
with ~~the Ohio 9-1-1 coordinator~~ each other, shall adopt rules in 2551
accordance with Chapter 119. of the Revised Code to carry out 2552
sections ~~4931.60~~ 5507.40 to ~~4931.70~~ 5507.55 of the Revised Code, 2553
including rules prescribing the necessary accounting for a 2554
~~wireless service provider's or reseller's~~ the billing and 2555
collection fee under division (A)(2) of section ~~4931.62~~ 5507.46 of 2556
the Revised Code and ~~rules establishing a fair and reasonable~~ 2557
~~process for recommending the amount of the wireless 9-1-1 charge~~ 2558
~~as authorized under division (B) of section 4931.70 of the Revised~~ 2559
Code. The ~~amount~~ amounts of the wireless 9-1-1 ~~charge~~ charges 2560
shall be prescribed only by act of the general assembly. 2561

Sec. ~~4931.68~~ 5507.65. (A) There is hereby created the Ohio 2562
9-1-1 council, consisting of eleven members as follows: the Ohio 2563
~~9-1-1 coordinator;~~ director of public safety or a designee of the 2564
department of public safety, selected by the director of public 2565
safety; and ~~nine~~ ten members appointed by the governor. In 2566
appointing the ~~nine~~ ten members, the governor shall select at 2567
least one representative of public safety communications officials 2568
in this state, one representative of administrators of 9-1-1 2569
service in this state, one representative of countywide 9-1-1 2570
systems in this state, three representatives of wireline service 2571
providers in this state, and three representatives of wireless 2572
service providers in this state. For each such appointment, the 2573
governor shall consider a nominee proposed, respectively, by the 2574
Ohio chapter of the association of public-safety communications 2575
officials, the Ohio chapter of the national emergency number 2576
association, the county commissioners association of Ohio; and 2577
nominees proposed, respectively, by the Ohio telecom association 2578
and the wireless operators of Ohio; or any successor organization 2579
of each such entity. 2580

Initial appointments shall be made not later than thirty days 2581
after ~~the effective date of this section~~ May 6, 2005. Nothing in 2582
this section shall prevent the governor from rejecting any of the 2583
nominees or requesting that a nominating entity under this 2584
division submit the names of alternative nominees for 2585
consideration. 2586

(B) The term of the initial appointee to the council 2587
representing public safety communications officials and the terms 2588
of one of the initial appointees representing wireline service 2589
providers and one representing wireless service providers shall 2590
expire on January 31, 2007. The term of the initial appointee to 2591
the council representing administrators of 9-1-1 service and the 2592
terms of another one of the initial appointees representing 2593

wireline service providers and another representing wireless 2594
service providers shall expire on January 31, 2008. The term of 2595
the initial appointee to the council representing countywide 9-1-1 2596
systems and the terms of another one of the initial appointees 2597
representing wireline service providers and another representing 2598
wireless service providers shall expire on January 31, 2009. 2599
Thereafter, terms of appointed members shall be for three years, 2600
with each term ending on the same day of the same month as the 2601
term it succeeds. 2602

Each council member shall hold office from the date of the 2603
member's appointment until the end of the term for which the 2604
member was appointed. Members may be reappointed. 2605

Vacancies shall be filled in the manner provided for original 2606
appointments. Any member appointed to fill a vacancy occurring 2607
prior to the expiration date of the term for which the member's 2608
predecessor was appointed shall hold office as a member for the 2609
remainder of that term. A member shall continue in office after 2610
the expiration date of the member's term until the member's 2611
successor takes office or until a period of sixty days has 2612
elapsed, whichever occurs first. 2613

Appointed members shall serve without compensation and shall 2614
not be reimbursed for expenses. 2615

(C) The council shall select a chairperson from among the 2616
appointed members. Each member shall have one vote in all 2617
deliberations of the council, ~~except that the Ohio 9-1-1~~ 2618
~~coordinator shall not be eligible to vote on a matter described in~~ 2619
~~division (D)(3) of this section.~~ A majority of the voting members 2620
constitutes a quorum. 2621

