

I_135_0422-4

**135th General Assembly
Regular Session
2023-2024**

Sub. S. B. No. 50

A BILL

To amend sections 128.01, 128.02, 128.021, 128.022, 1
128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 2
128.22, 128.32, 128.34, 128.40, 128.42, 128.44, 3
128.45, 128.46, 128.461, 128.462, 128.47, 4
128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 5
128.99, 149.43, 2913.01, 4776.20, 5703.052, 6
5733.55, and 5751.01; to amend, for the purpose 7
of adopting new section numbers as indicated in 8
parentheses, sections 128.18 (128.33), 128.22 9
(128.35), 128.32 (128.96), 128.34 (128.98), 10
128.40 (128.20), 128.42 (128.40), and 128.45 11
(128.451); to enact new sections 128.22, 128.25, 12
128.26, 128.27, 128.42, and 128.45 and sections 13
128.05, 128.21, 128.211, 128.212, 128.221, 14
128.23, 128.24, 128.241, 128.242, 128.243, 15
128.28, 128.41, 128.411, 128.412, 128.413, 16
128.414, 128.416, 128.417, 128.418, 128.421, 17
128.422, and 128.43; and to repeal sections 18
128.04, 128.09, 128.15, 128.25, 128.26, 128.27, 19
128.571, 4742.01, 4742.02, 4742.03, 4742.04, 20
4742.05, 4742.06, and 4742.07 of the Revised 21
Code to make changes to the law governing 9-1-1 22



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service and to repeal program requirements for 23
emergency-service-telecommunicator training. 24

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

Section 1. That sections 128.01, 128.02, 128.021, 128.022, 25
128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.32, 26
128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 27
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 28
128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and 5751.01 29
be amended; sections 128.18 (128.33), 128.22 (128.35), 128.32 30
(128.96), 128.34 (128.98), 128.40 (128.20), 128.42 (128.40), and 31
128.45 (128.451) be amended for the purpose of adopting new 32
section numbers as indicated in parentheses; and new sections 33
128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 and sections 34
128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 128.24, 35
128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 128.412, 36
128.413, 128.414, 128.416, 128.417, 128.418, 128.421, 128.422, 37
and 128.43 of the Revised Code be enacted to read as follows: 38

Sec. 128.01. As used in this chapter: 39

(A) "9-1-1 system" means a system through which 40
individuals can request emergency service using the ~~telephone~~ 41
access number 9-1-1. 42

(B) "Basic 9-1-1" means ~~a 9-1-1~~ an emergency telephone 43
system ~~in to which~~ all of the following apply: 44

(1) The system automatically connects a caller ~~provides~~ 45
~~information on the nature of and the location of an emergency,~~ 46
~~and the personnel receiving the call must determine the~~ 47

~~appropriate emergency service provider to respond at that~~ 48
~~location~~ to a designated public safety answering point. 49

(2) Call routing is determined by a central office only. 50

(3) Automatic number identification and automatic location 51
information may or may not be supported. 52

(C) "Enhanced 9-1-1" means a ~~9-1-1~~ an emergency telephone 53
~~system capable of providing both enhanced wireline 9-1-1 and~~ 54
~~wireless enhanced 9-1-1~~ that includes both of the following: 55

(1) Network switching; 56

(2) Database- and public-safety-answering-point premise 57
elements capable of providing automatic location identification 58
data, selective routing, selective transfer, fixed transfer, and 59
a call back number. 60

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in 61
which the wireline telephone network, in providing wireline 9-1- 62
1, does either of the following: 63

(1) Automatically routes the call to emergency service 64
providers that serve the location from which the call is made 65
and immediately provides to personnel answering the 9-1-1 call 66
information on the location and the telephone number from which 67
the call is being made; 68

(2) Receives, develops, collects, or processes requests 69
for emergency assistance and relays, transfers, operates, 70
maintains, or provides emergency notification services or system 71
capabilities. 72

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 73
in providing wireless 9-1-1, has the capabilities of phase I 74
and, to the extent available, phase II enhanced 9-1-1 services 75

as described in 47 C.F.R. 20.18 (d) to (h). 76

~~(F)(1)~~ (F) "Wireless service" means federally licensed 77
commercial mobile service as defined in 47 U.S.C. 332(d) and 78
further defined as commercial mobile radio service in 47 C.F.R. 79
20.3, and includes services for communicating voice, text, and 80
data and service provided by any wireless, two-way 81
communications device, including a radio-telephone 82
communications line used in cellular telephone service or 83
personal communications service, a network radio access line, or 84
any functional or competitive equivalent of such a radio- 85
telephone communications or network radio access line. 86

~~(2) Nothing in this chapter applies to paging or any 87
service that cannot be used to call 9-1-1.~~ 88

(G) "Wireless service provider" means ~~a facilities-based 89
provider of any of the following that provides wireless service 90
to one or more end users in this state;~~ 91

(1) A facilities-based provider; 92

(2) A mobile virtual network operator; 93

(3) A mobile other licensed operator. 94

(H) "Wireless 9-1-1" means the emergency calling service 95
provided by a 9-1-1 system pursuant to a call originating in the 96
network of a wireless service provider. 97

(I) "Wireline 9-1-1" means the emergency calling service 98
provided by a 9-1-1 system pursuant to a call originating in the 99
network of a wireline service provider. 100

(J) "Wireline service provider" means a facilities-based 101
provider of wireline service to one or more ~~end users~~ end users 102
in this state. 103

(K) "Wireline service" means basic local exchange service, 104
as defined in section 4927.01 of the Revised Code, that is 105
transmitted by means of interconnected wires or cables by a 106
wireline service provider authorized by the public utilities 107
commission. 108

(L) "Wireline telephone network" means the selective 109
router and data base processing systems, trunking and data 110
wiring cross connection points at the public safety answering 111
point, and all other voice and data components of the 9-1-1 112
system. 113

(M) "Subdivision" means a county, municipal corporation, 114
township, township fire district, joint fire district, township 115
police district, joint police district, joint ambulance 116
district, or joint emergency medical services district that 117
provides emergency service within its territory, or that 118
contracts with another municipal corporation, township, or 119
district or with a private entity to provide such service; and a 120
state college or university, port authority, or park district of 121
any kind that employs law enforcement officers that act as the 122
primary police force on the grounds of the college or university 123
or port authority or in the parks operated by the district. 124

(N) "Emergency service" means emergency law enforcement, 125
firefighting, ambulance, rescue, and medical service. 126

(O) "Emergency service provider" means the state highway 127
patrol and an emergency service department or unit of a 128
subdivision or that provides emergency service to a subdivision 129
under contract with the subdivision. 130

(P) "Public safety answering point" means ~~a facility to~~ 131
~~which an entity responsible for receiving requests for emergency~~ 132

services sent by dialing 9-1-1 system calls for within a 133
specific specified territory are initially routed for response 134
and where personnel respond to specific and processing those 135
requests for emergency ~~service by~~ services according to a 136
specific operational policy that includes directly dispatching 137
the appropriate emergency service provider, relaying a message 138
to the appropriate emergency service provider, or transferring 139
the ~~call request for emergency services to~~ the appropriate 140
emergency service provider. A public safety answering point may 141
be either of the following: 142

(1) Located in a specific facility; 143

(2) Virtual, if telecommunicators are geographically 144
dispersed and do not work from the same facility. The virtual 145
workplace may be a logical combination of physical facilities, 146
an alternate work environment such as a satellite facility, or a 147
combination of the two. Workers may be connected and 148
interoperate via internet-protocol connectivity. 149

(Q) "Customer premises equipment" means telecommunications 150
equipment, including telephone instruments, on the premises of a 151
public safety answering point that is used in answering and 152
responding to 9-1-1 system calls. 153

(R) "Municipal corporation in the county" includes any 154
municipal corporation that is wholly contained in the county and 155
each municipal corporation located in more than one county that 156
has a greater proportion of its territory in the county to which 157
the term refers than in any other county. 158

(S) "Board of county commissioners" includes the 159
legislative authority of a county established under Section 3 of 160
Article X, Ohio Constitution, or Chapter 302. of the Revised 161

Code.	162
(T) "Final plan" means a final plan adopted under division	163
(B) of section 128.08 of the Revised Code and, except as	164
otherwise expressly provided, an amended final plan adopted	165
under section 128.12 of the Revised Code.	166
(U) "Subdivision served by a public safety answering	167
point" means a subdivision that provides emergency service for	168
any part of its territory that is located within the territory	169
of a public safety answering point whether the subdivision	170
provides the emergency service with its own employees or	171
pursuant to a contract.	172
(V) A township's population includes only population of	173
the unincorporated portion of the township.	174
(W) "Telephone company" means a company engaged in the	175
business of providing local exchange telephone service by making	176
available or furnishing access and a dial tone to persons within	177
a local calling area for use in originating and receiving voice	178
grade communications over a switched network operated by the	179
provider of the service within the area and gaining access to	180
other telecommunications services. Unless otherwise specified,	181
"telephone company" includes a wireline service provider, a	182
wireless service provider, and any entity that is a covered 9-1-	183
1 service provider under 47 C.F.R. 12.4. For purposes of	184
sections 128.25 and 128.26 of the Revised Code, "telephone	185
company" means a wireline service provider.	186
(X) "Prepaid wireless calling service" has the same	187
meaning as in division (AA) (5) of section 5739.01 of the Revised	188
Code.	189
(Y) "Provider of a prepaid wireless calling service" means	190

a wireless service provider that provides a prepaid wireless
calling service. 191
192

(Z) "Retail sale" has the same meaning as in section 193
5739.01 of the Revised Code. 194

(AA) "Seller" means a person that sells a prepaid wireless
calling service to another person by retail sale. 195
196

(BB) "Consumer" means the ~~person~~ end user for whom the 197
prepaid wireless calling service is provided, to whom the 198
transfer effected or license given by a sale is or is to be made 199
or given, to whom the prepaid wireless calling service is 200
charged, or to whom the admission is granted. 201

(CC) "Reseller" means a nonfacilities-based provider of 202
wireless service that provides wireless service under its own 203
name to one or more end users in this state using the network of 204
a wireless service provider. 205

(DD) "Steering committee" means the statewide ~~emergency-~~ 206
~~services internet protocol network 9-1-1~~ steering committee 207
established by division (A)(1) of section 128.02 of the Revised 208
Code. 209

(EE) "Communications service" includes wired or wireless 210
telecommunications, voice over internet protocol service, 211
multiline telephone systems, nonvoice messaging devices, devices 212
such as sensors that generate data-only messages such as photos 213
or videos, and other similar services or devices, regardless of 214
whether those services or devices existed on the effective date 215
of the amendments to this section by this act. 216

(FF) "Ancillary connection service" means a communication 217
connection service that allows devices, not otherwise able to 218
connect directly with a 9-1-1 system, to communicate with a 9-1- 219

<u>1 system.</u>	220
<u>(GG) "Next generation 9-1-1" means an internet-protocol-</u>	221
<u>based system comprised of managed emergency services internet</u>	222
<u>protocol networks, functional elements, and databases that</u>	223
<u>replicate traditional enhanced 9-1-1 features and functions and</u>	224
<u>provide additional capabilities.</u>	225
<u>(HH) "Emergency services internet-protocol network" means</u>	226
<u>a managed internet-protocol network that is used for emergency</u>	227
<u>services communications and provides the internet-protocol</u>	228
<u>transport infrastructure upon which independent application</u>	229
<u>platforms and core services can be deployed, including those</u>	230
<u>necessary for providing next generation 9-1-1 services. The term</u>	231
<u>designates the network and not the services that ride on the</u>	232
<u>network.</u>	233
<u>(II) "9-1-1 system service provider" means a company or</u>	234
<u>entity engaged in the business of providing all or part of the</u>	235
<u>emergency services internet-protocol network, software</u>	236
<u>applications, hardware, databases, customer premises equipment</u>	237
<u>components and operations, and management procedures required to</u>	238
<u>support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1,</u>	239
<u>wireless enhanced 9-1-1, or next generation 9-1-1 systems.</u>	240
<u>(JJ) "Voice over internet protocol" means technologies for</u>	241
<u>the delivery of voice communications and multimedia sessions</u>	242
<u>over internet-protocol networks, including private networks or</u>	243
<u>the internet.</u>	244
<u>(KK) "Multiline telephone system" means a system to which</u>	245
<u>both of the following apply:</u>	246
<u>(1) The system consists of common control units, telephone</u>	247
<u>sets, control hardware and software, and adjunct systems,</u>	248

including network and premises-based systems. 249

(2) The system is designed to aggregate more than one 250
incoming voice communication channel for use by more than one 251
telephone. 252

(LL) "Business service user" means a user of business 253
service that provides telecommunications service, including 9-1- 254
1 service, to end users through a publicly or privately owned or 255
controlled telephone switch. 256

(MM) "Emergency response location" means an additional 257
location identification that provides a specific location. It 258
may include information regarding a specific location within a 259
building, structure, complex, or campus, including a building 260
name, floor number, wing name or number, unit name or number, 261
room name or number, or office or cubicle name or number. 262

(NN) "Operator of a multiline telephone system" means an 263
entity to which both of the following apply: 264

(1) The entity manages or operates a multiline telephone 265
system through which an end user may initiate communication 266
using the 9-1-1 system. 267

(2) The entity owns, leases, or rents a multiline 268
telephone system through which an end user may initiate 269
communication using the 9-1-1 system. 270

(OO) "Core services" means the base set of services needed 271
to process a 9-1-1 call on an emergency services internet- 272
protocol network. It includes all of the following: 273

(1) Emergency services routing proxy; 274

(2) Emergency call routing function; 275

<u>(3) Location validation function;</u>	276
<u>(4) Border control function;</u>	277
<u>(5) Bridge, policy-store, and logging services;</u>	278
<u>(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol.</u>	279 280
<u>The term includes the services and not the network on which they operate.</u>	281 282
<u>(PP) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.</u>	283 284
Sec. 128.02. (A) (1) There is hereby created the statewide emergency services internet protocol network-9-1-1 steering committee, consisting of the following ten members:	285 286 287
(a) The state chief information officer or the officer's designee;	288 289
(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party;	290 291 292
(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party;	293 294
(d) Five members appointed by the governor.	295
(2) In appointing the five members under division (A) (1) (d) of this section, the governor shall appoint two representatives of the county commissioners' association of Ohio or a successor organization, two representatives of the Ohio municipal league or a successor organization, and one representative of the Ohio township association or a successor organization. For each of these appointments, the governor shall	296 297 298 299 300 301 302

consider a nominee proposed by the association or successor 303
organization. The governor may reject any of the nominees and 304
may request that a nominating entity submit alternative 305
nominees. 306

~~(3) Initial appointments shall be made not later than ten-~~ 307
~~days after September 28, 2012.~~ 308

(B) (1) The state chief information officer or the 309
officer's designee shall serve as the chairperson of the 310
steering committee and shall be a nonvoting member. All other 311
members shall be voting members. 312

(2) A member of the steering committee appointed from the 313
membership of the senate or the house of representatives shall 314
serve during the member's term as a member of the general 315
assembly and until a successor is appointed and qualified, 316
notwithstanding adjournment of the general assembly or the 317
expiration of the member's term as a member of the general 318
assembly. 319

(3) The initial terms of one of the representatives of the 320
county commissioners' association of Ohio, one of the 321
representatives of the Ohio municipal league, and the 322
representative of the Ohio township association shall all expire 323
on December 31, 2016. The initial terms of the other 324
representatives of the county commissioners' association of Ohio 325
and the Ohio municipal league shall expire on December 31, 2014. 326
Thereafter, terms of the members appointed by the governor shall 327
be for four years, with each term ending on the same day of the 328
same month as the term it succeeds. Each member appointed by the 329
governor shall hold office from the date of the member's 330
appointment until the end of the term for which the member was 331
appointed, and may be reappointed. A member appointed by the 332

governor shall continue in office after the expiration date of 333
the member's term until the member's successor takes office or 334
until a period of sixty days has elapsed, whichever occurs 335
first. Members appointed by the governor shall serve without 336
compensation and shall not be reimbursed for expenses. 337

(4) A vacancy in the position of any member of the 338
steering committee shall be filled for the unexpired term in the 339
same manner as the original appointment. 340

(C) The steering committee shall generally advise the 341
state on the implementation, operation, and maintenance of a 342
statewide emergency services internet protocol network ~~that~~ 343
~~would support state and local government,~~ a statewide next- 344
generation 9-1-1 core-services system, and the dispatch of 345
emergency service providers. The steering committee shall do all 346
of the following: 347

~~(1) On or before May 15, 2013, deliver an initial report~~ 348
~~to the speaker of the house of representatives, the president of~~ 349
~~the senate, and the governor providing recommendations for the~~ 350
~~state to address the development of a statewide emergency~~ 351
~~services internet protocol network, which recommendations shall~~ 352
~~include a review of the current funding model for this state's~~ 353
~~9-1-1 systems and may include a recommendation for a reduction~~ 354
~~in wireless 9-1-1 charges;~~ 355

~~(2)~~ Examine the readiness of the state's current 356
technology infrastructure for a statewide emergency services 357
internet protocol network; 358

~~(3)~~ (2) Research legislative authority with regard to 359
governance and funding of a statewide emergency services 360
internet protocol network, and provide recommendations on best 361

practices to limit duplicative efforts to ensure an effective 362
transition to ~~next-generation~~ next generation 9-1-1; 363

~~(4)~~ (3) ~~Make~~ Where feasible, make recommendations for 364
consolidation of public-safety-answering-point operations in 365
this state, ~~including recommendations for accelerating the~~ 366
~~consolidation schedule established in section 128.571 of the~~ 367
~~Revised Code,~~ to accommodate next-generation 9-1-1 technology 368
and to facilitate a more efficient and effective emergency 369
services system; 370

~~(5)~~ (4) Recommend policies, procedures, and statutory or 371
regulatory authority to effectively govern a statewide ~~emergency~~ 372
~~services internet protocol network~~ next generation 9-1-1 system; 373

~~(6)~~ (5) Designate a ~~next-generation~~ next generation 9-1-1 374
statewide coordinator to serve as the primary point of contact 375
for federal initiatives; 376

~~(7)~~ (6) Coordinate with statewide initiatives and 377
associations such as the state interoperable executive 378
committee, the Ohio geographically referenced information 379
program council, the Ohio multi-agency radio communications 380
system steering committee, and other interested parties; 381

~~(8)~~ (7) Serve as the entity responsible for the 382
administration of Chapter 128. of the Revised Code. 383

(D) (1) A 9-1-1 service provider shall provide to the 384
steering committee: 385

(a) The aggregate number of access lines that the provider 386
maintains within the state of Ohio; 387

(b) The aggregate amount of costs and cost recovery 388
associated with providing 9-1-1 service, including coverage 389

under tariffs and bill and keep arrangements within this state;	390
(c) Any other information requested by the steering	391
committee deemed necessary to support the transition to next	392
generation 9-1-1.	393
(2) Any political subdivision or governmental entity	394
operating a public safety answering point shall provide to the	395
steering committee:	396
(a) The geographic location and population of the area for	397
which the planning committee <u>entity</u> is responsible;	398
(b) Statistics detailing the number of 9-1-1 calls	399
received;	400
(c) A report of expenditures made from disbursements for	401
9-1-1;	402
(d) An inventory of and the technical specifications for	403
the current 9-1-1 network and equipment;	404
(e) Any other information requested by the steering	405
committee that is deemed necessary to support the transition to	406
next generation 9-1-1.	407
(3) The information requested under divisions (D) (1) and	408
(2) of this section shall be provided by the 9-1-1 service	409
provider, political subdivision, or governmental entity within	410
forty-five days of the request of the steering committee.	411
(E) The steering committee shall hold its inaugural	412
meeting not later than thirty days after September 28, 2012.	413
Thereafter, the steering committee shall meet at least once a	414
month <u>quarter</u> , either in person or utilizing telecommunication-	415
conferencing technology. A majority of the voting members shall	416
constitute a quorum.	417

