

# As Passed by the Senate

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, Eklund, Gentile, Niehaus, Seitz, Wagoner

—

## 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 142  
service provider that bills for furnishing and maintaining that 143  
receiving address to a mailing address within this state; 144

(b) A receiving address ordinarily accessed from a computer 145  
located within this state; 146

(c) A receiving address ordinarily accessed by a person 147  
domiciled within this state; 148

(d) Any other receiving address with respect to which the 149  
obligations imposed by this section can be imposed consistent with 150  
the United States Constitution. 151

(B)(1) Except as otherwise provided in division (B)(3) of 152  
this section, a person that transmits or causes to be transmitted 153  
to a recipient an electronic mail advertisement shall clearly and 154  
conspicuously provide to the recipient, within the body of the 155  
electronic mail advertisement, both of the following: 156

(a) The person's name and complete residence or business 157  
address and the electronic mail address of the person transmitting 158  
the electronic mail advertisement; 159

(b) A notice that the recipient may decline to receive from 160  
the person transmitting or causing to be transmitted the 161  
electronic mail advertisement any additional electronic mail 162  
advertisements and a detailed procedure for declining to receive 163  
any additional electronic mail advertisements at no cost. The 164  
notice shall be of the same size of type as the majority of the 165  
text of the message and shall not require that the recipient 166  
provide any information other than the receiving address. 167

(2) If the recipient of an electronic mail advertisement uses 168  
the procedure contained in the notice described in division 169  
(B)(1)(b) of this section to decline to receive any additional 170  
electronic mail advertisements, the person that transmitted or 171  
caused to be transmitted the original electronic mail 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  
5507.01 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 (NH<sub>3</sub>). 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 party; 911  
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