(D) The duties of the council shall consist of ~~all~~ both of 2622
the following: 2623

(1) Arbitrating or establishing relative to 9-1-1 systems in 2624

this state nondiscriminatory, competitively neutral, and uniform 2625
technical and operational standards consistent with recognized 2626
industry standards and federal law. This authority does not 2627
include authority to prescribe the technology that a telephone 2628
company or reseller uses to deliver 9-1-1 calls. 2629

(2) Including for the purpose of ~~the Ohio 9-1-1 coordinator~~ 2630
reporting to the general assembly, conducting research and making 2631
recommendations or reports regarding any wireline and wireless 2632
9-1-1 issues, any improvements in the provision of service by 2633
9-1-1 systems in this state, or any legislation or policies 2634
concerning such systems; 2635

(3) Regarding the position of Ohio 9-1-1 coordinator, 2636
submitting names of nominees and recommended duties as authorized 2637
under section ~~4931.60~~ 5507.40 of the Revised Code and, at least 2638
biennially, conducting and submitting with recommendations to the 2639
public utilities commission a performance evaluation of the 2640
coordinator. 2641

(E) The council is not an agency, as defined in section 2642
101.82 of the Revised Code, for purposes of sections 101.82 to 2643
101.87 of the Revised Code. 2644

Sec. ~~4931.69~~ 5507.66. (A) There is hereby created the 2645
wireless 9-1-1 advisory board, consisting of the Ohio 9-1-1 2646
council appointee that represents public safety communications 2647
officials and five members appointed by the governor as follows: 2648
one of the council appointees that represents wireless service 2649
providers in this state, whose council term expires after the 2650
council term of the council appointee representing public safety 2651
communications officials, one noncouncil representative of 2652
wireless service providers in this state, one noncouncil 2653
representative of public safety communications officials in this 2654
state, and two noncouncil representatives of municipal and county 2655

governments in this state. 2656

(B) The terms of the advisory board members who are also 2657
council members shall be concurrent with their terms as members of 2658
the council, as prescribed under division (B) of section ~~4931.68~~ 2659
5507.65 of the Revised Code. The terms of the initial noncouncil 2660
appointee to the advisory board who represents wireless service 2661
providers and of one of the initial noncouncil appointees who 2662
represents municipal and county government shall expire on January 2663
31, 2009. The terms of the initial noncouncil appointee to the 2664
advisory board representing public safety communications officials 2665
and of the other initial noncouncil appointee representing 2666
municipal and county government shall expire on January 31, 2010. 2667
Thereafter, terms of the noncouncil appointees shall be for three 2668
years, with each term ending on the same day of the same month as 2669
the term it succeeds. The conditions of holding office, manner of 2670
filling vacancies, and other matters concerning service by any 2671
member of the advisory board shall be the same as set forth for 2672
council members under division (B) of section ~~4931.68~~ 5507.65 of 2673
the Revised Code. 2674

(C) The ~~Ohio 9-1-1 coordinator~~ director of public safety 2675
shall appoint the chairperson of the advisory board. Each member 2676
of the board shall be a voting member and shall have one vote in 2677
all deliberations of the board. A majority of the members 2678
constitutes a quorum. 2679

~~(D)(1) The advisory board shall make a recommendation to the 2680
coordinator regarding the amount of the wireless 9-1-1 charge to 2681
be included in the report required by division (B) of section 2682
4931.70 of the Revised Code and shall consult with the coordinator 2683
regarding that report. 2684~~

~~(2) The advisory board shall make recommendations to and 2685
consult with the public utilities commission and the coordinator 2686~~

director regarding any rules to be adopted under section ~~4931.67~~ 2687
5507.63 of the Revised Code. 2688