(F) (1) The steering committee shall have a permanent 418
technical-standards subcommittee and a permanent public-safety- 419
answering-point-operations subcommittee, and may, from time to 420
time, establish additional subcommittees, to advise and assist 421
the steering committee based upon the subcommittees' areas of 422
expertise. The subcommittees may meet either in person or 423
utilizing telecommunication-conferencing technology. A majority 424
of the voting members shall constitute a quorum. 425

(2) The membership of subcommittees shall be determined by 426
the steering committee. 427

(a) The technical-standards subcommittee shall include one 428
member representing a wireline or wireless service provider that 429
participates in the state's 9-1-1 system, one representative of 430
the Ohio academic resources network, one representative of the 431
Ohio multi-agency radio communications system steering 432
committee, one representative of the Ohio geographically 433
referenced information program, and one member representing each 434
of the following associations selected by the steering committee 435
from nominations received from that association: 436

(i) The Ohio telephone association; 437

(ii) The Ohio chapter of the association of public-safety 438
communications officials; 439

(iii) The Ohio chapter of the national emergency number 440
association. 441

(b) The public-safety-answering-point-operations 442
subcommittee shall include one member representing the division 443
of emergency management of the department of public safety, one 444
member representing the state highway patrol, one member 445
representing the division of emergency medical services of the 446

department of public safety, two members recommended by the 447
county commissioners' association of Ohio who are managers of 448
public safety answering points, two members recommended by the 449
Ohio municipal league who are managers of public safety 450
answering points, and one member from each of the following 451
associations selected by the steering committee from nominations 452
received from that association: 453

(i) The buckeye state sheriffs' association; 454

(ii) The Ohio association of chiefs of police; 455

(iii) The Ohio ~~association of fire chiefs~~ association; 456

(iv) The Ohio chapter of the association of public-safety 457
communications officials; 458

(v) The Ohio chapter of the national emergency number 459
association. 460

(G) The committee is not an agency, as defined in section 461
101.82 of the Revised Code, for purposes of sections 101.82 to 462
101.87 of the Revised Code. 463

~~(H) As used in this section, "9-1-1 system," "wireless 464
service provider," "wireline service provider," "emergency 465
service provider," and "public safety answering point" have the 466
same meanings as in section 128.01 of the Revised Code. 467~~

~~(I) As used in this section, "bill and keep arrangements" 468
has the same meaning as in 47 C.F.R. 51.713. 469~~

Sec. 128.021. (A) Not later than January 1, 2014, and in 470
accordance with Chapter 119. of the Revised Code, the steering 471
committee shall adopt rules that establish technical and 472
operational standards for public safety answering points 473
eligible to receive disbursements under section 128.55 of the 474

Revised Code. The rules shall incorporate industry standards and 475
best practices for ~~wireless~~ 9-1-1 services. Public safety 476
answering points shall comply with the standards not later than 477
two years after the effective date of the rules adopting the 478
standards. A public safety answering point may be deemed 479
compliant with rules for minimum staffing standards, if it can 480
demonstrate compliance with all other rules for operational 481
standards. 482

(B) Not later than one year after September 29, 2015, and 483
in accordance with Chapter 119. of the Revised Code, the 484
steering committee shall conduct an assessment of the 485
operational standards for public safety answering points 486
developed under division (A) of this section and revise the 487
standards as necessary to ensure that the operational standards 488
contain the following: 489

(1) Policies to ensure that public safety answering point 490
personnel prioritize life-saving questions in responding to each 491
call to a 9-1-1 system established under this chapter; 492

(2) A requirement that all public safety answering point 493
personnel complete proper training or provide proof of prior 494
training to give instructions regarding emergency situations. 495

(C) Upon the effective date of the amendments to this 496
section by this act, all public safety answering points that 497
answer 9-1-1 calls for service from communications services 498
shall be subject to the public safety answering point operations 499
rules. Public safety answering points not originally required to 500
be compliant shall comply with the standards not later than two 501
years after the effective date of the amendments to this section 502
by this act. 503

Sec. 128.022. (A) The steering committee shall establish 504
guidelines for the tax commissioner to use when disbursing money 505
from the ~~next generation 9-1-1~~ government assistance fund to 506
countywide 9-1-1 systems in the state, as well as guidelines for 507
the use of funds from the next generation 9-1-1 fund. The 508
guidelines shall be consistent with the standards adopted in 509
section 128.021 of the Revised Code and shall specify that 510
disbursements may be used for costs associated with the 511
operation of and equipment for phase II wireless systems and for 512
costs associated with a county's migration to next generation 9- 513
1-1 systems and technology. The committee shall periodically 514
review the guidelines described in this division and adjust them 515
as needed. 516

(B) The committee shall report any adjustments to the 517
guidelines described in division (A) of this section to the 518
department of taxation. The adjustments shall take effect six 519
months from the date the department is notified of the 520
adjustments. 521

Sec. 128.03. (A) ~~(1)~~ A countywide 9-1-1 system shall 522
include all of the territory of the townships and municipal 523
corporations in the county and any portion of such a municipal 524
corporation that extends into an adjacent county. 525

~~(2) The system shall exclude any territory served by a~~ 526
~~wireline service provider that is not capable of reasonably~~ 527
~~meeting the technical and economic requirements of providing the~~ 528
~~wireline telephone network portion of the countywide system for~~ 529
~~that territory. The system shall exclude from enhanced 9-1-1 any~~ 530
~~territory served by a wireline service provider that is not~~ 531
~~capable of reasonably meeting the technical and economic~~ 532
~~requirements of providing the wireline telephone network portion~~ 533

~~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 planning committee shall notify the steering committee, and the steering committee shall determine whether the wireline service provider is so capable. The planning committee shall ascertain whether such disagreement exists before making its implementation proposal under division (A) of section 128.07 of the Revised Code. The steering committee'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 steering committee has determined the provider is not reasonably capable of providing.~~

(B) A countywide 9-1-1 system may be ~~a basic or an~~ enhanced or next generation 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~~ designed to provide access to emergency services from all connected communications sources.

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

(2) A countywide 9-1-1 system may be provided directly by the county, by a regional council of governments, or by connecting directly to the statewide next generation 9-1-1 system for call routing and core services.

(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 563
the costs associated with establishing, equipping, furnishing, 564
operating, and maintaining that facility and shall allocate 565
those costs among itself and the subdivisions served by the 566
answering point based on the allocation formula in a final plan. 567
The wireline service provider or other entity that provides or 568
maintains the customer premises equipment shall bill the 569
operating subdivision or the operating regional council of 570
governments for the cost of providing such equipment, or its 571
maintenance. A wireless service provider and a subdivision or 572
regional council of governments operating a public safety 573
answering point may enter into a service agreement for providing 574
wireless enhanced 9-1-1 pursuant to a final plan adopted under 575
this chapter. 576

(E) Except to the extent provided in a final plan that 577
provides for funding of a 9-1-1 system in part through charges 578
imposed under section ~~128.22~~128.35 of the Revised Code, each 579
subdivision served by a public safety answering point shall pay 580
the subdivision or regional council of governments that operates 581
the answering point the amount computed in accordance with the 582
allocation formula set forth in the final plan. 583

(F) Notwithstanding any other provision of law, the 584
purchase or other acquisition, installation, and maintenance of 585
the telephone network for a 9-1-1 system and the purchase or 586
other acquisition, installation, and maintenance of customer 587
premises equipment at a public safety answering point made in 588
compliance with a final plan ~~or an agreement under section~~ 589
~~128.09 of the Revised Code~~, including customer premises 590
equipment used to provide wireless enhanced 9-1-1, are not 591
subject to any requirement of competitive bidding. 592

(G) Each emergency service provider participating in a 593
countywide 9-1-1 system shall maintain a telephone number in 594
addition to 9-1-1. 595

~~(H) Whenever a final plan provides for the implementation 596
of basic 9-1-1, the planning committee shall so notify the 597
steering committee, which shall determine whether the wireline 598
service providers serving the territory covered by the plan are 599
capable of reasonably meeting the technical and economic 600
requirements of providing the wireline telephone network portion 601
of an enhanced 9-1-1 system. The determination shall be made 602
solely for purposes of division (C) (2) of section 128.18 of the 603
Revised Code. 604~~

~~(I) If the public safety answering point personnel 605
reasonably determine that a 9-1-1 call is not an emergency, the 606
personnel shall provide the caller with the telephone number of 607
an appropriate subdivision agency as applicable. 608~~

~~(J) (I) A final plan adopted under this chapter, or an 609
agreement under section 128.09 of the Revised Code, may provide 610
that, by further agreement included in the plan or agreement, 611
the state highway patrol or one or more public safety answering 612
points of another 9-1-1 system is the public safety answering 613
point or points for the provision of wireline or wireless 9-1-1 614
for all or part of the territory of the 9-1-1 system established 615
under the plan or agreement. In that event, the subdivision for 616
which the wireline or wireless 9-1-1 is provided as named in the 617
agreement shall be deemed the subdivision operating the public 618
safety answering point or points for purposes of this chapter, 619
except that, for the purpose of division (D) (2) of this section, 620
that subdivision shall pay only so much of the costs of 621
establishing, equipping, furnishing, operating, or maintaining 622~~

any such public safety answering point as are specified in the 623
agreement with the patrol or other system. 624

~~(K)~~ (J) A final plan for the provision of wireless 625
enhanced 9-1-1 shall provide that any wireless 9-1-1 calls 626
routed to a state highway patrol-operated public safety 627
answering point by default, due to a wireless service provider 628
so routing all such calls of its subscribers without prior 629
permission, are instead to be routed as provided under the plan. 630
Upon the implementation of countywide wireless enhanced 9-1-1 631
pursuant to a final plan, the state highway patrol shall cease 632
any functioning as a public safety answering point providing 633
wireless 9-1-1 within the territory covered by the countywide 9- 634
1-1 system so established, unless the patrol functions as a 635
public safety answering point providing wireless enhanced 9-1-1 636
pursuant to an agreement included in the plan as authorized 637
under division ~~(J)~~ (I) of this section. 638

Sec. 128.05. Each county shall appoint a county 9-1-1 639
coordinator to serve as the administrative coordinator for all 640
public safety answering points participating in the countywide 641
9-1-1 final plan described in section 128.03 of the Revised Code 642
and shall also serve as a liaison with other county coordinators 643
and the 9-1-1 program office. 644

Sec. 128.06. (A) ~~A board of~~ Except as provided in 645
divisions (B) and (C) of this section, every county 646
~~commissioners or the legislative authority of any municipal-~~ 647
~~corporation in the county that contains at least thirty per cent~~ 648
~~of the county's population may adopt a resolution to convene~~ 649
shall maintain a county 9-1-1 planning-program review committee, 650
which shall serve without compensation and shall consist of 651
~~three~~ six voting members as follows: 652

(1) ~~The president or other presiding officer~~ A member of 653
the board of county commissioners, who shall serve as 654
chairperson of the committee; 655

(2) The chief executive officer of the most populous 656
municipal corporation in the county; 657

(3) ~~From the more populous of the following, either the~~ 658
~~chief executive officer of the second most populous municipal~~ 659
~~corporation in the county or a~~ A member of the board of township 660
trustees of the most populous township in the county as selected 661
by majority vote of the board of trustees. 662

~~In counties with a population of one hundred seventy five~~ 663
~~thousand or more, the planning committee shall consist of two~~ 664
~~additional voting members as follows: a;~~ 665

(4) A member of a board of township trustees selected by 666
the majority of boards of township trustees in the county 667
pursuant to resolutions they adopt, ~~and the chief executive~~ 668
~~officer;~~ 669

(5) A member of the legislative authority of a municipal 670
corporation in the county selected by the majority of the 671
legislative authorities of municipal corporations in the county 672
pursuant to resolutions they adopt; 673

(6) An elected official from within the county appointed 674
by the board of county commissioners. 675

When determining population under ~~this division~~ (A) (2) of 676
this section, population residing outside the county shall be 677
excluded. 678

(B) In counties with fewer than five townships, a 679
population in excess of seven hundred fifty thousand, and which 680

contains more than one public safety answering point, the 681
composition of the 9-1-1 program review committee shall consist 682
of five members as follows: 683

(1) A member of the board of county commissioners, who 684
shall serve as chairperson of the committee; 685

(2) The chief executive officer of the most populous 686
municipal corporation in the county. Population residing outside 687
the county shall be excluded when making this determination. 688

(3) A member from one of the following, whichever is more 689
populous: 690

(a) The chief executive officer of the second most 691
populous municipal corporation in the county; 692

(b) A member of the board of township trustees of the most 693
populous township in the county as selected by majority vote of 694
the board of trustees. 695

(4) The chief executive officer of a municipal corporation 696
in the county selected by the majority of the legislative 697
authorities of municipal corporations in the county pursuant to 698
resolutions they adopt; 699

(5) A member of a board of township trustees selected by 700
the majority of boards of township trustees in the county 701
pursuant to resolutions they adopt. 702

~~Within thirty days after the adoption of a resolution to~~ 703
~~convene the~~ (C) In counties that contain only one public safety 704
answering point, the composition of the 9-1-1 review committee 705
shall consist of three members as follows: 706

(1) If the public safety answering point is not operated 707
by the board of county commissioners, the committee shall be 708

composed of the following: 709

(a) A member of the board of county commissioners, who 710
shall serve as chairperson of the committee; 711

(b) One of the following: 712

(i) If the public safety answering point is operated by a 713
township, then a member of the board of township trustees; 714

(ii) If the public safety answering point is operated by a 715
municipal corporation, then the chief executive officer of the 716
municipal corporation; 717

(iii) If the public safety answering point is operated by 718
a subdivision that is not a township or municipal corporation or 719
is operated by a regional council of governments, then an 720
elected official of that subdivision or regional council of 721
governments. 722

(c) A member who is an elected official of the most 723
populous township or municipal corporation in the county that 724
does not operate the public safety answering point. When 725
determining population under this division, population residing 726
outside the county shall be excluded. 727

(2) If the public safety answering point is operated by 728
the board of county commissioners, then the board of county 729
commissioners shall serve as the 9-1-1 program review committee. 730

(D) Each committee under division (A) of this section, the 731
committee shall convene for the sole purpose of developing 732
maintain and amend a final plan for implementing and operating a 733
countywide 9-1-1 system. The Any amendment to the final plan 734
shall require a two-thirds vote of the committee. Each committee 735
shall convene at least once annually for the purposes of 736

maintaining or amending a final plan described in this section. 737

(E) Each committee shall, not later than the first day of 738
March of each year, submit a report to the political 739
subdivisions within the county and to the 9-1-1 program office 740
detailing the sources and amounts of revenue expended to support 741
and all costs incurred to operate the countywide 9-1-1 system 742
and the public safety answering points that are a part of that 743
system for the previous calendar year. A county shall provide 744
the county's committee with any clerical, legal, and other staff 745
assistance necessary ~~to develop the final plan and shall pay for~~ 746
~~copying, mailing, and any other such expenses incurred by the~~ 747
~~committee in developing the final plan and in meeting the~~ 748
~~requirements imposed by sections 128.06 to 128.08 of the Revised~~ 749
~~Code.~~ 750

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 751
~~technical advisory committee to assist it in planning the~~ 752
~~countywide 9-1-1 system. The advisory committee shall include at~~ 753
~~least one fire chief and one police chief serving in the county,~~ 754
~~the county sheriff, a representative of the state highway patrol~~ 755
~~selected by the patrol, one representative of each telephone~~ 756
~~company in each case selected by the telephone company~~ 757
~~represented, the director/coordinator of emergency management~~ 758
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 759
~~Revised Code, as appropriate, and a member of a board of~~ 760
~~township trustees of a township in the county selected by a~~ 761
~~majority of boards of township trustees in the county pursuant~~ 762
~~to resolutions they adopt.~~ 763

Sec. 128.07. (A) ~~The 9-1-1 planning committee shall~~ 764
~~prepare a proposal on the implementation of a countywide 9-1-1~~ 765
~~system and shall hold a public meeting on the proposal to~~ 766

~~explain the system to and receive comments from public~~ 767
~~officials. At least thirty but not more than sixty days before~~ 768
~~the meeting, the committee shall send a copy of the~~ 769
~~implementation proposal and written notice of the meeting.~~ 770

~~(1) To the board of county commissioners, the legislative~~ 771
~~authority of each municipal corporation in the county, and to~~ 772
~~the board of trustees of each township in the county, either by~~ 773
~~certified mail or, if the committee has record of an internet~~ 774
~~identifier of record associated with the board or legislative~~ 775
~~authority, by ordinary mail and by that internet identifier of~~ 776
~~record; and~~ 777

~~(2) To the board of trustees, directors, or park~~ 778
~~commissioners of each subdivision that will be served by a~~ 779
~~public safety answering point under the plan.~~ 780

~~(B) The proposal and the final plan adopted by the~~ 781
~~committee required under section 128.06 of the Revised Code~~ 782
~~shall specify:~~ 783

(1) Which telephone companies serving customers in the 784
county and, as authorized in division (A) ~~(1)~~ of section 128.03 785
of the Revised Code, in an adjacent county will participate in 786
the 9-1-1 system; 787

(2) The location and number of public safety answering 788
points; how they the public safety answering points will be 789
connected to a company's telephone network county's preferred 790
next generation 9-1-1 system; from what geographic territory 791
each public safety answering point will receive 9-1-1 calls; 792
whether ~~basic or~~ enhanced 9-1-1 or next generation 9-1-1 service 793
will be provided within such territory; what subdivisions will 794
be served by the public safety answering point; and whether ~~an a~~ 795

public safety answering point will respond to calls by directly 796
dispatching an emergency service provider, by relaying a message 797
to the appropriate emergency service provider, or by 798
transferring the call to the appropriate emergency service 799
provider; 800

(3) How originating service providers must connect to the 801
core 9-1-1 system identified by the final plan and what methods 802
will be utilized by the originating service providers to provide 803
9-1-1 voice, text, other forms of messaging media, and caller 804
location to the core 9-1-1 system; 805

(4) That in instances where a public safety answering 806
point, even if capable, does not directly dispatch all entities 807
that provide the emergency services potentially needed for an 808
incident, without significant delay, that request shall be 809
transferred or the information electronically relayed to the 810
entity that directly dispatches the potentially needed emergency 811
services; 812

(5) Which subdivision or regional council of governments 813
will establish, equip, furnish, operate, and maintain a 814
particular public safety answering point; 815

~~(4)~~ (6) A projection of the initial cost of establishing, 816
equipping, and furnishing and of the annual cost of the first 817
five years of operating and maintaining each public safety 818
answering point; 819

~~(5)~~ (7) Whether the cost of establishing, equipping, 820
furnishing, operating, or maintaining each public safety 821
answering point should be funded through charges imposed under 822
section ~~128.22~~ 128.35 of the Revised Code or will be allocated 823
among the subdivisions served by the answering point and, if any 824

such cost is to be allocated, the formula for so allocating it; 825

~~(6)~~ (8) How each emergency service provider will respond 826
to a misdirected call or the provision of a caller location that 827
is either misrepresentative of the actual location or does not 828
meet requirements of the federal communications commission or 829
other accepted national standards as they exist on the date of 830
the call origination. 831

~~(C) Following the meeting required by this section, the 9-1-1~~ 832
~~planning committee may modify the implementation proposal~~ 833
~~and, no later than nine months after the resolution authorized~~ 834
~~by section 128.06 of the Revised Code is adopted, may adopt, by~~ 835
~~majority vote, a final plan for implementing a countywide 9-1-1~~ 836
~~system. If a planning committee and wireline service provider do~~ 837
~~not agree on whether the wireline service provider is capable of~~ 838
~~providing the wireline telephone network as described under~~ 839
~~division (A) of section 128.03 of the Revised Code and the~~ 840
~~planning committee refers that question to the steering~~ 841
~~committee, the steering committee may extend the nine month~~ 842
~~deadline established by this division to twelve months.~~ 843
~~Immediately on completion of the plan, the planning~~ (B) (1) The 844
9-1-1 program review committee shall send a copy of the final 845
plan: 846

~~(1)~~ (a) To the board of county commissioners of the 847
county, to the legislative authority of each municipal 848
corporation in the county, and to the board of township trustees 849
of each township in the county either by certified mail or, if 850
the committee has record of an internet identifier of record 851
associated with the board or legislative authority, by ordinary 852
mail and by that internet identifier of record; and 853

~~(2)~~ (b) To the board of trustees, directors, or park 854

commissioners of each subdivision that will be served by a 855
public safety answering point under the plan. 856

~~(D)~~ (2) The 9-1-1 program review committee shall file a 857
copy of its current final plan with the Ohio 9-1-1 program 858
office not later than six months after the effective date of 859
this amendment. Any revisions or amendments shall be filed not 860
later than ninety days after adoption. 861

(C) As used in this section, "internet identifier of 862
record" has the same meaning as in section 9.312 of the Revised 863
Code. 864

Sec. 128.08. (A) Within sixty days after receipt of the 865
final plan pursuant to division ~~(C)~~ (B) (1) of section 128.07 of 866
the Revised Code, the board of county commissioners of the 867
county and the legislative authority of each municipal 868
corporation in the county and of each township whose territory 869
is proposed to be included in a countywide 9-1-1 system shall 870
act by resolution to approve or disapprove the plan, except 871
that, with respect to a final plan that provides for funding of 872
the 9-1-1 system in part through charges imposed under section 873
~~128.22-128.35~~ 128.35 of the Revised Code, the board of county 874
commissioners shall not act by resolution to approve or 875
disapprove the plan until after a resolution adopted under 876
section ~~128.22-128.35~~ 128.35 of the Revised Code has become effective 877
as provided in division (D) of that section. ~~A municipal-~~ 878
~~corporation or township whose territory is proposed to be-~~ 879
~~included in the system includes any municipal corporation or-~~ 880
~~township in which a part of its territory is excluded pursuant-~~ 881
~~to division (A) (2) of section 128.03 of the Revised Code. Each~~ 882
such authority immediately shall notify the board of county 883
commissioners in writing of its approval or disapproval of the 884

final plan. Failure by a board or legislative authority to 885
notify the board of county commissioners of approval or 886
disapproval within such sixty-day period shall be deemed 887
disapproval by the board or authority. 888

(B) As used in this division, "county's population" 889
excludes the population of any municipal corporation or township 890
that, under the plan, is completely excluded from 9-1-1 service 891
in the county's final plan. A countywide plan is effective if 892
all of the following entities approve the plan in accordance 893
with this section: 894

(1) The board of county commissioners; 895

(2) The legislative authority of a municipal corporation 896
that contains at least thirty per cent of the county's 897
population, if any; 898

(3) The legislative authorities of municipal corporations 899
and townships that contain at least sixty per cent of the 900
county's population or, if the plan has been approved by a 901
municipal corporation that contains at least sixty per cent of 902
the county's population, by the legislative authorities of 903
municipal corporations and townships that contain at least 904
seventy-five per cent of the county's population. 905

(C) After a countywide plan approved in accordance with 906
this section is adopted, all of the telephone companies, 907
subdivisions, and regional councils of governments included in 908
the plan are subject to the specific requirements of the plan 909
and to this chapter. 910

Sec. 128.12. (A) An amended final plan is required for any 911
of the following purposes: 912

(1) Expanding the territory included in the countywide 9- 913

1-1 system;	914
(2) Upgrading any part or all of a <u>the countywide 9-1-1</u>	915
system from basic to enhanced wireline 9-1-1;	916
(3) Adjusting the territory served by a public safety	917
answering point;	918
(4) Permitting a regional council of governments to	919
operate a public safety answering point;	920
(5) Represcribing the funding of public safety answering	921
points as between the alternatives set forth in division (B) (5)	922
<u>(A) (7)</u> of section 128.07 of the Revised Code;	923
(6) Providing for wireless enhanced 9-1-1;	924
(7) <u>Adding, changing, or removing a telephone company 9-1-</u>	925
<u>1 system service provider</u> as a participant in a <u>the countywide</u>	926
9-1-1 system after the implementation of wireline 9-1-1 or	927
wireless enhanced 9-1-1;	928
(8) Providing that the state highway patrol or one or more	929
public safety answering points of another 9-1-1 system function	930
as a public safety answering point or points for the provision	931
of wireline or wireless 9-1-1 for all or part of the territory	932
of the system established under the final plan, as contemplated	933
under division (J) <u>(I)</u> of section 128.03 of the Revised Code;	934
(9) Making any other necessary adjustments to the plan.	935
(B) (1) To amend a final plan for the purpose described in	936
division (A) (7) of this section, an entity that wishes to be	937
added as a participant in a 9-1-1 system shall file a written	938
letter of that intent with the board of county commissioners of	939
the county that approved the final plan. The final plan is	940
deemed amended upon the filing of that letter. The entity that	941

~~files the letter shall send written notice of that filing to all~~ 942
~~subdivisions, regional councils of governments, and telephone~~ 943
~~companies participating in the system.~~ 944

~~(2)~~An amendment to a final plan for any other purpose set 945
forth in division (A) of this section may be made by an addendum 946
approved by a majority of the 9-1-1 planning program review 947
committee. The board of county commissioners shall call a 948
meeting of the 9-1-1 planning program review committee for the 949
purpose of considering an addendum pursuant to this division. 950

~~(3)~~(2) Adoption of any resolution under section ~~128.22~~ 951
128.35 of the Revised Code pursuant to a final plan that both 952
has been adopted and provides for funding through charges 953
imposed under that section is not an amendment of a final plan 954
for the purpose of this division. 955

(C) When a final plan is amended for a purpose described 956
in division (A) (1), (2), or (7) of this section, sections ~~128.18~~ 957
128.33 and 5733.55 of the Revised Code apply with respect to the 958
receipt of the nonrecurring and recurring rates and charges for 959
the wireline telephone network portion of the 9-1-1 system. 960

Sec. ~~128.40~~128.20. There is hereby created within the 961
department of administrative services the 9-1-1 program office, 962
headed by an administrator in the unclassified civil service 963
pursuant to division (A) (9) of section 124.11 of the Revised 964
Code. The administrator shall be appointed by and serve at the 965
pleasure of the director of administrative services ~~and shall~~ 966
~~report directly to the state chief information officer.~~ The 967
program office shall oversee administration of the ~~wireless~~ 9-1- 968
1 government assistance fund, the ~~wireless~~ 9-1-1 program fund, 969
and the next generation 9-1-1 fund. 970

Sec. 128.21. (A) The 9-1-1 program office shall coordinate 971
and manage a statewide next generation 9-1-1 core services 972
system. The office shall interoperate the system with Canada and 973
the states that border this state. The office shall also manage 974
the vendors supplying the equipment and services for the system 975
to the department of administrative services. 976

(B) (1) The statewide next generation 9-1-1 core services 977
system shall be capable of providing 9-1-1 core services for all 978
of the territory of all the counties within this state, over 979
both land and water. The system shall route all 9-1-1 traffic 980
using location and policy-based routing to legacy enhanced 9-1-1 981
public safety answering points, next generation 9-1-1 public 982
safety answering points, and local next generation 9-1-1 983
systems. The system shall be designed to provide access to 984
emergency services from all connected communications sources and 985
provide multimedia data capabilities for public safety answering 986
points and other emergency service organizations. 987

(2) The emergency services internet protocol network that 988
supports the statewide next generation 9-1-1 core services 989
system shall be capable of being shared by all public safety 990
agencies. It may be constructed from a mix of dedicated and 991
shared facilities. It may be interconnected at local, regional, 992
state, federal, national, and international levels to form an 993
internet-protocol-based inter-network, or network of networks. 994

Sec. 128.211. (A) Not later than six months after the 995
effective date of this section, the 9-1-1 program office shall 996
draft, submit, or update a state of Ohio 9-1-1 plan to the 997
steering committee. The plan shall include all of the following: 998

(1) A specific plan to address the amendments to this 999
chapter by this act; 1000

<u>(2) Specific system details describing interoperability</u>	1001
<u>among counties, the states bordering this state, and Canada;</u>	1002
<u>(3) A progression plan for the system and sustainability</u>	1003
<u>within the funding method encompassed by sections 128.41 to</u>	1004
<u>128.422 of the Revised Code.</u>	1005
<u>(B) Not later than six months after the plan is submitted</u>	1006
<u>under division (A) of this section, the steering committee shall</u>	1007
<u>review and may approve the plan.</u>	1008
<u>Sec. 128.212.</u> (A) <u>Any entity in this state that operates a</u>	1009
<u>9-1-1 system, emergency services internet-protocol network, or</u>	1010
<u>public safety answering point and that pursues a 9-1-1 grant</u>	1011
<u>from the state or federal government shall present a letter of</u>	1012
<u>coordination from the 9-1-1 program office.</u>	1013
<u>(B) The letter of coordination shall state all of the</u>	1014
<u>following:</u>	1015
<u>(1) The entity described in division (A) of this section;</u>	1016
<u>(2) The specific grantor identification;</u>	1017
<u>(3) The dollar amount of the grant;</u>	1018
<u>(4) The intended use of the grant;</u>	1019
<u>(5) The system, equipment, software, or any component to</u>	1020
<u>be procured with the grant and the purpose of the grant do not</u>	1021
<u>inhibit, conflict, or reduce interoperability with the statewide</u>	1022
<u>next generation 9-1-1 core services system and emergency</u>	1023
<u>services internet-protocol network and is consistent with the</u>	1024
<u>state of Ohio 9-1-1 plan.</u>	1025
<u>Sec. 128.22.</u> <u>The 9-1-1 program office may do all of the</u>	1026
<u>following:</u>	1027

<u>(A) Expend funds from the 9-1-1 program fund for the</u>	1028
<u>purposes of 9-1-1 public education;</u>	1029
<u>(B) Coordinate, adopt, and communicate all necessary</u>	1030
<u>technical and operational standards and requirements to ensure</u>	1031
<u>an effective model for a statewide interconnected 9-1-1 system;</u>	1032
<u>(C) Collect and distribute data from and to public safety</u>	1033
<u>answering points, service providers, and emergency service</u>	1034
<u>providers regarding both of the following:</u>	1035
<u>(1) The status and operation of the components of the</u>	1036
<u>statewide 9-1-1 system, including all of the following:</u>	1037
<u>(a) The aggregate number of access lines that the provider</u>	1038
<u>maintains within this state;</u>	1039
<u>(b) The aggregate amount of costs and cost recovery</u>	1040
<u>associated with providing 9-1-1 service, including coverage</u>	1041
<u>under tariffs and bill and keep arrangements within this state;</u>	1042
<u>(c) Any other information requested by the steering</u>	1043
<u>committee and deemed necessary to support the transition to next</u>	1044
<u>generation 9-1-1.</u>	1045
<u>(2) Location information necessary for the reconciliation</u>	1046
<u>and synchronization of next generation 9-1-1 location</u>	1047
<u>information, including all of the following:</u>	1048
<u>(a) Address location information;</u>	1049
<u>(b) Master street address guide;</u>	1050
<u>(c) Service order inputs;</u>	1051
<u>(d) Geographic information system files;</u>	1052
<u>(e) Street center lines;</u>	1053

<u>(f) Response boundaries;</u>	1054
<u>(g) Administrative boundaries;</u>	1055
<u>(h) Address points.</u>	1056
<u>(D) Require, coordinate, oversee, and limit data</u>	1057
<u>collection and distribution to ensure that data collection and</u>	1058
<u>distribution meets legal privacy and confidentiality</u>	1059
<u>requirements;</u>	1060
<u>(E) With advice from the 9-1-1 steering committee, enter</u>	1061
<u>into interlocal contracts, interstate contracts, intrastate</u>	1062
<u>contracts, and federal contracts for the purpose of implementing</u>	1063
<u>statewide 9-1-1 services.</u>	1064
<u>Sec. 128.221.</u> (A) <u>The data described in section 128.22 of</u>	1065
<u>the Revised Code shall be protected in accordance with</u>	1066
<u>applicable provisions of the Revised Code. Charges, terms, and</u>	1067
<u>conditions for the disclosure or use of that data provided by</u>	1068
<u>public safety answering points, service providers, and emergency</u>	1069
<u>service providers for the purpose of 9-1-1 shall be subject to</u>	1070
<u>the jurisdiction of the steering committee.</u>	1071
<u>(B) Data and information that contribute to more effective</u>	1072
<u>9-1-1 services and emergency response may be accessed and shared</u>	1073
<u>among 9-1-1 and emergency response functions specifically for</u>	1074
<u>the purposes of effective emergency response, while ensuring the</u>	1075
<u>overall privacy and confidentiality of the data and information</u>	1076
<u>involved.</u>	1077
<u>Sec. 128.23.</u> (A) <u>Every telecommunication service provider</u>	1078
<u>able to generate 9-1-1 traffic within the state shall do all of</u>	1079
<u>the following:</u>	1080
<u>(1) Register with the 9-1-1 program office;</u>	1081

(2) Provide a single point of contact to the 9-1-1 program office who has the authority to assist in location-data discrepancies, including 9-1-1 traffic misroutes and no-record-found errors; 1082
1083
1084
1085

(3) Provide location data for all 9-1-1 traffic with the accuracy and validity necessary to ensure proper routing to the most appropriate public safety answering point or local next generation 9-1-1 system. Provision of this location data may include both of the following: 1086
1087
1088
1089
1090

(a) Preprovisioning of location data into a state-operated database utilizing industry standard protocols; 1091
1092

(b) Providing a routable location with the 9-1-1 traffic at call time, utilizing approved standards for both legacy and next generation 9-1-1. 1093
1094
1095

(B) If a service provider subject to division (A) of this section is notified by the 9-1-1 program office of a discrepancy in location data, the service provider shall correct the discrepancy within seventy-two hours. 1096
1097
1098
1099

(C) All data provided under this section is private and subject to applicable privacy laws and shall not be considered a "public record" for purposes of section 149.43 of the Revised Code. 1100
1101
1102
1103

Sec. 128.24. (A) Except as provided in division (C) of this section: 1104
1105

(1) Each operator of a multiline telephone system that was installed or substantially renovated on or after the effective date of this section, shall provide to the end user the same level of 9-1-1 service that is provided to other end users of 9-1-1 within the state. That service shall include the provision 1106
1107
1108
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1110

of either of the following, which shall satisfy the requirements 1111
of division (A) (3) of this section: 1112

(a) Legacy automatic number identification and automatic 1113
location identification; 1114

(b) Next generation 9-1-1 location data. 1115

(2) Each operator of a multiline telephone system that was 1116
installed or substantially renovated on or after the effective 1117
date of this section, shall provide an emergency-response- 1118
location identifier as part of the location transmission to the 1119
public safety answering point, using either legacy private- 1120
switch automatic location identification or next generation 9-1- 1121
1 methodologies. 1122

(3) Each operator of a multiline telephone system that was 1123
installed or substantially renovated on or after the effective 1124
date of this section, shall identify the specific location of 1125
the caller using an emergency response location that includes 1126
the public street address of the building from which the call 1127
originated, a suite or room number, the building floor, and a 1128
building identifier, if applicable. 1129

(B) All locations provided under this section shall be 1130
either master-street-address-guide or next-generation-9-1-1- 1131
location-validation-function valid. 1132

(C) The requirements of divisions (A) (1), (2), and (3) of 1133
this section do not apply to a multiline telephone system in a 1134
workspace of less than seven thousand square feet in a single 1135
building, on a single level of a structure, having a single 1136
public street address. 1137

Sec. 128.241. Beginning not later than one year after the 1138
effective date of this section and except as provided in 1139

sections 128.242 and 128.243 of the Revised Code, a business 1140
service user that provides residential or business facilities, 1141
owns or controls a multiline telephone system or voice over 1142
internet protocol system in those facilities, and provides 1143
outbound dialing capacity from those facilities shall ensure 1144
both of the following: 1145

(A) In the case of a multiline telephone system that is 1146
capable of initiating a 9-1-1 call, the system is connected to 1147
the public switched telephone network in such a way that when an 1148
individual using the system dials 9-1-1, the call connects to 1149
the public safety answering point without requiring the user to 1150
dial any additional digit or code. 1151

(B) The system is configured to provide notification of 1152
any 9-1-1 call made through the system to a centralized location 1153
on the same site as the system. The business service user is not 1154
required to have a person available at the location to receive a 1155
notification. 1156

Sec. 128.242. Except as provided in section 128.243 of the 1157
Revised Code, a business service user to which all of the 1158
following apply is exempt from the requirements of section 1159
128.241 of the Revised Code until two years after the effective 1160
date of this section: 1161

(A) The requirements would be unduly and unreasonably 1162
burdensome. 1163

(B) The multiline telephone system or voice over internet 1164
protocol system needs to be reprogrammed or replaced. 1165

(C) The business service user made a good-faith attempt to 1166
reprogram or replace the system. 1167

(D) The business service user agrees to place an 1168

instructional sticker next to the telephones that explains how 1169
to access 9-1-1 in case of emergency, provides the specific 1170
location where the device is installed, and reminds the caller 1171
to give the location information to the 9-1-1 call taker. 1172

(E) The instructions described in division (D) of this 1173
section are printed in at least sixteen-point boldface type in a 1174
contrasting color using a font that is easily readable. 1175

(F) The business service user affirms in an affidavit the 1176
conditions specified in divisions (B), (C), (D), and (E) of this 1177
section. 1178

(G) The affidavit described in division (F) of this 1179
section includes the manufacturer and model number of the 1180
system. 1181

Sec. 128.243. Sections 128.241 and 128.242 of the Revised 1182
Code shall not apply if they are preempted by or in conflict 1183
with federal law. 1184

Sec. 128.25. Each county shall provide a single point of 1185
contact to the 9-1-1 program office who has the authority to 1186
assist in location-data discrepancies, 9-1-1 traffic misroutes, 1187
and boundary disputes between public safety answering points. 1188

Sec. 128.26. Not later than five years after the date that 1189
the statewide next generation 9-1-1 core services system is 1190
operationally available to all counties in the state, each 1191
county or, as applicable, each regional council of governments, 1192
shall provide next generation 9-1-1 service for all areas to be 1193
covered as set forth in the county's final plan or the council's 1194
agreement. 1195

Sec. 128.27. A service provider that operates within a 1196
county that participates in the statewide next generation 9-1-1 1197

core services system or within the area served by a regional 1198
council of governments that participates in that system shall 1199
deliver the 9-1-1 traffic that originates in that geographic 1200
area to the next generation 9-1-1 core for that geographic area. 1201

Sec. 128.28. If a service provider or county participates 1202
in the statewide next generation 9-1-1 core services system, the 1203
service provider or county shall adhere to standards of the 9-1- 1204
1 program office, which may include standards created by the 1205
national emergency number association and the internet 1206
engineering task force. 1207