(E) The advisory board is not an agency, as defined in 2689
section 101.82 of the Revised Code, for purposes of sections 2690
101.82 to 101.87 of the Revised Code. 2691

Sec. ~~4931.99~~ 5507.99. (A) Whoever violates division ~~(D)~~(E) of 2692
section ~~4931.49~~ 5507.32 of the Revised Code is guilty of a 2693
misdemeanor of the fourth degree. 2694

~~(B) Whoever violates division (B) of section 4931.06 of the~~ 2695
~~Revised Code is guilty of a misdemeanor in the first degree.~~ 2696

~~(C)~~ Whoever violates division ~~(E)~~(F) or ~~(F)~~(G) of section 2697
~~4931.49~~ 5507.32 or division (B)(2) of section ~~4931.66~~ 5507.60 of 2698
the Revised Code is guilty of a misdemeanor of the fourth degree 2699
on a first offense and a felony of the fifth degree on each 2700
subsequent offense. 2701

~~(D) Whoever violates section 4931.75 of the Revised Code is~~ 2702
~~guilty of a minor misdemeanor for a first offense and a~~ 2703
~~misdemeanor of the first degree on each subsequent offense.~~ 2704

Sec. 5705.19. This section does not apply to school districts 2705
or county school financing districts. 2706

The taxing authority of any subdivision at any time and in 2707
any year, by vote of two-thirds of all the members of the taxing 2708
authority, may declare by resolution and certify the resolution to 2709
the board of elections not less than ninety days before the 2710
election upon which it will be voted that the amount of taxes that 2711
may be raised within the ten-mill limitation will be insufficient 2712
to provide for the necessary requirements of the subdivision and 2713
that it is necessary to levy a tax in excess of that limitation 2714
for any of the following purposes: 2715

(A) For current expenses of the subdivision, except that the 2716
total levy for current expenses of a detention facility district 2717
or district organized under section 2151.65 of the Revised Code 2718
shall not exceed two mills and that the total levy for current 2719
expenses of a combined district organized under sections 2151.65 2720
and 2152.41 of the Revised Code shall not exceed four mills; 2721

(B) For the payment of debt charges on certain described 2722
bonds, notes, or certificates of indebtedness of the subdivision 2723
issued subsequent to January 1, 1925; 2724

(C) For the debt charges on all bonds, notes, and 2725
certificates of indebtedness issued and authorized to be issued 2726
prior to January 1, 1925; 2727

(D) For a public library of, or supported by, the subdivision 2728
under whatever law organized or authorized to be supported; 2729

(E) For a municipal university, not to exceed two mills over 2730
the limitation of one mill prescribed in section 3349.13 of the 2731
Revised Code; 2732

(F) For the construction or acquisition of any specific 2733
permanent improvement or class of improvements that the taxing 2734
authority of the subdivision may include in a single bond issue; 2735

(G) For the general construction, reconstruction, 2736
resurfacing, and repair of streets, roads, and bridges in 2737
municipal corporations, counties, or townships; 2738

(H) For parks and recreational purposes; 2739

(I) For the purpose of providing and maintaining fire 2740
apparatus, appliances, buildings, or sites therefor, or sources of 2741
water supply and materials therefor, or the establishment and 2742
maintenance of lines of fire alarm telegraph, or the payment of 2743
firefighting companies or permanent, part-time, or volunteer 2744
firefighting, emergency medical service, administrative, or 2745

communications personnel to operate the same, including the 2746
payment of any employer contributions required for such personnel 2747
under section 145.48 or 742.34 of the Revised Code, or the 2748
purchase of ambulance equipment, or the provision of ambulance, 2749
paramedic, or other emergency medical services operated by a fire 2750
department or firefighting company; 2751

(J) For the purpose of providing and maintaining motor 2752
vehicles, communications, other equipment, buildings, and sites 2753
for such buildings used directly in the operation of a police 2754
department, or the payment of salaries of permanent or part-time 2755
police, communications, or administrative personnel to operate the 2756
same, including the payment of any employer contributions required 2757
for such personnel under section 145.48 or 742.33 of the Revised 2758
Code, or the payment of the costs incurred by townships as a 2759
result of contracts made with other political subdivisions in 2760
order to obtain police protection, or the provision of ambulance 2761
or emergency medical services operated by a police department; 2762

(K) For the maintenance and operation of a county home or 2763
detention facility; 2764

(L) For community mental retardation and developmental 2765
disabilities programs and services pursuant to Chapter 5126. of 2766
the Revised Code, except that the procedure for such levies shall 2767
be as provided in section 5705.222 of the Revised Code; 2768

(M) For regional planning; 2769

(N) For a county's share of the cost of maintaining and 2770
operating schools, district detention facilities, forestry camps, 2771
or other facilities, or any combination thereof, established under 2772
section 2151.65 or 2152.41 of the Revised Code or both of those 2773
sections; 2774

(O) For providing for flood defense, providing and 2775
maintaining a flood wall or pumps, and other purposes to prevent 2776

floods;	2777
(P) For maintaining and operating sewage disposal plants and facilities;	2778 2779
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	2780 2781 2782 2783 2784 2785 2786
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	2787 2788 2789 2790
(S) For the prevention, control, and abatement of air pollution;	2791 2792
(T) For maintaining and operating cemeteries;	2793
(U) For providing ambulance service, emergency medical service, or both;	2794 2795
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	2796 2797
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	2798 2799 2800
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	2801 2802
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	2803 2804 2805
(Z) For the provision and maintenance of zoological park	2806

services and facilities as authorized under section 307.76 of the Revised Code; (AA) For the maintenance and operation of a free public museum of art, science, or history; (BB) For the establishment and operation of a 9-1-1 system, as defined in section ~~4931.40~~ 5507.01 of the Revised Code; (CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation. (DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code; (EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses; (FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code; (GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section

505.263 of the Revised Code in order to pay all or any part of the 2838
cost of constructing, maintaining, repairing, or operating a water 2839
supply improvement; 2840

(HH) For a board of township trustees to acquire, other than 2841
by appropriation, an ownership interest in land, water, or 2842
wetlands, or to restore or maintain land, water, or wetlands in 2843
which the board has an ownership interest, not for purposes of 2844
recreation, but for the purposes of protecting and preserving the 2845
natural, scenic, open, or wooded condition of the land, water, or 2846
wetlands against modification or encroachment resulting from 2847
occupation, development, or other use, which may be styled as 2848
protecting or preserving "greenspace" in the resolution, notice of 2849
election, or ballot form. Except as otherwise provided in this 2850
division, land is not acquired for purposes of recreation, even if 2851
the land is used for recreational purposes, so long as no 2852
building, structure, or fixture used for recreational purposes is 2853
permanently attached or affixed to the land. Except as otherwise 2854
provided in this division, land that previously has been acquired 2855
in a township for these greenspace purposes may subsequently be 2856
used for recreational purposes if the board of township trustees 2857
adopts a resolution approving that use and no building, structure, 2858
or fixture used for recreational purposes is permanently attached 2859
or affixed to the land. The authorization to use greenspace land 2860
for recreational use does not apply to land located in a township 2861
that had a population, at the time it passed its first greenspace 2862
levy, of more than thirty-eight thousand within a county that had 2863
a population, at that time, of at least eight hundred sixty 2864
thousand. 2865

(II) For the support by a county of a crime victim assistance 2866
program that is provided and maintained by a county agency or a 2867
private, nonprofit corporation or association under section 307.62 2868
of the Revised Code; 2869