Sec. ~~128.18~~ 128.33. (A) In accordance with this chapter 1208
and Chapters 4901., 4903., 4905., and 4909. of the Revised Code, 1209
the public utilities commission shall determine the just, 1210
reasonable, and compensatory rates, tolls, classifications, 1211
charges, or rentals to be observed and charged for the wireline 1212
telephone network portion of a basic or enhanced 9-1-1 system, 1213
and each telephone company that is a wireline service provider 1214
participating in the system shall be subject to those chapters, 1215
to the extent they apply, as to the service provided by its 1216
portion of the wireline telephone network for the system as 1217
described in the final plan ~~or to be installed pursuant to~~ 1218
~~agreements under section 128.09 of the Revised Code,~~ and as to 1219
the rates, tolls, classifications, charges, or rentals to be 1220
observed and charged for that service. 1221

(B) Only the customers of a participating telephone 1222
company described in division (A) of this section that are 1223
served within the area covered by a 9-1-1 system shall pay the 1224
recurring rates for the maintenance and operation of the 1225
company's portion of the wireline telephone network of the 1226
system. Such rates shall be computed by dividing the total 1227

monthly recurring rates set forth in the company's schedule as 1228
filed in accordance with section 4905.30 of the Revised Code, by 1229
the total number of residential and business customer access 1230
lines, or their equivalent, within the area served. Each 1231
residential and business customer within the area served shall 1232
pay the recurring rates based on the number of its residential 1233
and business customer access lines or their equivalent. No 1234
company shall include such amount on any customer's bill until 1235
the company has completed its portion of the wireline telephone 1236
network in accordance with the terms, conditions, requirements, 1237
and specifications of the final plan ~~or an agreement made under~~ 1238
~~section 128.09 of the Revised Code.~~ 1239

(C) (1) Except as otherwise provided in division (C) (2) of 1240
this section, a participating telephone company described in 1241
division (A) of this section may receive through the credit 1242
authorized by section 5733.55 of the Revised Code the total 1243
nonrecurring charges for its portion of the wireline telephone 1244
network of the system and the total nonrecurring charges for any 1245
updating or modernization of that wireline telephone network in 1246
accordance with the terms, conditions, requirements, and 1247
specifications of the final plan ~~or pursuant to agreements under~~ 1248
~~section 128.09 of the Revised Code,~~ as such charges are set 1249
forth in the schedule filed by the telephone company in 1250
accordance with section 4905.30 of the Revised Code. However, 1251
that portion, updating, or modernization shall not be for or 1252
include the provision of wireless 9-1-1. As applicable, the 1253
receipt of permissible charges shall occur only upon the 1254
completion of the installation of the network or the completion 1255
of the updating or modernization. 1256

(2) The credit shall not be allowed under division (C) (1) 1257
of this section for the upgrading of a system from basic to 1258

enhanced wireline 9-1-1 if both of the following apply: 1259

(a) The telephone company received the credit for the 1260
wireline telephone network portion of the basic 9-1-1 system now 1261
proposed to be upgraded. 1262

(b) At the time the final plan ~~or agreement pursuant to~~ 1263
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 1264
system was agreed to, the telephone company was capable of 1265
reasonably meeting the technical and economic requirements of 1266
providing the wireline telephone network portion of an enhanced 1267
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 1268
~~determined by the steering committee under division (A) or (H)~~ 1269
~~of section 128.03 or division (C) of section 128.09 of the~~ 1270
~~Revised Code.~~ 1271

(3) If the credit is not allowed under division (C) (2) of 1272
this section, the total nonrecurring charges for the wireline 1273
telephone network used in providing 9-1-1 service, as set forth 1274
in the schedule filed by a telephone company in accordance with 1275
section 4905.30 of the Revised Code, on completion of the 1276
installation of the network in accordance with the terms, 1277
conditions, requirements, and specifications of the final plan- 1278
~~or pursuant to section 128.09 of the Revised Code,~~ shall be paid 1279
by the municipal corporations and townships with any territory 1280
in the area in which such upgrade from basic to enhanced 9-1-1 1281
is made. 1282

(D) If customer premises equipment for a public safety 1283
answering point is supplied by a telephone company that is 1284
required to file a schedule under section 4905.30 of the Revised 1285
Code pertaining to customer premises equipment, the recurring 1286
and nonrecurring rates and charges for the installation and 1287
maintenance of the equipment specified in the schedule shall 1288

apply. 1289

Sec. ~~128.22~~ 128.35. (A) (1) For the purpose of paying the 1290
costs of establishing, equipping, and furnishing one or more 1291
public safety answering points as part of a countywide 9-1-1 1292
system effective under division (B) of section 128.08 of the 1293
Revised Code and paying the expense of administering and 1294
enforcing this section, the board of county commissioners of a 1295
county, in accordance with this section, may fix and impose, on 1296
each lot or parcel of real property in the county that is owned 1297
by a person, municipal corporation, township, or other political 1298
subdivision and is improved, or is in the process of being 1299
improved, reasonable charges to be paid by each such owner. The 1300
charges shall be sufficient to pay only the estimated allowed 1301
costs and shall be equal in amount for all such lots or parcels. 1302

(2) For the purpose of paying the costs of operating and 1303
maintaining the answering points and paying the expense of 1304
administering and enforcing this section, the board, in 1305
accordance with this section, may fix and impose reasonable 1306
charges to be paid by each owner, as provided in division (A) (1) 1307
of this section, that shall be sufficient to pay only the 1308
estimated allowed costs and shall be equal in amount for all 1309
such lots or parcels. The board may fix and impose charges under 1310
this division pursuant to a resolution adopted for the purposes 1311
of both divisions (A) (1) and (2) of this section or pursuant to 1312
a resolution adopted solely for the purpose of division (A) (2) 1313
of this section, and charges imposed under division (A) (2) of 1314
this section may be separately imposed or combined with charges 1315
imposed under division (A) (1) of this section. 1316

(B) Any board adopting a resolution under this section 1317
pursuant to a final plan initiating the establishment of a 9-1-1 1318

system or pursuant to an amendment to a final plan shall adopt 1319
the resolution within sixty days after the board receives the 1320
final plan for the 9-1-1 system pursuant to division ~~(C)~~(B) (1) 1321
of section 128.07 of the Revised Code. The board by resolution 1322
may change any charge imposed under this section whenever the 1323
board considers it advisable. Any resolution adopted under this 1324
section shall declare whether securities will be issued under 1325
Chapter 133. of the Revised Code in anticipation of the 1326
collection of unpaid special assessments levied under this 1327
section. 1328

(C) The board shall adopt a resolution under this section 1329
at a public meeting held in accordance with section 121.22 of 1330
the Revised Code. Additionally, the board, before adopting any 1331
such resolution, shall hold at least two public hearings on the 1332
proposed charges. Prior to the first hearing, the board shall 1333
publish notice of the hearings once a week for two consecutive 1334
weeks in a newspaper of general circulation in the county or as 1335
provided in section 7.16 of the Revised Code. The notice shall 1336
include a listing of the charges proposed in the resolution and 1337
the date, time, and location of each of the hearings. The board 1338
shall hear any person who wishes to testify on the charges or 1339
the resolution. 1340

(D) No resolution adopted under this section shall be 1341
effective sooner than thirty days following its adoption nor 1342
shall any such resolution be adopted as an emergency measure. 1343
The resolution is subject to a referendum in accordance with 1344
sections 305.31 to 305.41 of the Revised Code unless, in the 1345
resolution, the board of county commissioners directs the board 1346
of elections of the county to submit the question of imposing 1347
the charges to the electors of the county at the next primary or 1348
general election in the county occurring not less than ninety 1349

days after the resolution is certified to the board. No 1350
resolution shall go into effect unless approved by a majority of 1351
those voting upon it in any election allowed under this 1352
division. 1353

(E) To collect charges imposed under division (A) of this 1354
section, the board of county commissioners shall certify them to 1355
the county auditor of the county who then shall place them upon 1356
the real property duplicate against the properties to be 1357
assessed, as provided in division (A) of this section. Each 1358
assessment shall bear interest at the same rate that securities 1359
issued in anticipation of the collection of the assessments 1360
bear, is a lien on the property assessed from the date placed 1361
upon the real property duplicate by the auditor, and shall be 1362
collected in the same manner as other taxes. 1363

(F) All money collected by or on behalf of a county under 1364
this section shall be paid to the county treasurer of the county 1365
and kept in a separate and distinct fund to the credit of the 1366
county. The fund shall be used to pay the costs allowed in 1367
division (A) of this section and specified in the resolution 1368
adopted under that division. In no case shall any surplus so 1369
collected be expended for other than the use and benefit of the 1370
county. 1371

Sec. ~~128.42~~ 128.40. (A) ~~There~~ Ending three months after 1372
the effective date of this section, there is ~~are~~ hereby imposed 1373
a the following wireless 9-1-1 charge ~~of twenty five cents per~~ 1374
~~month as follows~~ charges: 1375

(1) On each wireless telephone number of a wireless 1376
service subscriber who has a billing address in this state, a 1377
charge of twenty-five cents per month. The subscriber shall pay 1378
the wireless 9-1-1 charge for each such wireless telephone 1379

number assigned to the subscriber. Each wireless service 1380
provider and each reseller shall collect the wireless 9-1-1 1381
charge as a specific line item on each subscriber's monthly 1382
bill. The line item shall be expressly designated "State/Local 1383
Wireless-E911 Costs (\$0.25/billed number)." If a provider bills 1384
a subscriber for any wireless enhanced 9-1-1 costs that the 1385
provider may incur, the charge or amount is not to appear in the 1386
same line item as the state/local line item. If the charge or 1387
amount is to appear in its own, separate line item on the bill, 1388
the charge or amount shall be expressly designated "[Name of 1389
Provider] Federal Wireless-E911 Costs." 1390

~~(2)(a) Prior to January 1, 2014, on each subscriber of 1391
prepaid wireless service. A wireless service provider or 1392
reseller shall collect the wireless 9-1-1 charge in either of 1393
the following manners: 1394~~

~~(i) If the subscriber has a positive account balance on 1395
the last day of the month and has used the service during that 1396
month, by reducing that balance not later than the end of the 1397
first week of the following month by twenty five cents or an 1398
equivalent number of airtime minutes; 1399~~

~~(ii) By dividing the total earned prepaid wireless 1400
telephone revenue from sales within this state received by the 1401
wireless service provider or reseller during the month by fifty, 1402
multiplying the quotient by twenty five cents. 1403~~

~~(b) Amounts collected under division (A) (2) of this 1404
section shall be remitted pursuant to division (A) (1) of section 1405
128.46 of the Revised Code. 1406~~

~~The wireless 9-1-1 charges authorized under this section 1407
shall not be imposed on a subscriber of wireless lifeline 1408~~

~~service or a provider of that service.~~ 1409

~~(B) Beginning January 1, 2014:~~ 1410

~~(1) There is hereby imposed, on~~ (2) On each retail sale of 1411
a prepaid wireless calling service occurring in this state, a 1412
wireless 9-1-1 charge of five-tenths of one per cent of the sale 1413
price. 1414

~~(2) (B)~~ For purposes of division ~~(B) (1)~~ (A) (2) of this 1415
section, a retail sale occurs in this state if it is effected by 1416
the consumer appearing in person at a seller's business location 1417
in this state, or if the sale is sourced to this state under 1418
division (E) (3) of section 5739.034 of the Revised Code, except 1419
that under that division, in lieu of sourcing a sale under 1420
division (C) (5) of section 5739.033 of the Revised Code, the 1421
seller, rather than the service provider, may elect to source 1422
the sale to the location associated with the mobile telephone 1423
number. 1424

~~(3) (a) (C) (1)~~ Except as provided in division ~~(B) (4) (e)~~ (D) 1425
(3) of this section, the seller of the prepaid wireless calling 1426
service shall collect the charge imposed under division (A) of 1427
this section from the consumer at the time of each retail sale 1428
and disclose the amount of the charge to the consumer at the 1429
time of the sale by itemizing the charge on the receipt, 1430
invoice, or similar form of written documentation provided to 1431
the consumer. 1432

~~(b) (2)~~ The seller that collects the charge imposed under 1433
division (A) of this section shall comply with the reporting and 1434
remittance requirements under section 128.46 of the Revised 1435
Code. 1436

~~(4) (D)~~ When a prepaid wireless calling service is sold 1437

with one or more other products or services for a single, 1438
nonitemized price, the wireless 9-1-1 charge imposed under 1439
division ~~(B) (1)~~ (A) (2) of this section shall apply to the entire 1440
nonitemized price, except as provided in divisions ~~(B) (4) (a)~~ (D) 1441
(1) to ~~(e) (3)~~ of this section. 1442

~~(a) (1)~~ If the amount of the prepaid wireless calling 1443
service is disclosed to the consumer as a dollar amount, the 1444
seller may elect to apply the charge only to that dollar amount. 1445

~~(b) (2)~~ If the seller can identify the portion of the 1446
nonitemized price that is attributable to the prepaid wireless 1447
calling service, by reasonable and verifiable standards from the 1448
seller's books and records that are kept in the regular course 1449
of business for other purposes, including nontax purposes, the 1450
seller may elect to apply the charge only to that portion. 1451

~~(e) (3)~~ If a minimal amount of a prepaid wireless calling 1452
service is sold with a prepaid wireless calling device for the 1453
single, nonitemized price, the seller may elect not to collect 1454
the charge. As used in this division, "minimal" means either ten 1455
minutes or less or five dollars or less. 1456

~~(C) (E)~~ The wireless 9-1-1 charges authorized under this 1457
section shall not be imposed on a subscriber of wireless 1458
lifeline service or a provider of that service. 1459

(F) The wireless 9-1-1 charges shall be exempt from state 1460
or local taxation. 1461

Sec. 128.41. Except as provided in sections 128.413 and 1462
128.42 of the Revised Code: 1463

(A) For a two-year period after the expiration of the fee 1464
described in section 128.40 of the Revised Code, there is 1465
imposed a next generation 9-1-1 access fee of sixty-four cents 1466

per month on each communications service to which both of the 1467
following apply: 1468

(1) The communications service is registered to the 1469
subscriber's service address within this state, or the 1470
subscriber's primary place of using the communications service 1471
is in this state. 1472

(2) The communications service is capable of initiating a 1473
direct connection to 9-1-1. 1474

(B) For a five-year period after the period described in 1475
division (A) of this section, there is imposed a next generation 1476
9-1-1 access fee on each communications service described in 1477
that division. The amount of the fee shall be sixty-four cents 1478
per month or, if the steering committee designates an alternate 1479
amount under section 128.411 of the Revised Code, that alternate 1480
amount. 1481

(C) After the five-year period described in division (B) 1482
of this section, there is imposed a next generation 9-1-1 access 1483
fee of sixty-four cents per month on each communications service 1484
described in division (A) of this section. 1485

Sec. 128.411. (A) For purposes of division (B) of section 1486
128.41 of the Revised Code, the steering committee may, on the 1487
first day of January of each year and subject to division (B) of 1488
this section, designate an alternate amount for the monthly next 1489
generation 9-1-1 access fee. The alternative amount shall 1490
satisfy both of the following requirements: 1491

(1) It may not be more than two cents above the fee amount 1492
for the previous year. 1493

(2) It may not be higher than sixty-four cents. 1494

(B) The steering committee may designate a fee amount that 1495
is higher than the previous year's fee amount only if there are 1496
outstanding transitional costs associated with the next 1497
generation 9-1-1 system. 1498

(C) The steering committee shall report to the general 1499
assembly any action to increase the next generation 9-1-1 access 1500
fee. The report shall state the remaining amount of the 1501
counties' transitional costs of connecting to the statewide 1502
emergency services internet protocol network. 1503

Sec. 128.412. (A) Except as provided in divisions (B) and 1504
(C) of this section and division (A) of section 128.413 of the 1505
Revised Code, a subscriber who is billed for one or more 1506
communications services described in division (A) of section 1507
128.41 of the Revised Code shall pay only one next generation 9- 1508
1-1 access fee. 1509

(B) In the case of a multiline telephone system, the 1510
subscriber shall pay a separate fee for each line. The maximum 1511
number of separate fees imposed on a single subscriber with a 1512
multiline telephone system shall not exceed two hundred per 1513
building with a unique street address or physically identifiable 1514
location. 1515

(C) In the case of a voice over internet protocol system, 1516
the subscriber shall pay a separate fee for each voice channel 1517
provided to the subscriber. The number of channels shall be 1518
equal to the number of outbound calls the subscriber can 1519
maintain at the same time using the system, but excludes a 1520
direct inward dialing number that merely routes an inbound call. 1521

Sec. 128.413. The following are exempt from the next 1522
generation 9-1-1 access fee imposed under section 128.41 of the 1523

<u>Revised Code:</u>	1524
<u>(A) A subscriber of wireless lifeline service.</u>	1525
<u>(B) Wholesale transactions between telecommunications</u>	1526
<u>service providers where the service is a component of a service</u>	1527
<u>provided to an end user. This exemption includes network access</u>	1528
<u>charges and interconnection charges paid to a local exchange</u>	1529
<u>carrier.</u>	1530
<u>(C) Devices that solely rely on ancillary connection</u>	1531
<u>services for direct connection to the 9-1-1 system, excluding</u>	1532
<u>any devices capable of both direct and ancillary connection to</u>	1533
<u>the 9-1-1 system.</u>	1534
<u>Sec. 128.414. Each service provider and each reseller</u>	1535
<u>shall collect the next generation 9-1-1 access fee imposed under</u>	1536
<u>section 128.41 of the Revised Code as a specific line item on</u>	1537
<u>each subscriber's monthly bill or point of sale invoice. The</u>	1538
<u>line item shall be expressly designated "Ohio Next Generation 9-</u>	1539
<u>1-1 Access Fee ([amount]/service/month)." If a provider bills a</u>	1540
<u>subscriber for any other 9-1-1 costs that the provider may</u>	1541
<u>incur, the charge or amount is not to appear in the same line</u>	1542
<u>item as the next generation 9-1-1 access fee line item. If the</u>	1543
<u>charge or amount is to appear in a separate line item on the</u>	1544
<u>bill, the charge or amount shall be expressly designated "[Name</u>	1545
<u>of Provider] [Description of charge or amount]."</u>	1546
<u>Sec. 128.416. (A) Not later than twelve months after the</u>	1547
<u>effective date of this section, the steering committee shall</u>	1548
<u>submit a report to the general assembly on the effectiveness of</u>	1549
<u>the next generation 9-1-1 access fee at sixty-four cents per</u>	1550
<u>month.</u>	1551
<u>(B) After the five-year period described in division (C)</u>	1552

of section 128.41 of the Revised Code, the steering committee 1553
shall submit a report to the general assembly on a future amount 1554
for the next generation 9-1-1 access fee. 1555

Sec. 128.417. After installation and operation for twelve 1556
months of the statewide next generation 9-1-1 system, the 1557
steering committee shall monitor the accounts where funds are 1558
generated from the next generation 9-1-1 access fee. The 1559
steering committee may reduce the next generation access fee if 1560
it is determined the obligations of the funds can still be met 1561
to avoid over-collection of fees. If the fee is reduced, the 1562
steering committee may increase the fee, not to exceed the 1563
maximum rate of sixty-four cents, to ensure adequate funding 1564
exists to meet the obligations of the funds. 1565

Sec. 128.418. The steering committee shall notify the tax 1566
commissioner of the committee's intent to adjust the next 1567
generation 9-1-1 access fee not later than six months before the 1568
adjustment takes effect. 1569

Sec. 128.42. (A) Three months after the effective date of 1570
this section, there is imposed, on each retail sale of a prepaid 1571
wireless calling service occurring in this state, a next 1572
generation 9-1-1 access fee of five-tenths of one per cent of 1573
the sale price. 1574

(B) For purposes of division (A) of this section, a retail 1575
sale occurs in this state if it is effected by the consumer 1576
appearing in person at a seller's business location in this 1577
state, or if the sale is sourced to this state under division 1578
(E) (3) of section 5739.034 of the Revised Code, except that 1579
under that division, in lieu of sourcing a sale under division 1580
(C) (5) of section 5739.033 of the Revised Code, the seller, 1581
rather than the service provider, may elect to source the sale 1582

to the location associated with the mobile telephone number. 1583

Sec. 128.421. Except as provided in division (B)(3) of 1584
section 128.422 of the Revised Code, the seller of the prepaid 1585
calling service shall collect the next generation 9-1-1 access 1586
fee imposed under section 128.42 of the Revised Code from the 1587
consumer at the time of each retail sale and disclose the amount 1588
of the fee to the consumer at the time of the sale by itemizing 1589
the fee on the receipt, invoice, or similar form of written 1590
documentation provided to the consumer. 1591

Sec. 128.422. (A) When a prepaid calling service is sold 1592
with one or more other products or services for a single, 1593
nonitemized price, the next generation 9-1-1 access fee imposed 1594
under section 128.42 of the Revised Code shall apply to the 1595
entire nonitemized price, except as provided in divisions (B)(1) 1596
to (3) of this section. 1597

(B)(1) If the amount of the prepaid calling service is 1598
disclosed to the consumer as a dollar amount, the seller may 1599
elect to apply the fee only to that dollar amount. 1600

(2) If the seller can identify the portion of the 1601
nonitemized price that is attributable to the prepaid calling 1602
service, by reasonable and verifiable standards from the 1603
seller's books and records that are kept in the regular course 1604
of business for other purposes, including nontax purposes, the 1605
seller may elect to apply the fee only to that portion. 1606

(3) If a minimal amount of a prepaid calling service is 1607
sold with a prepaid wireless calling device for the single, 1608
nonitemized price, the seller may elect not to collect the fee. 1609
As used in this division, "minimal" means either ten minutes or 1610
less or five dollars or less. 1611

Sec. 128.43. The next generation 9-1-1 access fee imposed 1612
under sections 128.41 and 128.42 of the Revised Code shall be 1613
exempt from state or local taxation. 1614

~~Sec. 128.44. Beginning January 1, 2014, the~~ The tax 1615
commissioner shall provide notice to all known wireless service 1616
providers, resellers, and sellers of prepaid wireless calling 1617
services of any increase or decrease in either of the ~~wireless-~~ 1618
next generation 9-1-1 charges access fee imposed under section- 1619
sections 128.41 and 128.42 of the Revised Code. Each notice 1620
shall be provided not less than thirty days before the effective 1621
date of the increase or decrease. 1622

Sec. 128.45. (A) Each entity required to bill and collect 1623
a wireless 9-1-1 charge under section 128.40 of the Revised Code 1624
or the next generation 9-1-1 access fee under section 128.414 or 1625
128.421 of the Revised Code shall keep complete and accurate 1626
records of bills that include the charges and fees, together 1627
with a record of the charges and fees collected under those 1628
sections. The entities shall keep all related invoices and other 1629
pertinent documents. 1630

(B) Each seller shall keep complete and accurate records 1631
of retail sales of prepaid wireless calling services, together 1632
with a record of the charges and fees collected under sections 1633
128.40 and 128.421 of the Revised Code, and shall keep all 1634
related invoices and other pertinent documents. 1635

~~Sec. 128.45-128.451. Beginning January 1, 2014:~~ 1636

~~(A) Each wireless service provider and reseller shall keep~~ 1637
~~complete and accurate records of bills for wireless service,~~ 1638
~~together with a record of the wireless 9-1-1 charges collected-~~ 1639
~~under section 128.42 of the Revised Code, and shall keep all-~~ 1640

~~related invoices and other pertinent documents. Each seller~~ 1641
~~shall keep complete and accurate records of retail sales of~~ 1642
~~prepaid wireless calling services, together with a record of the~~ 1643
~~wireless 9-1-1 charges collected under section 128.42 of the~~ 1644
~~Revised Code, and shall keep all related invoices and other~~ 1645
~~pertinent documents.~~ 1646

~~(B) Records, invoices, and documents required to be kept~~ 1647
~~under this section 128.45 of the Revised Code shall be open~~ 1648
~~during business hours to the inspection of the tax commissioner.~~ 1649
~~They shall be preserved for a period of four years unless the~~ 1650
~~tax commissioner, in writing, consents to their destruction~~ 1651
~~within that period, or by order requires that they be kept~~ 1652
~~longer.~~ 1653

Sec. 128.46. ~~(A) Prior to January 1, 2014:~~ 1654

~~(1) A wireless service provider or reseller, not later~~ 1655
~~than the last day of each month, shall remit the full amount of~~ 1656
~~all wireless 9-1-1 charges it collected under division (A) of~~ 1657
~~section 128.42 of the Revised Code for the second preceding~~ 1658
~~calendar month to the administrator, with the exception of~~ 1659
~~charges equivalent to the amount authorized as a billing and~~ 1660
~~collection fee under division (A) (2) of this section. In doing~~ 1661
~~so, the provider or reseller may remit the requisite amount in~~ 1662
~~any reasonable manner consistent with its existing operating or~~ 1663
~~technological capabilities, such as by customer address,~~ 1664
~~location associated with the wireless telephone number, or~~ 1665
~~another allocation method based on comparable, relevant data. If~~ 1666
~~the wireless service provider or reseller receives a partial~~ 1667
~~payment for a bill from a wireless service subscriber, the~~ 1668
~~wireless service provider or reseller shall apply the payment~~ 1669
~~first against the amount the subscriber owes the wireless~~ 1670

~~service provider or reseller and shall remit to the~~ 1671
~~administrator such lesser amount, if any, as results from that~~ 1672
~~invoice.~~ 1673

~~(2) A wireless service provider or reseller may retain as~~ 1674
~~a billing and collection fee two per cent of the total wireless~~ 1675
~~9-1-1 charges it collects in a month and shall account to the~~ 1676
~~administrator for the amount retained.~~ 1677

~~(3) The administrator shall return to, or credit against~~ 1678
~~the next month's remittance of, a wireless service provider or~~ 1679
~~reseller the amount of any remittances the administrator~~ 1680
~~determines were erroneously submitted by the provider or~~ 1681
~~reseller.~~ 1682

~~(B) Beginning January 1, 2014:~~ 1683

~~(1) Each seller of a prepaid wireless calling service,~~ 1684
~~wireless service provider, and reseller~~ An entity required to 1685
collect a wireless 9-1-1 charge under section 128.40 of the 1686
Revised Code or the next generation 9-1-1 access fee under 1687
section 128.414 or 128.421 of the Revised Code shall, on or 1688
before the twenty-third day of each month, except as provided in 1689
divisions ~~(B)~~ (A) (2) and (3) of this section, do both of the 1690
following: 1691

(a) Make and file a return for the preceding month, in the 1692
form prescribed by the tax commissioner, showing the amount of 1693
the ~~wireless 9-1-1 charges~~ or fees due ~~under section 128.42 of~~ 1694
~~the Revised Code~~ for that month; 1695

(b) Remit the full amount due, as shown on the return, 1696
with the exception of charges and fees equivalent to the amount 1697
authorized as a collection fee under division (B) ~~(4)~~ of this 1698
section. 1699

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due. 1700
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(3) If a seller is required to collect prepaid wireless 9-1-1 charges under section 128.40 of the Revised Code or next generation 9-1-1 access fees under section 128.421 of the Revised Code in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state. 1703
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~~(4)-(B)~~ A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section ~~128.42-128.40~~ of the Revised Code, and shall account to the tax commissioner for the amount retained. 1711
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~~(5)-(C)~~ The return required under division ~~(B)-(A)~~ (1) (a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, ~~the Ohio telefile system,~~ or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. ~~A wireless service provider, reseller, or seller-~~ An entity required to file the return may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the ~~provider, reseller, or seller-~~ entity from either or both of the requirements and may permit the ~~provider, reseller, or seller-~~ entity to file returns or make remittances by nonelectronic 1716
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means. 1730

~~(C)(D) (1) Prior to January 1, 2014, each subscriber on 1731
which a wireless 9-1-1 charge is imposed under division (A) of 1732
section 128.42 of the Revised Code is liable to the state for 1733
the amount of the charge. If a wireless service provider or 1734
reseller fails to collect the charge under that division from a 1735
subscriber of prepaid wireless service, or fails to bill any 1736
other subscriber for the charge, the wireless service provider 1737
or reseller is liable to the state for the amount not collected 1738
or billed. If a wireless service provider or reseller collects 1739
charges under that division and fails to remit the money to the 1740
administrator, the wireless service provider or reseller is 1741
liable to the state for any amount collected and not remitted. 1742~~

~~(2) Beginning January 1, 2014: 1743~~

~~(a) Each subscriber or consumer on which a wireless 9-1-1 1744
charge is imposed under section ~~128.42~~ 128.40 of the Revised 1745
Code or on which a next generation 9-1-1 access fee is imposed 1746
under section 128.41 or 128.42 of the Revised Code is liable to 1747
the state for the amount of the charge. ~~If a wireless service 1748
provider or reseller fails 1749~~~~

~~(2) An entity required to bill or collect the wireless 9- 1750
1-1 charge, under section 128.40 of the Revised Code or if a 1751
seller fails to collect the charge, the provider, reseller, or 1752
seller is liable to the state for the amount not billed or 1753
collected. If a provider, reseller, or seller fails to remit 1754
money to the tax commissioner as required under this section, 1755
the provider, reseller, or seller the next generation 9-1-1 1756
access fee under section 128.414 or 128.421 of the Revised Code 1757
is liable to the state for the any amount that was required to 1758
be collected but that was not remitted, regardless of whether 1759~~

the amount was collected. 1760

~~(b) (3) No provider of a prepaid wireless calling service 1761
shall be liable to the state for any wireless 9-1-1 charge 1762
imposed under division (B) (1) of section 128.40 of the Revised 1763
Code or any next generation 9-1-1 access fee imposed under 1764
section 128.42 of the Revised Code that was not collected or 1765
remitted. 1766~~

~~(D) Prior to January 1, 2014: 1767~~

~~(1) If the steering committee has reason to believe that a 1768
wireless service provider or reseller has failed to bill, 1769
collect, or remit the wireless 9 1 1 charge as required by 1770
divisions (A) (1) and (C) (1) of this section or has retained more 1771
than the amount authorized under division (A) (2) of this 1772
section, and after written notice to the provider or reseller, 1773
the steering committee may audit the provider or reseller for 1774
the sole purpose of making such a determination. The audit may 1775
include, but is not limited to, a sample of the provider's or 1776
reseller's billings, collections, remittances, or retentions for 1777
a representative period, and the steering committee shall make a 1778
good faith effort to reach agreement with the provider or 1779
reseller in selecting that sample. 1780~~

~~(2) Upon written notice to the wireless service provider 1781
or reseller, the steering committee, by order after completion 1782
of the audit, may make an assessment against the provider or 1783
reseller if, pursuant to the audit, the steering committee 1784
determines that the provider or reseller has failed to bill, 1785
collect, or remit the wireless 9 1 1 charge as required by 1786
divisions (A) (1) and (C) (1) of this section or has retained more 1787
than the amount authorized under division (A) (2) of this 1788
section. The assessment shall be in the amount of any remittance 1789~~

~~that was due and unpaid on the date notice of the audit was sent 1790
by the steering committee to the provider or reseller or, as 1791
applicable, in the amount of the excess amount under division 1792
(A) (2) of this section retained by the provider or reseller as 1793
of that date. 1794~~

~~(3) The portion of any assessment not paid within sixty 1795
days after the date of service by the steering committee of the 1796
assessment notice under division (D) (2) of this section shall 1797
bear interest from that date until paid at the rate per annum 1798
prescribed by section 5703.47 of the Revised Code. That interest 1799
may be collected by making an assessment under division (D) (2) 1800
of this section. An assessment under this division and any 1801
interest due shall be remitted in the same manner as the 1802
wireless 9-1-1 charge imposed under division (A) of section 1803
128.42 of the Revised Code. 1804~~

~~(4) Unless the provider, reseller, or seller assessed 1805
files with the steering committee within sixty days after 1806
service of the notice of assessment, either personally or by 1807
certified mail, a written petition for reassessment, signed by 1808
the party assessed or that party's authorized agent having 1809
knowledge of the facts, the assessment shall become final and 1810
the amount of the assessment shall be due and payable from the 1811
party assessed to the administrator. The petition shall indicate 1812
the objections of the party assessed, but additional objections 1813
may be raised in writing if received by the administrator or the 1814
steering committee prior to the date shown on the final 1815
determination. 1816~~

~~(5) After an assessment becomes final, if any portion of 1817
the assessment remains unpaid, including accrued interest, a 1818
certified copy of the final assessment may be filed in the 1819~~

~~office of the clerk of the court of common pleas in the county~~ 1820
~~in which the place of business of the assessed party is located.~~ 1821
~~If the party assessed maintains no place of business in this~~ 1822
~~state, the certified copy of the final assessment may be filed~~ 1823
~~in the office of the clerk of the court of common pleas of~~ 1824
~~Franklin county. Immediately upon the filing, the clerk shall~~ 1825
~~enter a judgment for the state against the assessed party in the~~ 1826
~~amount shown on the final assessment. The judgment may be filed~~ 1827
~~by the clerk in a loose leaf book entitled "special judgments~~ 1828
~~for wireless 9-1-1 charges" and shall have the same effect as~~ 1829
~~other judgments. The judgment shall be executed upon the request~~ 1830
~~of the steering committee.~~ 1831

~~(6) An assessment under this division does not discharge a~~ 1832
~~subscriber's liability to reimburse the provider or reseller for~~ 1833
~~the wireless 9-1-1 charge imposed under division (A) of section~~ 1834
~~128.42 of the Revised Code. If, after the date of service of the~~ 1835
~~audit notice under division (D) (1) of this section, a subscriber~~ 1836
~~pays a wireless 9-1-1 charge for the period covered by the~~ 1837
~~assessment, the payment shall be credited against the~~ 1838
~~assessment.~~ 1839

~~(7) All money collected by the administrator under~~ 1840
~~division (D) of this section shall be paid to the treasurer of~~ 1841
~~state, for deposit to the credit of the wireless 9-1-1~~ 1842
~~government assistance fund.~~ 1843

~~(E) Beginning January 1, 2014:~~ 1844

~~(1) If the tax commissioner has reason to believe that a~~ 1845
~~wireless service provider, reseller, or seller an entity~~ 1846
~~required to collect a wireless 9-1-1 charge under section 128.40~~ 1847
~~of the Revised Code or the next generation 9-1-1 access fee~~ 1848
~~under section 128.414 or 128.421 of the Revised Code has failed~~ 1849

to bill, collect, or remit the ~~wireless 9-1-1~~ charge or fee as 1850
required by this section and ~~section 128.42~~ sections 128.40 to 1851
128.422 of the Revised Code or has retained more than the amount 1852
authorized under division (B) ~~(4)~~ of this section, and after 1853
written notice to the ~~provider, reseller, or seller~~ entity, the 1854
tax commissioner may audit the ~~provider, reseller, or seller~~ 1855
entity for the sole purpose of making such a determination. The 1856
audit may include, but is not limited to, a sample of the 1857
~~provider's, reseller's, or seller's~~ entity's billings, 1858
collections, remittances, or retentions for a representative 1859
period, and the tax commissioner shall make a good faith effort 1860
to reach agreement with the ~~provider, reseller, or seller~~ entity 1861
in selecting that sample. 1862

(2) Upon written notice to the ~~wireless service provider,~~ 1863
~~reseller, or seller~~ entity, the tax commissioner, after 1864
completion of the audit, may make an assessment against the 1865
~~provider, reseller, or seller~~ entity if, pursuant to the audit, 1866
the tax commissioner determines that the ~~provider, reseller, or~~ 1867
~~seller~~ entity has failed to bill, collect, or remit the ~~wireless~~ 1868
~~9-1-1~~ charge or fee as required by ~~this section and section~~ 1869
~~128.42~~ sections 128.40 to 128.422 of the Revised Code or has 1870
retained more than the amount authorized under division (B) ~~(4)~~ 1871
of this section. The assessment shall be in the amount of any 1872
remittance that was due and unpaid on the date notice of the 1873
audit was sent by the tax commissioner to the ~~provider,~~ 1874
~~reseller, or seller~~ entity or, as applicable, in the amount of 1875
the excess amount under division (B) ~~(4)~~ of this section retained 1876
by the ~~provider, reseller, or seller~~ entity as of that date. 1877

(3) The portion of any assessment consisting of ~~wireless~~ 1878
~~9-1-1~~ charges or fees due and not paid within sixty days after 1879
the date that the assessment was made under division (E) (2) of 1880

this section shall bear interest from that date until paid at 1881
the rate per annum prescribed by section 5703.47 of the Revised 1882
Code. That interest may be collected by making an assessment 1883
under division (E) (2) of this section. 1884

(4) Unless the ~~provider, reseller, or seller~~ entity 1885
assessed files with the tax commissioner within sixty days after 1886
service of the notice of assessment, either personally or by 1887
certified mail, a written petition for reassessment, signed by 1888
the ~~party~~ entity assessed or that ~~party's~~ entity's authorized 1889
agent having knowledge of the facts, the assessment shall become 1890
final and the amount of the assessment shall be due and payable 1891
from the ~~party~~ entity assessed to the treasurer of state, for 1892
deposit to the next generation 9-1-1 fund, which is created 1893
under section 128.54 of the Revised Code. The petition shall 1894
indicate the objections of the ~~party~~ entity assessed, but 1895
additional objections may be raised in writing if received by 1896
the commissioner prior to the date shown on the final 1897
determination. If the petition has been properly filed, the 1898
commissioner shall proceed under section 5703.60 of the Revised 1899
Code. 1900

(5) After an assessment becomes final, if any portion of 1901
the assessment remains unpaid, including accrued interest, a 1902
certified copy of the final assessment may be filed in the 1903
office of the clerk of the court of common pleas in the county 1904
in which the business of the assessed ~~party~~ entity is conducted. 1905
If the ~~party~~ entity assessed maintains no place of business in 1906
this state, the certified copy of the final assessment may be 1907
filed in the office of the clerk of the court of common pleas of 1908
Franklin county. Immediately upon the filing, the clerk shall 1909
enter a judgment for the state against the assessed ~~party~~ entity 1910
in the amount shown on the final assessment. The judgment may be 1911

filed by the clerk in a loose-leaf book entitled "special 1912
judgments for ~~wireless-9-1-1~~ charges and fees" and shall have 1913
the same effect as other judgments. The judgment shall be 1914
executed upon the request of the tax commissioner. 1915

(6) If the commissioner determines that the commissioner 1916
erroneously has refunded a ~~wireless-9-1-1~~ charge or fee to any 1917
person, the commissioner may make an assessment against that 1918
person for recovery of the erroneously refunded charge. 1919

(7) An assessment under division (E) of this section does 1920
not discharge a subscriber's or consumer's liability to 1921
reimburse the ~~provider, reseller, or seller~~ entity for a 1922
~~wireless-9-1-1~~ charge or fee. If, after the date of service of 1923
the audit notice under division (E)(1) of this section, a 1924
subscriber or consumer pays a ~~wireless-9-1-1~~ charge or fee for 1925
the period covered by the assessment, the payment shall be 1926
credited against the assessment. 1927

Sec. 128.461. ~~Beginning January 1, 2014, any~~ Every 1928
wireless 9-1-1 charge and next generation 9-1-1 access fee 1929
required to be remitted under section 128.46 of the Revised Code 1930
shall be subject to interest as prescribed by section 5703.47 of 1931
the Revised Code, calculated from the date the ~~wireless-9-1-1~~ 1932
charge or fee was due under section 128.46 of the Revised Code 1933
to the date the ~~wireless-9-1-1~~ charge or fee is remitted or the 1934
date of assessment, whichever occurs first. 1935