(JJ) For any or all of the purposes set forth in divisions	2870
(I) and (J) of this section. This division applies only to a	2871
township.	2872
(KK) For a countywide public safety communications system	2873
under section 307.63 of the Revised Code. This division applies	2874
only to counties.	2875
(LL) For the support by a county of criminal justice services	2876
under section 307.45 of the Revised Code;	2877
(MM) For the purpose of maintaining and operating a jail or	2878
other detention facility as defined in section 2921.01 of the	2879
Revised Code;	2880
(NN) For purchasing, maintaining, or improving, or any	2881
combination of the foregoing, real estate on which to hold	2882
agricultural fairs. This division applies only to a county.	2883
(OO) For constructing, rehabilitating, repairing, or	2884
maintaining sidewalks, walkways, trails, bicycle pathways, or	2885
similar improvements, or acquiring ownership interests in land	2886
necessary for the foregoing improvements;	2887
(PP) For both of the purposes set forth in divisions (G) and	2888
(OO) of this section.	2889
(QQ) For both of the purposes set forth in divisions (H) and	2890
(HH) of this section. This division applies only to a township.	2891
(RR) For the legislative authority of a municipal	2892
corporation, board of county commissioners of a county, or board	2893
of township trustees of a township to acquire agricultural	2894
easements, as defined in section 5301.67 of the Revised Code, and	2895
to supervise and enforce the easements.	2896
(SS) For both of the purposes set forth in divisions (BB) and	2897
(KK) of this section. This division applies only to a county.	2898
(TT) For the maintenance and operation of a facility that is	2899

organized in whole or in part to promote the sciences and natural 2900
history under section 307.761 of the Revised Code. 2901

(UU) For the creation and operation of a county land 2902
reutilization corporation and for any programs or activities of 2903
the corporation found by the board of directors of the corporation 2904
to be consistent with the purposes for which the corporation is 2905
organized; 2906

(VV) For construction and maintenance of improvements and 2907
expenses of soil and water conservation district programs under 2908
Chapter 1515. of the Revised Code; 2909

(WW) For the Ohio cooperative extension service fund created 2910
under section 3335.35 of the Revised Code for the purposes 2911
prescribed under section 3335.36 of the Revised Code for the 2912
benefit of the citizens of a county. This division applies only to 2913
a county. 2914

(XX) For a municipal corporation that withdraws or proposes 2915
by resolution to withdraw from a regional transit authority under 2916
section 306.55 of the Revised Code to provide transportation 2917
services for the movement of persons within, from, or to the 2918
municipal corporation. 2919

The resolution shall be confined to the purpose or purposes 2920
described in one division of this section, to which the revenue 2921
derived therefrom shall be applied. The existence in any other 2922
division of this section of authority to levy a tax for any part 2923
or all of the same purpose or purposes does not preclude the use 2924
of such revenues for any part of the purpose or purposes of the 2925
division under which the resolution is adopted. 2926

The resolution shall specify the amount of the increase in 2927
rate that it is necessary to levy, the purpose of that increase in 2928
rate, and the number of years during which the increase in rate 2929
shall be in effect, which may or may not include a levy upon the 2930

duplicate of the current year. The number of years may be any 2931
number not exceeding five, except as follows: 2932

(1) When the additional rate is for the payment of debt 2933
charges, the increased rate shall be for the life of the 2934
indebtedness. 2935

(2) When the additional rate is for any of the following, the 2936
increased rate shall be for a continuing period of time: 2937

(a) For the current expenses for a detention facility 2938
district, a district organized under section 2151.65 of the 2939
Revised Code, or a combined district organized under sections 2940
2151.65 and 2152.41 of the Revised Code; 2941

(b) For providing a county's share of the cost of maintaining 2942
and operating schools, district detention facilities, forestry 2943
camps, or other facilities, or any combination thereof, 2944
established under section 2151.65 or 2152.41 of the Revised Code 2945
or under both of those sections. 2946

(3) When the additional rate is for either of the following, 2947
the increased rate may be for a continuing period of time: 2948

(a) For the purposes set forth in division (I), (J), (U), or 2949
(KK) of this section; 2950