Sec. 128.462. ~~Beginning January 1, 2014:~~ 1936

(A) Except as otherwise provided in this section, no 1937
assessment shall be made or issued against a ~~wireless service~~ 1938
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 1939
charge ~~imposed by or pursuant to~~ required to be collected under 1940

section ~~128.42~~128.40 of the Revised Code or any next generation 1941
9-1-1 access fee required to be collected under section 128.414 1942
or 128.421 of the Revised Code more than four years after the 1943
return date for the period in which the sale or purchase was 1944
made, or more than four years after the return for such period 1945
is filed, whichever is later. This division does not bar an 1946
assessment: 1947

(1) When the tax commissioner has substantial evidence of 1948
amounts of ~~wireless 9-1-1 charges~~ or fees collected by a 1949
~~provider, reseller, or seller~~ an entity from subscribers or 1950
consumers, which were not returned to the state; 1951

(2) When the ~~provider, reseller, or seller~~ entity assessed 1952
failed to file a return as required by section 128.46 of the 1953
Revised Code; 1954

(3) When the ~~provider, reseller, or seller~~ entity and the 1955
commissioner waive in writing the time limitation. 1956

(B) No assessment shall be made or issued against a 1957
~~wireless service provider, reseller, or seller~~ an entity for any 1958
wireless 9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 1959
of the Revised Code or next generation 9-1-1 access fee imposed 1960
by section 128.41 or 128.42 of the Revised Code for any period 1961
during which there was in full force and effect a rule of the 1962
tax commissioner under or by virtue of which the collection or 1963
payment of any such ~~wireless 9-1-1 charge~~ or fee was not 1964
required. This division does not bar an assessment when the tax 1965
commissioner has substantial evidence of amounts of ~~wireless 9-~~ 1966
~~1-1 charges~~ or fees collected by a ~~provider, reseller, or seller~~ 1967
an entity from subscribers or consumers, which were not returned 1968
to the state. 1969

~~Sec. 128.47. Beginning January 1, 2014:~~ 1970

~~(A) A wireless service provider, reseller, seller,~~ 1971
~~wireless service~~ An entity required to collect a wireless 9-1-1 1972
charge under section 128.40 of the Revised Code or the next 1973
generation 9-1-1 access fee under section 128.414 or 128.421 of 1974
the Revised Code, a subscriber, or a consumer of a prepaid 1975
~~wireless calling service~~ may apply to the tax commissioner for a 1976
refund of ~~wireless 9-1-1 charges or fees~~ described in division 1977
(B) of this section and of any penalties assessed with respect 1978
to such charges. The application shall be made on the form 1979
prescribed by the tax commissioner. The application shall be 1980
made not later than four years after the date of the illegal or 1981
erroneous payment of the charge or fee by the subscriber or 1982
consumer, unless the ~~wireless service provider, reseller, or~~ 1983
~~seller~~ entity waives the time limitation under division (A) (3) 1984
of section 128.462 of the Revised Code. If the time limitation 1985
is waived, the refund application period shall be extended for 1986
the same period as the waiver. 1987

(B) (1) ~~If a wireless service provider, reseller, or seller~~ 1988
an entity refunds to a subscriber or consumer the full amount of 1989
wireless 9-1-1 charges or next generation 9-1-1 access fees that 1990
the subscriber or consumer paid illegally or erroneously, and if 1991
the ~~provider, reseller, or seller~~ entity remitted that amount 1992
under section 128.46 of the Revised Code, the tax commissioner 1993
shall refund that amount to the ~~provider, reseller, or~~ 1994
~~seller~~ entity. 1995

(2) ~~If a wireless service provider, reseller, or seller~~ an 1996
entity has illegally or erroneously billed a subscriber or 1997
charged a consumer for a wireless 9-1-1 charge or a next 1998
generation 9-1-1 access fee, and if the ~~provider, reseller, or~~ 1999

~~seller entity~~ has not collected the charge or fee but has 2000
remitted that amount under section 128.46 of the Revised Code, 2001
the tax commissioner shall refund that amount to the ~~provider,~~ 2002
~~reseller, or seller entity~~. 2003

(C) (1) The tax commissioner may refund to a subscriber or 2004
consumer wireless 9-1-1 charges or next generation 9-1-1 access 2005
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 2006
~~seller an entity~~ only if both of the following apply: 2007

(a) The tax commissioner has not refunded the wireless 9- 2008
1-1 charges or fees to the ~~provider, reseller, or seller entity~~. 2009

(b) The ~~provider, reseller, or seller entity~~ has not 2010
refunded the ~~wireless 9-1-1~~ charges or fees to the subscriber or 2011
consumer. 2012

(2) The tax commissioner may require the subscriber or 2013
consumer to obtain from the ~~provider, reseller, or seller entity~~ 2014
a written statement confirming that the ~~provider, reseller, or~~ 2015
~~seller entity~~ has not refunded the ~~wireless 9-1-1~~ charges or 2016
fees to the subscriber or consumer and that the ~~provider,~~ 2017
~~reseller, or seller entity~~ has not filed an application for a 2018
refund under this section. The tax commissioner may also require 2019
the ~~provider, reseller, or seller entity~~ to provide this 2020
statement. 2021

(D) On the filing of an application for a refund under 2022
this section, the tax commissioner shall determine the amount of 2023
refund to which the applicant is entitled. If the amount is not 2024
less than that claimed, the commissioner shall certify the 2025
determined amount to the director of budget and management and 2026
the treasurer of state for payment from the tax refund fund 2027
created under section 5703.052 of the Revised Code. If the 2028

amount is less than that claimed, the commissioner shall proceed 2029
in accordance with section 5703.70 of the Revised Code. 2030

(E) Refunds granted under this section shall include 2031
interest as provided by section 5739.132 of the Revised Code. 2032

Sec. 128.52. (A) ~~Beginning on July 1, 2013, each~~ Each 2033
seller of a prepaid wireless calling service required to collect 2034
prepaid wireless 9-1-1 charges under ~~division (B) of section~~ 2035
~~128.42~~ 128.40 of the Revised Code or next generation 9-1-1 2036
access fees under section 128.421 of the Revised Code shall also 2037
be subject to the provisions of Chapter 5739. of the Revised 2038
Code regarding the excise tax on retail sales levied under 2039
section 5739.02 of the Revised Code, as those provisions apply 2040
to audits, assessments, appeals, enforcement, liability, and 2041
penalties. 2042

(B) The tax commissioner shall establish procedures by 2043
which a person may document that a sale is not a retail sale of 2044
a prepaid wireless calling service. The procedures shall 2045
substantially coincide with similar procedures under Chapter 2046
5739. of the Revised Code. 2047

Sec. 128.54. (A) (1) For the purpose of receiving, 2048
distributing, and accounting for amounts received from the 2049
wireless 9-1-1 charges imposed under section 128.40 of the 2050
Revised Code and the next generation 9-1-1 access fees imposed 2051
under sections 128.41 and 128.42 of the Revised Code, the 2052
following funds are created in the state treasury: 2053

(a) The ~~wireless~~ 9-1-1 government assistance fund; 2054

(b) The ~~wireless~~ 9-1-1 administrative fund; 2055

(c) The ~~wireless~~ 9-1-1 program fund; 2056

(d) The next generation 9-1-1 fund. 2057

(2) Amounts remitted under section 128.46 of the Revised Code shall be paid to the treasurer of state for deposit as follows: 2058
2059
2060

(a) ~~Ninety-seven~~ Seventy-two per cent to the ~~wireless-9-1-1~~ government assistance fund. All interest earned on the ~~wireless-9-1-1~~ government assistance fund shall be credited to the fund. 2061
2062
2063
2064

(b) One per cent to the ~~wireless-9-1-1~~ administrative fund; 2065
2066

(c) Two per cent to the 9-1-1 program fund; 2067

(d) Twenty-five per cent to the next generation 9-1-1 fund. 2068
2069

(3) The tax commissioner shall use the ~~wireless-9-1-1~~ administrative fund to defray the costs incurred in carrying out this chapter. 2070
2071
2072

(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter. 2073
2074
2075

(5) Annually, the tax commissioner, after paying administrative costs under division (A) (3) of this section, shall transfer any excess remaining in the ~~wireless-9-1-1~~ administrative fund to the next generation 9-1-1 fund, created under this section. 2076
2077
2078
2079
2080

(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the ~~wireless-9-1-1~~ government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next 2081
2082
2083
2084

generation 9-1-1 fund shall be credited to the fund. 2085

(C) From the ~~wireless~~ 9-1-1 government assistance fund, 2086
the director of budget and management shall, as funds are 2087
available, transfer to the tax refund fund, created under 2088
section 5703.052 of the Revised Code, amounts equal to the 2089
refunds certified by the tax commissioner under division (D) of 2090
section 128.47 of the Revised Code. 2091

Sec. 128.55. (A) (1) The tax commissioner, ~~not later than~~ 2092
~~the last day of each month,~~ shall disburse moneys from the 2093
~~wireless 9-1-1 government assistance fund,~~ plus any accrued 2094
interest on the fund, to each county treasurer in the same 2095
proportion distributed to that county by the tax commissioner in 2096
the corresponding calendar month of the previous year. Any 2097
shortfall in distributions resulting from the timing of funds 2098
received in a previous month shall be distributed in the 2099
following month. Disbursements shall occur not later than the 2100
tenth day of the month succeeding the month in which the 2101
wireless 9-1-1 charges imposed under section 128.40 of the 2102
Revised Code and the next generation 9-1-1 access fees imposed 2103
under sections 128.41 and 128.42 of the Revised Code are 2104
remitted. 2105

(2) The ~~tax commissioner shall disburse moneys from the~~ 2106
~~next generation 9-1-1 fund in accordance with the guidelines~~ 2107
~~established under section 128.022 of the Revised Code~~ shall be 2108
administered by the department of administrative services and 2109
used exclusively to pay costs of installing, maintaining, and 2110
operating the call routing and core services statewide next 2111
generation 9-1-1 system. 2112

(B) Immediately upon receipt by a county treasurer of a 2113
disbursement under division (A) of this section, the county 2114

shall disburse, in accordance with the allocation formula set 2115
forth in the final plan, the amount the county so received to 2116
any other subdivisions in the county and any regional councils 2117
of governments in the county that pay the costs of a public 2118
safety answering point providing wireless enhanced 9-1-1 under 2119
the plan. 2120

(C) Nothing in this chapter affects the authority of a 2121
subdivision operating or served by a public safety answering 2122
point of a 9-1-1 system or a regional council of governments 2123
operating a public safety answering point of a 9-1-1 system to 2124
use, as provided in the final plan for the system ~~or in an~~ 2125
~~agreement under section 128.09 of the Revised Code~~, any other 2126
authorized revenue of the subdivision or the regional council of 2127
governments for the purposes of providing basic or enhanced 9-1- 2128
1. 2129

Sec. 128.57. ~~Except as otherwise provided in section~~ 2130
~~128.571 of the Revised Code:~~ 2131

(A) A countywide 9-1-1 system receiving a disbursement 2132
under section 128.55 of the Revised Code shall provide 2133
countywide wireless enhanced 9-1-1 in accordance with this 2134
chapter beginning as soon as reasonably possible after receipt 2135
of the first disbursement or, if that service is already 2136
implemented, shall continue to provide such service. Except as 2137
provided in divisions (B), (C), ~~and (E)~~, and (F) of this 2138
section, a disbursement shall be used solely for the purpose of 2139
paying either or both of the following: 2140

(1) Any costs of designing the following: 2141

(a) Designing, upgrading, purchasing, leasing, 2142
programming, installing, testing, or maintaining the necessary 2143

data, hardware, software, and trunking required for the public 2144
safety answering point or points of the 9-1-1 system to provide 2145
wireless, enhanced, or next generation 9-1-1, ~~which costs are~~ 2146
~~incurred before or on or after May 6, 2005, and consist of such~~ 2147
~~additional costs of the 9-1-1 system over and above any costs~~ 2148
~~incurred to provide wireline 9-1-1 or to otherwise provide~~ 2149
~~wireless enhanced 9-1-1. Annually, up to twenty five thousand~~ 2150
~~dollars of the disbursements received on or after January 1,~~ 2151
~~2009, may be applied to data, hardware, and software that~~ 2152
~~automatically alerts personnel receiving a 9-1-1 call that a~~ 2153
~~person at the subscriber's address or telephone number may have~~ 2154
~~a mental or physical disability, of which that personnel shall~~ 2155
~~inform the appropriate service;~~ 2156

(b) Processing 9-1-1 emergency calls from the point of 2157
origin to include any expense for interoperable bidirectional 2158
computer aided dispatch data transfers with other public safety 2159
answering points or emergency services organizations and 2160
transferring and receiving law enforcement, fire, and emergency 2161
medical service provider. On or after the provision of technical 2162
and operational standards pursuant to section 128.021 of the 2163
Revised Code, a regional council of governments operating a 2164
public safety answering point or a subdivision shall consider 2165
the standards before incurring any costs described in this 2166
division. data via wireless or internet connections from public 2167
safety answering points or emergency services organizations to 2168
all applicable emergency responders. 2169

(2) Any costs of training the staff of the public safety 2170
answering point or points to provide wireless enhanced 9-1-1, 2171
~~which costs are incurred before or on or after May 6, 2005.~~ 2172

(B) A subdivision or a regional council of governments 2173

that certifies to the steering committee that it has paid the 2174
costs described in divisions (A) (1) and (2) of this section and 2175
is providing countywide wireless enhanced 9-1-1 may use 2176
disbursements received under section 128.55 of the Revised Code 2177
to pay any of its personnel costs of one or more public safety 2178
answering points providing countywide wireless enhanced 9-1-1. 2179

(C) After receiving its July 2013 disbursement under 2180
division (A) of section 128.55 of the Revised Code as that 2181
division existed prior to the amendments to that division by 2182
H.B. 64 of the 131st general assembly, a regional council of 2183
governments operating a public safety answering point or a 2184
subdivision may use any remaining balance of disbursements it 2185
received under that division, as it existed prior to the 2186
amendments to it by H.B. 64 of the 131st general assembly, to 2187
pay any of its costs of providing countywide wireless 9-1-1, 2188
including the personnel costs of one or more public safety 2189
answering points providing that service. 2190

(D) The costs described in divisions (A), (B), (C), and 2191
(E) of this section may include any such costs payable pursuant 2192
to an agreement under division ~~(J)~~(I) of section 128.03 of the 2193
Revised Code. 2194

(E) (1) No disbursement to a countywide 9-1-1 system for 2195
costs of a public safety answering point shall be made from the 2196
~~wireless~~ 9-1-1 government assistance fund or the next generation 2197
9-1-1 fund unless the public safety answering point meets the 2198
standards set by rule of the steering committee under section 2199
128.021 of the Revised Code. 2200

(2) The steering committee shall monitor compliance with 2201
the standards and shall notify the tax commissioner to suspend 2202
disbursements to a countywide 9-1-1 system that fails to meet 2203

the standards. Upon receipt of this notification, the 2204
commissioner shall suspend disbursements until the commissioner 2205
is notified of compliance with the standards. 2206

(F) The auditor of state may audit and review each 2207
county's expenditures of funds received from the ~~wireless~~ 9-1-1 2208
government assistance fund to verify that the funds were used in 2209
accordance with the requirements of this chapter. All funds 2210
generated from the next generation 9-1-1 access fee imposed 2211
under sections 128.41 and 128.42 of the Revised Code may be used 2212
only for 9-1-1 related expenses. 2213

Sec. 128.60. (A) (1) A telephone company, the state highway 2214
patrol as described in division ~~(J)~~ (I) of section 128.03 of the 2215
Revised Code, and each subdivision or regional council of 2216
governments operating one or more public safety answering points 2217
for a countywide system providing wireless 9-1-1, shall provide 2218
the steering committee and the tax commissioner with such 2219
information as the steering committee and tax commissioner 2220
request for the purposes of carrying out their duties under this 2221
chapter, including, but not limited to, duties regarding the 2222
collection of the wireless 9-1-1 charges imposed under section 2223
128.40 of the Revised Code and the next generation 9-1-1 access 2224
fee imposed under sections 128.41 and 128.42 of the Revised 2225
Code. 2226

(2) A wireless service provider shall provide an official, 2227
employee, agent, or representative of a subdivision or regional 2228
council of governments operating a public safety answering 2229
point, or of the state highway patrol as described in division 2230
~~(J)~~ (I) of section 128.03 of the Revised Code, with such 2231
technical, service, and location information as the official, 2232
employee, agent, or representative requests for the purpose of 2233

providing wireless 9-1-1. 2234

(3) A subdivision or regional council of governments 2235
operating one or more public safety answering points of a 9-1-1 2236
system, and a telephone company, shall provide to the steering 2237
committee such information as the steering committee requires 2238
for the purpose of carrying out its duties under Chapter 128. of 2239
the Revised Code. 2240

(B) (1) Any information provided under division (A) of this 2241
section that consists of trade secrets as defined in section 2242
1333.61 of the Revised Code or of information regarding the 2243
customers, revenues, expenses, or network information of a 2244
telephone company shall be confidential and does not constitute 2245
a public record for the purpose of section 149.43 of the Revised 2246
Code. 2247

(2) The steering committee, tax commissioner, and any 2248
official, employee, agent, or representative of the steering 2249
committee, of the tax commissioner, of the state highway patrol 2250
as described in division ~~(J)~~ (I) of section 128.03 of the 2251
Revised Code, or of a subdivision or regional council of 2252
governments operating a public safety answering point, while 2253
acting or claiming to act in the capacity of the steering 2254
committee or tax commissioner or such official, employee, agent, 2255
or representative, shall not disclose any information provided 2256
under division (A) of this section regarding a telephone 2257
company's customers, revenues, expenses, or network information. 2258
Nothing in division (B) (2) of this section precludes any such 2259
information from being aggregated and included in any report of 2260
the steering committee, tax commissioner, or any official, 2261
employee, agent, or representative of the steering committee or 2262
tax commissioner, provided the aggregated information does not 2263

identify the number of any particular company's customers or the 2264
amount of its revenues or expenses or identify a particular 2265
company as to any network information. 2266

Sec. 128.63. ~~(A)~~The tax commissioner may adopt rules in 2267
accordance with Chapter 119. of the Revised Code to carry out 2268
this chapter, including rules prescribing the necessary 2269
accounting for the collection fee under division (B) ~~(4)~~ of 2270
section 128.46 of the Revised Code. 2271

~~(B) The amounts of the wireless 9-1-1 charges shall be~~ 2272
~~prescribed only by act of the general assembly.~~ 2273

Sec. ~~128.32~~ 128.96. (A) (1) The state, the state highway 2274
patrol, a subdivision, or a regional council of governments 2275
participating in a 9-1-1 system established under this chapter 2276
and any officer, agent, employee, or independent contractor of 2277
the state, the state highway patrol, or such a participating 2278
subdivision or regional council of governments is not liable in 2279
damages in a civil action for injuries, death, or loss to 2280
persons or property arising from any act or omission, except 2281
willful or wanton misconduct, in connection with developing, 2282
adopting, or approving any final plan ~~or any agreement made~~ 2283
~~under section 128.09 of the Revised Code~~ or otherwise bringing 2284
into operation the 9-1-1 system pursuant to this chapter. 2285

(2) The steering committee and any member of the steering 2286
committee are not liable in damages in a civil action for 2287
injuries, death, or loss to persons or property arising from any 2288
act or omission, except willful or wanton misconduct, in 2289
connection with the development or operation of a 9-1-1 system 2290
established under this chapter. 2291

(B) Except as otherwise provided in this section, an 2292

individual who gives emergency instructions through a 9-1-1 2293
system established under this chapter, and the principals for 2294
whom the person acts, including both employers and independent 2295
contractors, public and private, and an individual who follows 2296
emergency instructions and the principals for whom that person 2297
acts, including both employers and independent contractors, 2298
public and private, are not liable in damages in a civil action 2299
for injuries, death, or loss to persons or property arising from 2300
the issuance or following of emergency instructions, except 2301
where the issuance or following of the instructions constitutes 2302
willful or wanton misconduct. 2303

(C) Except for willful or wanton misconduct, a telephone 2304
company, and any other installer, maintainer, or provider, 2305
through the sale or otherwise, of customer premises equipment, 2306
or service used for or with a 9-1-1 system, and their respective 2307
officers, directors, employees, agents, suppliers, corporate 2308
parents, and affiliates are not liable in damages in a civil 2309
action for injuries, death, or loss to persons or property 2310
incurred by any person resulting from any of the following: 2311

(1) Such an entity's or its officers', directors', 2312
employees', agents', or suppliers' participation in or acts or 2313
omissions in connection with participating in or developing, 2314
maintaining, or operating a 9-1-1 system; 2315

(2) Such an entity's or its officers', directors', 2316
employees', agents', or suppliers' provision of assistance to a 2317
public utility, municipal utility, or state or local government 2318
as authorized by divisions ~~(G) (4)~~ (H) (4) and (5) of this 2319
section. 2320

(D) Except for willful or wanton misconduct, a provider of 2321
and a seller of a prepaid wireless calling service and their 2322

respective officers, directors, employees, agents, and suppliers 2323
are not liable in damages in a civil action for injuries, death, 2324
or loss to persons or property incurred by any person resulting 2325
from anything described in division (C) of this section. 2326

(E) Except for willful or wanton misconduct, a 9-1-1 2327
system service provider and the provider's respective officers, 2328
directors, employees, agents, and suppliers are not liable for 2329
any damages in a civil action for injuries, death, or loss to 2330
persons or property incurred by any person resulting from 2331
developing, adopting, implementing, maintaining, or operating a 2332
9-1-1 system, or from complying with emergency-related 2333
information requests from state or local government officials. 2334

(F) No person shall knowingly use the telephone number of 2335
a 9-1-1 system established under this chapter to report an 2336
emergency if the person knows that no emergency exists. 2337

~~(F)~~ (G) No person shall knowingly use a 9-1-1 system for a 2338
purpose other than obtaining emergency service. 2339

~~(G)~~ (H) No person shall disclose or use any information 2340
concerning telephone numbers, addresses, or names obtained from 2341
the data base that serves the public safety answering point of a 2342
9-1-1 system established under this chapter, except for any of 2343
the following purposes or under any of the following 2344
circumstances: 2345

(1) For the purpose of the 9-1-1 system; 2346

(2) For the purpose of responding to an emergency call to 2347
an emergency service provider; 2348

(3) In the circumstance of the inadvertent disclosure of 2349
such information due solely to technology of the wireline 2350
telephone network portion of the 9-1-1 system not allowing 2351

access to the data base to be restricted to 9-1-1 specific 2352
answering lines at a public safety answering point; 2353

(4) In the circumstance of access to a data base being 2354
given by a telephone company that is a wireline service provider 2355
to a public utility or municipal utility in handling customer 2356
calls in times of public emergency or service outages. The 2357
charge, terms, and conditions for the disclosure or use of such 2358
information for the purpose of such access to a data base shall 2359
be subject to the jurisdiction of the steering committee. 2360

(5) In the circumstance of access to a data base given by 2361
a telephone company that is a wireline service provider to a 2362
state and local government in warning of a public emergency, as 2363
determined by the steering committee. The charge, terms, and 2364
conditions for the disclosure or use of that information for the 2365
purpose of access to a data base is subject to the jurisdiction 2366
of the steering committee. 2367

Sec. ~~128.34~~ 128.98. (A) The attorney general, upon request 2368
of the steering committee, or on the attorney general's own 2369
initiative, shall begin proceedings against a telephone company 2370
that is a wireline service provider to enforce compliance with 2371
this chapter or with the terms, conditions, requirements, or 2372
specifications of a final plan ~~or of an agreement under section~~ 2373
~~128.09 of the Revised Code~~ as to wireline or wireless 9-1-1. 2374

(B) The attorney general, upon the attorney general's own 2375
initiative, or any prosecutor, upon the prosecutor's initiative, 2376
shall begin proceedings against a subdivision or a regional 2377
council of governments as to wireline or wireless 9-1-1 to 2378
enforce compliance with this chapter or with the terms, 2379
conditions, requirements, or specifications of a final plan ~~or~~ 2380
~~of an agreement under section 128.09 of the Revised Code~~ as to 2381

wireline or wireless 9-1-1. 2382

Sec. 128.99. (A) Whoever violates division ~~(E)~~ (F) of 2383
section ~~128.32~~ 128.96 of the Revised Code is guilty of a 2384
misdemeanor of the fourth degree. 2385

(B) Whoever violates division ~~(F)~~ ~~or~~ (G) or (H) of section 2386
~~128.32~~ 128.96 or division (B) (2) of section 128.60 of the 2387
Revised Code is guilty of a misdemeanor of the fourth degree on 2388
a first offense and a felony of the fifth degree on each 2389
subsequent offense. 2390

(C) If a wireless service provider, reseller, or seller 2391
violates division ~~(B)~~ (A) (1) (a) of section 128.46 of the Revised 2392
Code, and does not comply with any extensions granted under 2393
division ~~(B) (2)~~ (A) (2) of that section, the tax commissioner may 2394
impose a late-filing penalty of not more than the greater of 2395
fifty dollars or five per cent of the amount required to be 2396
remitted as described in division (B) (1) (b) of that section. 2397

(D) If a wireless service provider, reseller, or seller 2398
fails to comply with division ~~(B)~~ (A) (1) (b) of section 128.46 of 2399
the Revised Code, the tax commissioner may impose a late-payment 2400
penalty of not more than the greater of fifty dollars or five 2401
per cent of the wireless 9-1-1 charge required to be remitted 2402
for the reporting period minus any partial remittance made on or 2403
before the due date, including any extensions granted under 2404
division ~~(B)~~ (A) (2) of section 128.46 of the Revised Code. 2405

(E) The tax commissioner may impose an assessment penalty 2406
of not more than the greater of one hundred dollars or thirty- 2407
five per cent of the wireless 9-1-1 charges due after the tax 2408
commissioner notifies the person of an audit, an examination, a 2409
delinquency, assessment, or other notice that additional 2410

wireless 9-1-1 charges are due. 2411

(F) If a wireless service provider, reseller, or seller 2412
fails to comply with either electronic requirement of division 2413
~~(B) (5)~~ (C) of section 128.46 of the Revised Code, the tax 2414
commissioner may impose an electronic penalty, for either or 2415
both failures to comply, of not more than the lesser of the 2416
following: 2417

(1) The greater of one hundred dollars or ten per cent of 2418
the amount required to be, but not, remitted electronically; 2419

(2) Five thousand dollars. 2420

(G) Each penalty described in divisions (C) to (F) of this 2421
section is in addition to any other penalty described in those 2422
divisions. The tax commissioner may abate all or any portion of 2423
any penalty described in those divisions. 2424

(H) An operator in violation of section 128.24 of the 2425
Revised Code may be assessed a fine of up to five thousand 2426
dollars per offense. 2427

(I) (1) If a business service user fails to comply with 2428
section 128.241 of the Revised Code without being exempt under 2429
section 128.242 of the Revised Code, the 9-1-1 steering 2430
committee shall request the attorney general to bring an action 2431
to recover one of the following amounts from the user: 2432

(a) One thousand dollars for an initial failure; 2433

(b) Up to five thousand dollars for each subsequent 2434
failure within each continuing six-month period in which the 2435
user remains noncompliant. 2436

(2) Any funds recovered under division (I) (1) of this 2437
section shall be deposited into the next generation 9-1-1 fund 2438

<u>created under section 128.54 of the Revised Code.</u>	2439
<u>(3) Divisions (I) (1) and (2) of this section shall not</u>	2440
<u>apply if they are preempted by or in conflict with federal law.</u>	2441
Sec. 149.43. (A) As used in this section:	2442
(1) "Public record" means records kept by any public	2443
office, including, but not limited to, state, county, city,	2444
village, township, and school district units, and records	2445
pertaining to the delivery of educational services by an	2446
alternative school in this state kept by the nonprofit or for-	2447
profit entity operating the alternative school pursuant to	2448
section 3313.533 of the Revised Code. "Public record" does not	2449
mean any of the following:	2450
(a) Medical records;	2451
(b) Records pertaining to probation and parole	2452
proceedings, to proceedings related to the imposition of	2453
community control sanctions and post-release control sanctions,	2454
or to proceedings related to determinations under section	2455
2967.271 of the Revised Code regarding the release or maintained	2456
incarceration of an offender to whom that section applies;	2457
(c) Records pertaining to actions under section 2151.85	2458
and division (C) of section 2919.121 of the Revised Code and to	2459
appeals of actions arising under those sections;	2460
(d) Records pertaining to adoption proceedings, including	2461
the contents of an adoption file maintained by the department of	2462
health under sections 3705.12 to 3705.124 of the Revised Code;	2463
(e) Information in a record contained in the putative	2464
father registry established by section 3107.062 of the Revised	2465
Code, regardless of whether the information is held by the	2466

department of job and family services or, pursuant to section	2467
3111.69 of the Revised Code, the office of child support in the	2468
department or a child support enforcement agency;	2469
(f) Records specified in division (A) of section 3107.52	2470
of the Revised Code;	2471
(g) Trial preparation records;	2472
(h) Confidential law enforcement investigatory records;	2473
(i) Records containing information that is confidential	2474
under section 2710.03 or 4112.05 of the Revised Code;	2475
(j) DNA records stored in the DNA database pursuant to	2476
section 109.573 of the Revised Code;	2477
(k) Inmate records released by the department of	2478
rehabilitation and correction to the department of youth	2479
services or a court of record pursuant to division (E) of	2480
section 5120.21 of the Revised Code;	2481
(l) Records maintained by the department of youth services	2482
pertaining to children in its custody released by the department	2483
of youth services to the department of rehabilitation and	2484
correction pursuant to section 5139.05 of the Revised Code;	2485
(m) Intellectual property records;	2486
(n) Donor profile records;	2487
(o) Records maintained by the department of job and family	2488
services pursuant to section 3121.894 of the Revised Code;	2489
(p) Designated public service worker residential and	2490
familial information;	2491
(q) In the case of a county hospital operated pursuant to	2492
Chapter 339. of the Revised Code or a municipal hospital	2493

operated pursuant to Chapter 749. of the Revised Code,	2494
information that constitutes a trade secret, as defined in	2495
section 1333.61 of the Revised Code;	2496
(r) Information pertaining to the recreational activities	2497
of a person under the age of eighteen;	2498
(s) In the case of a child fatality review board acting	2499
under sections 307.621 to 307.629 of the Revised Code or a	2500
review conducted pursuant to guidelines established by the	2501
director of health under section 3701.70 of the Revised Code,	2502
records provided to the board or director, statements made by	2503
board members during meetings of the board or by persons	2504
participating in the director's review, and all work products of	2505
the board or director, and in the case of a child fatality	2506
review board, child fatality review data submitted by the board	2507
to the department of health or a national child death review	2508
database, other than the report prepared pursuant to division	2509
(A) of section 307.626 of the Revised Code;	2510
(t) Records provided to and statements made by the	2511
executive director of a public children services agency or a	2512
prosecuting attorney acting pursuant to section 5153.171 of the	2513
Revised Code other than the information released under that	2514
section;	2515
(u) Test materials, examinations, or evaluation tools used	2516
in an examination for licensure as a nursing home administrator	2517
that the board of executives of long-term services and supports	2518
administers under section 4751.15 of the Revised Code or	2519
contracts under that section with a private or government entity	2520
to administer;	2521
(v) Records the release of which is prohibited by state or	2522

federal law;	2523
(w) Proprietary information of or relating to any person	2524
that is submitted to or compiled by the Ohio venture capital	2525
authority created under section 150.01 of the Revised Code;	2526
(x) Financial statements and data any person submits for	2527
any purpose to the Ohio housing finance agency or the	2528
controlling board in connection with applying for, receiving, or	2529
accounting for financial assistance from the agency, and	2530
information that identifies any individual who benefits directly	2531
or indirectly from financial assistance from the agency;	2532
(y) Records listed in section 5101.29 of the Revised Code;	2533
(z) Discharges recorded with a county recorder under	2534
section 317.24 of the Revised Code, as specified in division (B)	2535
(2) of that section;	2536
(aa) Usage information including names and addresses of	2537
specific residential and commercial customers of a municipally	2538
owned or operated public utility;	2539
(bb) Records described in division (C) of section 187.04	2540
of the Revised Code that are not designated to be made available	2541
to the public as provided in that division;	2542
(cc) Information and records that are made confidential,	2543
privileged, and not subject to disclosure under divisions (B)	2544
and (C) of section 2949.221 of the Revised Code;	2545
(dd) Personal information, as defined in section 149.45 of	2546
the Revised Code;	2547
(ee) The confidential name, address, and other personally	2548
identifiable information of a program participant in the address	2549
confidentiality program established under sections 111.41 to	2550

111.47 of the Revised Code, including the contents of any 2551
application for absent voter's ballots, absent voter's ballot 2552
identification envelope statement of voter, or provisional 2553
ballot affirmation completed by a program participant who has a 2554
confidential voter registration record; records or portions of 2555
records pertaining to that program that identify the number of 2556
program participants that reside within a precinct, ward, 2557
township, municipal corporation, county, or any other geographic 2558
area smaller than the state; and any real property 2559
confidentiality notice filed under section 111.431 of the 2560
Revised Code and the information described in division (C) of 2561
that section. As used in this division, "confidential address" 2562
and "program participant" have the meaning defined in section 2563
111.41 of the Revised Code. 2564

(ff) Orders for active military service of an individual 2565
serving or with previous service in the armed forces of the 2566
United States, including a reserve component, or the Ohio 2567
organized militia, except that, such order becomes a public 2568
record on the day that is fifteen years after the published date 2569
or effective date of the call to order; 2570

(gg) The name, address, contact information, or other 2571
personal information of an individual who is less than eighteen 2572
years of age that is included in any record related to a traffic 2573
accident involving a school vehicle in which the individual was 2574
an occupant at the time of the accident; 2575

(hh) Protected health information, as defined in 45 C.F.R. 2576
160.103, that is in a claim for payment for a health care 2577
product, service, or procedure, as well as any other health 2578
claims data in another document that reveals the identity of an 2579
individual who is the subject of the data or could be used to 2580

reveal that individual's identity; 2581

(ii) Any depiction by photograph, film, videotape, or 2582
printed or digital image under either of the following 2583
circumstances: 2584

(i) The depiction is that of a victim of an offense the 2585
release of which would be, to a reasonable person of ordinary 2586
sensibilities, an offensive and objectionable intrusion into the 2587
victim's expectation of bodily privacy and integrity. 2588

(ii) The depiction captures or depicts the victim of a 2589
sexually oriented offense, as defined in section 2950.01 of the 2590
Revised Code, at the actual occurrence of that offense. 2591

(jj) Restricted portions of a body-worn camera or 2592
dashboard camera recording; 2593

(kk) In the case of a fetal-infant mortality review board 2594
acting under sections 3707.70 to 3707.77 of the Revised Code, 2595
records, documents, reports, or other information presented to 2596
the board or a person abstracting such materials on the board's 2597
behalf, statements made by review board members during board 2598
meetings, all work products of the board, and data submitted by 2599
the board to the department of health or a national infant death 2600
review database, other than the report prepared pursuant to 2601
section 3707.77 of the Revised Code. 2602

(ll) Records, documents, reports, or other information 2603
presented to the pregnancy-associated mortality review board 2604
established under section 3738.01 of the Revised Code, 2605
statements made by board members during board meetings, all work 2606
products of the board, and data submitted by the board to the 2607
department of health, other than the biennial reports prepared 2608
under section 3738.08 of the Revised Code; 2609

(mm) Except as otherwise provided in division (A) (1) (oo) 2610
of this section, telephone numbers for a victim, as defined in 2611
section 2930.01 of the Revised Code or a witness to a crime that 2612
are listed on any law enforcement record or report. 2613

(nn) A preneed funeral contract, as defined in section 2614
4717.01 of the Revised Code, and contract terms and personally 2615
identifying information of a preneed funeral contract, that is 2616
contained in a report submitted by or for a funeral home to the 2617
board of embalmers and funeral directors under division (C) of 2618
section 4717.13, division (J) of section 4717.31, or section 2619
4717.41 of the Revised Code. 2620

(oo) Telephone numbers for a party to a motor vehicle 2621
accident subject to the requirements of section 5502.11 of the 2622
Revised Code that are listed on any law enforcement record or 2623
report, except that the telephone numbers described in this 2624
division are not excluded from the definition of "public record" 2625
under this division on and after the thirtieth day after the 2626
occurrence of the motor vehicle accident. 2627

(pp) Records pertaining to individuals who complete 2628
training under section 5502.703 of the Revised Code to be 2629
permitted by a school district board of education or governing 2630
body of a community school established under Chapter 3314. of 2631
the Revised Code, a STEM school established under Chapter 3326. 2632
of the Revised Code, or a chartered nonpublic school to convey 2633
deadly weapons or dangerous ordnance into a school safety zone; 2634

(qq) Records, documents, reports, or other information 2635
presented to a domestic violence fatality review board 2636
established under section 307.651 of the Revised Code, 2637
statements made by board members during board meetings, all work 2638
products of the board, and data submitted by the board to the 2639

department of health, other than a report prepared pursuant to 2640
section 307.656 of the Revised Code; 2641

(rr) Records, documents, and information the release of 2642
which is prohibited under sections 2930.04 and 2930.07 of the 2643
Revised Code; 2644

(ss) Records of an existing qualified nonprofit 2645
corporation that creates a special improvement district under 2646
Chapter 1710. of the Revised Code that do not pertain to a 2647
purpose for which the district is created. 2648

A record that is not a public record under division (A) (1) 2649
of this section and that, under law, is permanently retained 2650
becomes a public record on the day that is seventy-five years 2651
after the day on which the record was created, except for any 2652
record protected by the attorney-client privilege, a trial 2653
preparation record as defined in this section, a statement 2654
prohibiting the release of identifying information signed under 2655
section 3107.083 of the Revised Code, a denial of release form 2656
filed pursuant to section 3107.46 of the Revised Code, or any 2657
record that is exempt from release or disclosure under section 2658
149.433 of the Revised Code. If the record is a birth 2659
certificate and a biological parent's name redaction request 2660
form has been accepted under section 3107.391 of the Revised 2661
Code, the name of that parent shall be redacted from the birth 2662
certificate before it is released under this paragraph. If any 2663
other section of the Revised Code establishes a time period for 2664
disclosure of a record that conflicts with the time period 2665
specified in this section, the time period in the other section 2666
prevails. 2667

(2) "Confidential law enforcement investigatory record" 2668
means any record that pertains to a law enforcement matter of a 2669

criminal, quasi-criminal, civil, or administrative nature, but 2670
only to the extent that the release of the record would create a 2671
high probability of disclosure of any of the following: 2672

(a) The identity of a suspect who has not been charged 2673
with the offense to which the record pertains, or of an 2674
information source or witness to whom confidentiality has been 2675
reasonably promised; 2676