(b) For the maintenance and operation of a joint recreation 2951
district. 2952

(4) When the increase is for the purpose or purposes set 2953
forth in division (D), (G), (H), (CC), or (PP) of this section, 2954
the tax levy may be for any specified number of years or for a 2955
continuing period of time, as set forth in the resolution. 2956

(5) When the additional rate is for the purpose described in 2957
division (Z) of this section, the increased rate shall be for any 2958
number of years not exceeding ten. 2959

A levy for one of the purposes set forth in division (G), 2960

(I), (J), or (U) of this section may be reduced pursuant to 2961
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 2962
the purposes set forth in division (G), (I), (J), or (U) of this 2963
section may also be terminated or permanently reduced by the 2964
taxing authority if it adopts a resolution stating that the 2965
continuance of the levy is unnecessary and the levy shall be 2966
terminated or that the millage is excessive and the levy shall be 2967
decreased by a designated amount. 2968

A resolution of a detention facility district, a district 2969
organized under section 2151.65 of the Revised Code, or a combined 2970
district organized under both sections 2151.65 and 2152.41 of the 2971
Revised Code may include both current expenses and other purposes, 2972
provided that the resolution shall apportion the annual rate of 2973
levy between the current expenses and the other purpose or 2974
purposes. The apportionment need not be the same for each year of 2975
the levy, but the respective portions of the rate actually levied 2976
each year for the current expenses and the other purpose or 2977
purposes shall be limited by the apportionment. 2978

Whenever a board of county commissioners, acting either as 2979
the taxing authority of its county or as the taxing authority of a 2980
sewer district or subdistrict created under Chapter 6117. of the 2981
Revised Code, by resolution declares it necessary to levy a tax in 2982
excess of the ten-mill limitation for the purpose of constructing, 2983
improving, or extending sewage disposal plants or sewage systems, 2984
the tax may be in effect for any number of years not exceeding 2985
twenty, and the proceeds of the tax, notwithstanding the general 2986
provisions of this section, may be used to pay debt charges on any 2987
obligations issued and outstanding on behalf of the subdivision 2988
for the purposes enumerated in this paragraph, provided that any 2989
such obligations have been specifically described in the 2990
resolution. 2991

A resolution adopted by the legislative authority of a 2992

municipal corporation that is for the purpose in division (XX) of 2993
this section may be combined with the purpose provided in section 2994
306.55 of the Revised Code, by vote of two-thirds of all members 2995
of the legislative authority. The legislative authority may 2996
certify the resolution to the board of elections as a combined 2997
question. The question appearing on the ballot shall be as 2998
provided in section 5705.252 of the Revised Code. 2999

The resolution shall go into immediate effect upon its 3000
passage, and no publication of the resolution is necessary other 3001
than that provided for in the notice of election. 3002

When the electors of a subdivision or, in the case of a 3003
qualifying library levy for the support of a library association 3004
or private corporation, the electors of the association library 3005
district, have approved a tax levy under this section, the taxing 3006
authority of the subdivision may anticipate a fraction of the 3007
proceeds of the levy and issue anticipation notes in accordance 3008
with section 5705.191 or 5705.193 of the Revised Code. 3009

Sec. 5733.55. (A) As used in this section: 3010

(1) "9-1-1 system" has the same meaning as in section ~~4931.40~~ 3011
5507.01 of the Revised Code. 3012

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 3013
approved by the ~~public utilities commission~~ tax commissioner for 3014
the telephone network portion of a 9-1-1 system pursuant to 3015
section ~~4931.47~~ 5507.18 of the Revised Code. 3016

(3) "Eligible nonrecurring 9-1-1 charges" means all 3017
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 3018
following: 3019

(a) Charges for a system that was not established pursuant to 3020
a plan adopted under section ~~4931.44~~ 5507.08 of the Revised Code 3021
or an agreement under section ~~4931.48~~ 5507.09 of the Revised Code; 3022

(b) Charges for that part of a system established pursuant to 3023
such a plan or agreement that are excluded from the credit by 3024
division (C)(2) of section ~~4931.47~~ 5507.18 of the Revised Code. 3025

(4) "Telephone company" has the same meaning as in section 3026
5727.01 of the Revised Code. 3027

(B) Beginning in tax year 2005, a telephone company shall be 3028
allowed a nonrefundable credit against the tax imposed by section 3029
5733.06 of the Revised Code equal to the amount of its eligible 3030
nonrecurring 9-1-1 charges. The credit shall be claimed for the 3031
company's taxable year that covers the period in which the 9-1-1 3032
service for which the credit is claimed becomes available for use. 3033
The credit shall be claimed in the order required by section 3034
5733.98 of the Revised Code. If the credit exceeds the total taxes 3035
due under section 5733.06 of the Revised Code for the tax year, 3036
the tax commissioner shall credit the excess against taxes due 3037
under that section for succeeding tax years until the full amount 3038
of the credit is granted. 3039

(C) After the last day a return, with any extensions, may be 3040
filed by any telephone company that is eligible to claim a credit 3041
under this section, the commissioner shall determine whether the 3042
sum of the credits allowed for prior tax years commencing with tax 3043
year 2005 plus the sum of the credits claimed for the current tax 3044
year exceeds fifteen million dollars. If it does, the credits 3045
allowed under this section for the current tax year shall be 3046
reduced by a uniform percentage such that the sum of the credits 3047
allowed for the current tax year do not exceed fifteen million 3048
dollars claimed by all telephone companies for all tax years. 3049
Thereafter, no credit shall be granted under this section, except 3050
for the remaining portions of any credits allowed under division 3051
(B) of this section. 3052

(D) A telephone company that is entitled to carry forward a 3053
credit against its public utility excise tax liability under 3054

section 5727.39 of the Revised Code is entitled to carry forward 3055
any amount of that credit remaining after its last public utility 3056
excise tax payment for the period of July 1, 2003, through June 3057
30, 2004, and claim that amount as a credit against its 3058
corporation franchise tax liability under this section. Nothing in 3059
this section authorizes a telephone company to claim a credit 3060
under this section for any eligible nonrecurring 9-1-1 charges for 3061
which it has already claimed a credit under this section or 3062
section 5727.39 of the Revised Code. 3063

Section 2. That existing sections 125.183, 167.03, 2307.64, 3064
2913.01, 3745.13, 4742.01, 4905.30, 4927.03, 4927.15, 4931.40, 3065
4931.41, 4931.42, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 3066
4931.48, 4931.49, 4931.50, 4931.51, 4931.52, 4931.53, 4931.54, 3067
4931.60, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.651, 3068
4931.66, 4931.67, 4931.68, 4931.69, 4931.75, 4931.99, 5705.19, and 3069
5733.55 and section 4931.70 of the Revised Code are hereby 3070
repealed. 3071

Section 3. This act is hereby declared to be an emergency 3072
measure necessary for the immediate preservation of the public 3073
peace, health, and safety. The reason for such necessity is to 3074
advance and ensure the provision of wireless enhanced 9-1-1 3075
service in an efficient and effective manner, including by 3076
maintaining the wireless 9-1-1 charge, which would otherwise 3077
expire at the end of December 2012. Therefore, this act shall go 3078
into immediate effect. 3079

Section 4. Section 5705.19 of the Revised Code is presented 3080
in this act as a composite of the section as amended by both Am. 3081
Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly. The 3082
General Assembly, applying the principle stated in division (B) of 3083
section 1.52 of the Revised Code that amendments are to be 3084
harmonized if reasonably capable of simultaneous operation, finds 3085

that the composite is the resulting version of the section in	3086
effect prior to the effective date of the section as presented in	3087
this act.	3088