(b) Information provided by an information source or 2677
witness to whom confidentiality has been reasonably promised, 2678
which information would reasonably tend to disclose the source's 2679
or witness's identity; 2680

(c) Specific confidential investigatory techniques or 2681
procedures or specific investigatory work product; 2682

(d) Information that would endanger the life or physical 2683
safety of law enforcement personnel, a crime victim, a witness, 2684
or a confidential information source. 2685

(3) "Medical record" means any document or combination of 2686
documents, except births, deaths, and the fact of admission to 2687
or discharge from a hospital, that pertains to the medical 2688
history, diagnosis, prognosis, or medical condition of a patient 2689
and that is generated and maintained in the process of medical 2690
treatment. 2691

(4) "Trial preparation record" means any record that 2692
contains information that is specifically compiled in reasonable 2693
anticipation of, or in defense of, a civil or criminal action or 2694
proceeding, including the independent thought processes and 2695
personal trial preparation of an attorney. 2696

(5) "Intellectual property record" means a record, other 2697
than a financial or administrative record, that is produced or 2698

collected by or for faculty or staff of a state institution of 2699
higher learning in the conduct of or as a result of study or 2700
research on an educational, commercial, scientific, artistic, 2701
technical, or scholarly issue, regardless of whether the study 2702
or research was sponsored by the institution alone or in 2703
conjunction with a governmental body or private concern, and 2704
that has not been publicly released, published, or patented. 2705

(6) "Donor profile record" means all records about donors 2706
or potential donors to a public institution of higher education 2707
except the names and reported addresses of the actual donors and 2708
the date, amount, and conditions of the actual donation. 2709

(7) "Designated public service worker" means a peace 2710
officer, parole officer, probation officer, bailiff, prosecuting 2711
attorney, assistant prosecuting attorney, correctional employee, 2712
county or multicounty corrections officer, community-based 2713
correctional facility employee, designated Ohio national guard 2714
member, protective services worker, youth services employee, 2715
firefighter, EMT, medical director or member of a cooperating 2716
physician advisory board of an emergency medical service 2717
organization, state board of pharmacy employee, investigator of 2718
the bureau of criminal identification and investigation, 2719
emergency service telecommunicator, forensic mental health 2720
provider, mental health evaluation provider, regional 2721
psychiatric hospital employee, judge, magistrate, or federal law 2722
enforcement officer. 2723

(8) "Designated public service worker residential and 2724
familial information" means any information that discloses any 2725
of the following about a designated public service worker: 2726

(a) The address of the actual personal residence of a 2727
designated public service worker, except for the following 2728

information:	2729
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	2730 2731
(ii) The state or political subdivision in which a designated public service worker resides.	2732 2733
(b) Information compiled from referral to or participation in an employee assistance program;	2734 2735
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	2736 2737 2738 2739 2740
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	2741 2742 2743 2744
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	2745 2746 2747 2748 2749
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	2750 2751 2752 2753 2754 2755
(g) A photograph of a peace officer who holds a position	2756

or has an assignment that may include undercover or plain 2757
clothes positions or assignments as determined by the peace 2758
officer's appointing authority. 2759

(9) As used in divisions (A) (7) and (15) to (17) of this 2760
section: 2761

"Peace officer" has the meaning defined in section 109.71 2762
of the Revised Code and also includes the superintendent and 2763
troopers of the state highway patrol; it does not include the 2764
sheriff of a county or a supervisory employee who, in the 2765
absence of the sheriff, is authorized to stand in for, exercise 2766
the authority of, and perform the duties of the sheriff. 2767

"Correctional employee" means any employee of the 2768
department of rehabilitation and correction who in the course of 2769
performing the employee's job duties has or has had contact with 2770
inmates and persons under supervision. 2771

"County or multicounty corrections officer" means any 2772
corrections officer employed by any county or multicounty 2773
correctional facility. 2774

"Designated Ohio national guard member" means a member of 2775
the Ohio national guard who is participating in duties related 2776
to remotely piloted aircraft, including, but not limited to, 2777
pilots, sensor operators, and mission intelligence personnel, 2778
duties related to special forces operations, or duties related 2779
to cybersecurity, and is designated by the adjutant general as a 2780
designated public service worker for those purposes. 2781

"Protective services worker" means any employee of a 2782
county agency who is responsible for child protective services, 2783
child support services, or adult protective services. 2784

"Youth services employee" means any employee of the 2785

department of youth services who in the course of performing the 2786
employee's job duties has or has had contact with children 2787
committed to the custody of the department of youth services. 2788

"Firefighter" means any regular, paid or volunteer, member 2789
of a lawfully constituted fire department of a municipal 2790
corporation, township, fire district, or village. 2791

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2792
provide emergency medical services for a public emergency 2793
medical service organization. "Emergency medical service 2794
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2795
meanings defined in section 4765.01 of the Revised Code. 2796

"Investigator of the bureau of criminal identification and 2797
investigation" has the meaning defined in section 2903.11 of the 2798
Revised Code. 2799

~~"Emergency service telecommunicator" has the meaning~~ 2800
~~defined in section 4742.01 of the Revised Code~~means an 2801
individual employed by an emergency service provider as defined 2802
under section 128.01 of the Revised Code, whose primary 2803
responsibility is to be an operator for the receipt or 2804
processing of calls for emergency services made by telephone, 2805
radio, or other electronic means. 2806

"Forensic mental health provider" means any employee of a 2807
community mental health service provider or local alcohol, drug 2808
addiction, and mental health services board who, in the course 2809
of the employee's duties, has contact with persons committed to 2810
a local alcohol, drug addiction, and mental health services 2811
board by a court order pursuant to section 2945.38, 2945.39, 2812
2945.40, or 2945.402 of the Revised Code. 2813

"Mental health evaluation provider" means an individual 2814

who, under Chapter 5122. of the Revised Code, examines a 2815
respondent who is alleged to be a mentally ill person subject to 2816
court order, as defined in section 5122.01 of the Revised Code, 2817
and reports to the probate court the respondent's mental 2818
condition. 2819

"Regional psychiatric hospital employee" means any 2820
employee of the department of mental health and addiction 2821
services who, in the course of performing the employee's duties, 2822
has contact with patients committed to the department of mental 2823
health and addiction services by a court order pursuant to 2824
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2825
Code. 2826

"Federal law enforcement officer" has the meaning defined 2827
in section 9.88 of the Revised Code. 2828

(10) "Information pertaining to the recreational 2829
activities of a person under the age of eighteen" means 2830
information that is kept in the ordinary course of business by a 2831
public office, that pertains to the recreational activities of a 2832
person under the age of eighteen years, and that discloses any 2833
of the following: 2834

(a) The address or telephone number of a person under the 2835
age of eighteen or the address or telephone number of that 2836
person's parent, guardian, custodian, or emergency contact 2837
person; 2838

(b) The social security number, birth date, or 2839
photographic image of a person under the age of eighteen; 2840

(c) Any medical record, history, or information pertaining 2841
to a person under the age of eighteen; 2842

(d) Any additional information sought or required about a 2843

person under the age of eighteen for the purpose of allowing 2844
that person to participate in any recreational activity 2845
conducted or sponsored by a public office or to use or obtain 2846
admission privileges to any recreational facility owned or 2847
operated by a public office. 2848

(11) "Community control sanction" has the meaning defined 2849
in section 2929.01 of the Revised Code. 2850

(12) "Post-release control sanction" has the meaning 2851
defined in section 2967.01 of the Revised Code. 2852

(13) "Redaction" means obscuring or deleting any 2853
information that is exempt from the duty to permit public 2854
inspection or copying from an item that otherwise meets the 2855
definition of a "record" in section 149.011 of the Revised Code. 2856

(14) "Designee," "elected official," and "future official" 2857
have the meanings defined in section 109.43 of the Revised Code. 2858

(15) "Body-worn camera" means a visual and audio recording 2859
device worn on the person of a correctional employee, youth 2860
services employee, or peace officer while the correctional 2861
employee, youth services employee, or peace officer is engaged 2862
in the performance of official duties. 2863

(16) "Dashboard camera" means a visual and audio recording 2864
device mounted on a peace officer's vehicle or vessel that is 2865
used while the peace officer is engaged in the performance of 2866
the peace officer's duties. 2867

(17) "Restricted portions of a body-worn camera or 2868
dashboard camera recording" means any visual or audio portion of 2869
a body-worn camera or dashboard camera recording that shows, 2870
communicates, or discloses any of the following: 2871

(a) The image or identity of a child or information that 2872
could lead to the identification of a child who is a primary 2873
subject of the recording when the department of rehabilitation 2874
and correction, department of youth services, or the law 2875
enforcement agency knows or has reason to know the person is a 2876
child based on the department's or law enforcement agency's 2877
records or the content of the recording; 2878

(b) The death of a person or a deceased person's body, 2879
unless the death was caused by a correctional employee, youth 2880
services employee, or peace officer or, subject to division (H) 2881
(1) of this section, the consent of the decedent's executor or 2882
administrator has been obtained; 2883

(c) The death of a correctional employee, youth services 2884
employee, peace officer, firefighter, paramedic, or other first 2885
responder, occurring while the decedent was engaged in the 2886
performance of official duties, unless, subject to division (H) 2887
(1) of this section, the consent of the decedent's executor or 2888
administrator has been obtained; 2889

(d) Grievous bodily harm, unless the injury was effected 2890
by a correctional employee, youth services employee, or peace 2891
officer or, subject to division (H) (1) of this section, the 2892
consent of the injured person or the injured person's guardian 2893
has been obtained; 2894

(e) An act of severe violence against a person that 2895
results in serious physical harm to the person, unless the act 2896
and injury was effected by a correctional employee, youth 2897
services employee, or peace officer or, subject to division (H) 2898
(1) of this section, the consent of the injured person or the 2899
injured person's guardian has been obtained; 2900

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or

property of the person or another person;	2930
(1) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	2931 2932
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	2933 2934 2935
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	2936 2937 2938
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	2939 2940
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	2941 2942 2943
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	2944 2945 2946
As used in division (A) (17) of this section:	2947
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	2948 2949
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	2950 2951
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	2952 2953
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	2954 2955
"Personal information" means any government-issued	2956

identification number, date of birth, address, financial 2957
information, or criminal justice information from the law 2958
enforcement automated data system or similar databases. 2959

"Sex offense" has the same meaning as in section 2907.10 2960
of the Revised Code. 2961

"Firefighter," "paramedic," and "first responder" have the 2962
same meanings as in section 4765.01 of the Revised Code. 2963

(B) (1) Upon request by any person and subject to division 2964
(B) (8) of this section, all public records responsive to the 2965
request shall be promptly prepared and made available for 2966
inspection to the requester at all reasonable times during 2967
regular business hours. Subject to division (B) (8) of this 2968
section, upon request by any person, a public office or person 2969
responsible for public records shall make copies of the 2970
requested public record available to the requester at cost and 2971
within a reasonable period of time. If a public record contains 2972
information that is exempt from the duty to permit public 2973
inspection or to copy the public record, the public office or 2974
the person responsible for the public record shall make 2975
available all of the information within the public record that 2976
is not exempt. When making that public record available for 2977
public inspection or copying that public record, the public 2978
office or the person responsible for the public record shall 2979
notify the requester of any redaction or make the redaction 2980
plainly visible. A redaction shall be deemed a denial of a 2981
request to inspect or copy the redacted information, except if 2982
federal or state law authorizes or requires a public office to 2983
make the redaction. 2984

(2) To facilitate broader access to public records, a 2985
public office or the person responsible for public records shall 2986

organize and maintain public records in a manner that they can 2987
be made available for inspection or copying in accordance with 2988
division (B) of this section. A public office also shall have 2989
available a copy of its current records retention schedule at a 2990
location readily available to the public. If a requester makes 2991
an ambiguous or overly broad request or has difficulty in making 2992
a request for copies or inspection of public records under this 2993
section such that the public office or the person responsible 2994
for the requested public record cannot reasonably identify what 2995
public records are being requested, the public office or the 2996
person responsible for the requested public record may deny the 2997
request but shall provide the requester with an opportunity to 2998
revise the request by informing the requester of the manner in 2999
which records are maintained by the public office and accessed 3000
in the ordinary course of the public office's or person's 3001
duties. 3002

(3) If a request is ultimately denied, in part or in 3003
whole, the public office or the person responsible for the 3004
requested public record shall provide the requester with an 3005
explanation, including legal authority, setting forth why the 3006
request was denied. If the initial request was provided in 3007
writing, the explanation also shall be provided to the requester 3008
in writing. The explanation shall not preclude the public office 3009
or the person responsible for the requested public record from 3010
relying upon additional reasons or legal authority in defending 3011
an action commenced under division (C) of this section. 3012

(4) Unless specifically required or authorized by state or 3013
federal law or in accordance with division (B) of this section, 3014
no public office or person responsible for public records may 3015
limit or condition the availability of public records by 3016
requiring disclosure of the requester's identity or the intended 3017

use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide

a copy of it in accordance with the choice made by the 3049
requester. Nothing in this section requires a public office or 3050
person responsible for the public record to allow the requester 3051
of a copy of the public record to make the copies of the public 3052
record. 3053

(7) (a) Upon a request made in accordance with division (B) 3054
of this section and subject to division (B) (6) of this section, 3055
a public office or person responsible for public records shall 3056
transmit a copy of a public record to any person by United 3057
States mail or by any other means of delivery or transmission 3058
within a reasonable period of time after receiving the request 3059
for the copy. The public office or person responsible for the 3060
public record may require the person making the request to pay 3061
in advance the cost of postage if the copy is transmitted by 3062
United States mail or the cost of delivery if the copy is 3063
transmitted other than by United States mail, and to pay in 3064
advance the costs incurred for other supplies used in the 3065
mailing, delivery, or transmission. 3066

(b) Any public office may adopt a policy and procedures 3067
that it will follow in transmitting, within a reasonable period 3068
of time after receiving a request, copies of public records by 3069
United States mail or by any other means of delivery or 3070
transmission pursuant to division (B) (7) of this section. A 3071
public office that adopts a policy and procedures under division 3072
(B) (7) of this section shall comply with them in performing its 3073
duties under that division. 3074

(c) In any policy and procedures adopted under division 3075
(B) (7) of this section: 3076

(i) A public office may limit the number of records 3077
requested by a person that the office will physically deliver by 3078

United States mail or by another delivery service to ten per 3079
month, unless the person certifies to the office in writing that 3080
the person does not intend to use or forward the requested 3081
records, or the information contained in them, for commercial 3082
purposes; 3083

(ii) A public office that chooses to provide some or all 3084
of its public records on a web site that is fully accessible to 3085
and searchable by members of the public at all times, other than 3086
during acts of God outside the public office's control or 3087
maintenance, and that charges no fee to search, access, 3088
download, or otherwise receive records provided on the web site, 3089
may limit to ten per month the number of records requested by a 3090
person that the office will deliver in a digital format, unless 3091
the requested records are not provided on the web site and 3092
unless the person certifies to the office in writing that the 3093
person does not intend to use or forward the requested records, 3094
or the information contained in them, for commercial purposes. 3095

(iii) For purposes of division (B)(7) of this section, 3096
"commercial" shall be narrowly construed and does not include 3097
reporting or gathering news, reporting or gathering information 3098
to assist citizen oversight or understanding of the operation or 3099
activities of government, or nonprofit educational research. 3100

(8) A public office or person responsible for public 3101
records is not required to permit a person who is incarcerated 3102
pursuant to a criminal conviction or a juvenile adjudication to 3103
inspect or to obtain a copy of any public record concerning a 3104
criminal investigation or prosecution or concerning what would 3105
be a criminal investigation or prosecution if the subject of the 3106
investigation or prosecution were an adult, unless the request 3107
to inspect or to obtain a copy of the record is for the purpose 3108

of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, 3139
"journalist" means a person engaged in, connected with, or 3140
employed by any news medium, including a newspaper, magazine, 3141
press association, news agency, or wire service, a radio or 3142
television station, or a similar medium, for the purpose of 3143
gathering, processing, transmitting, compiling, editing, or 3144
disseminating information for the general public. 3145

(10) Upon a request made by a victim, victim's attorney, 3146
or victim's representative, as that term is used in section 3147
2930.02 of the Revised Code, a public office or person 3148
responsible for public records shall transmit a copy of a 3149
depiction of the victim as described in division (A) (1) (ii) of 3150
this section to the victim, victim's attorney, or victim's 3151
representative. 3152

(C) (1) If a person allegedly is aggrieved by the failure 3153
of a public office or the person responsible for public records 3154
to promptly prepare a public record and to make it available to 3155
the person for inspection in accordance with division (B) of 3156
this section or by any other failure of a public office or the 3157
person responsible for public records to comply with an 3158
obligation in accordance with division (B) of this section, the 3159
person allegedly aggrieved may do only one of the following, and 3160
not both: 3161

(a) File a complaint with the clerk of the court of claims 3162
or the clerk of the court of common pleas under section 2743.75 3163
of the Revised Code; 3164

(b) Commence a mandamus action to obtain a judgment that 3165
orders the public office or the person responsible for the 3166
public record to comply with division (B) of this section, that 3167
awards court costs and reasonable attorney's fees to the person 3168

that instituted the mandamus action, and, if applicable, that 3169
includes an order fixing statutory damages under division (C) (2) 3170
of this section. The mandamus action may be commenced in the 3171
court of common pleas of the county in which division (B) of 3172
this section allegedly was not complied with, in the supreme 3173
court pursuant to its original jurisdiction under Section 2 of 3174
Article IV, Ohio Constitution, or in the court of appeals for 3175
the appellate district in which division (B) of this section 3176
allegedly was not complied with pursuant to its original 3177
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3178

(2) If a requester transmits a written request by hand 3179
delivery, electronic submission, or certified mail to inspect or 3180
receive copies of any public record in a manner that fairly 3181
describes the public record or class of public records to the 3182
public office or person responsible for the requested public 3183
records, except as otherwise provided in this section, the 3184
requester shall be entitled to recover the amount of statutory 3185
damages set forth in this division if a court determines that 3186
the public office or the person responsible for public records 3187
failed to comply with an obligation in accordance with division 3188
(B) of this section. 3189

The amount of statutory damages shall be fixed at one 3190
hundred dollars for each business day during which the public 3191
office or person responsible for the requested public records 3192
failed to comply with an obligation in accordance with division 3193
(B) of this section, beginning with the day on which the 3194
requester files a mandamus action to recover statutory damages, 3195
up to a maximum of one thousand dollars. The award of statutory 3196
damages shall not be construed as a penalty, but as compensation 3197
for injury arising from lost use of the requested information. 3198
The existence of this injury shall be conclusively presumed. The 3199

award of statutory damages shall be in addition to all other 3200
remedies authorized by this section. 3201

The court may reduce an award of statutory damages or not 3202
award statutory damages if the court determines both of the 3203
following: 3204

(a) That, based on the ordinary application of statutory 3205
law and case law as it existed at the time of the conduct or 3206
threatened conduct of the public office or person responsible 3207
for the requested public records that allegedly constitutes a 3208
failure to comply with an obligation in accordance with division 3209
(B) of this section and that was the basis of the mandamus 3210
action, a well-informed public office or person responsible for 3211
the requested public records reasonably would believe that the 3212
conduct or threatened conduct of the public office or person 3213
responsible for the requested public records did not constitute 3214
a failure to comply with an obligation in accordance with 3215
division (B) of this section; 3216

(b) That a well-informed public office or person 3217
responsible for the requested public records reasonably would 3218
believe that the conduct or threatened conduct of the public 3219
office or person responsible for the requested public records 3220
would serve the public policy that underlies the authority that 3221
is asserted as permitting that conduct or threatened conduct. 3222

(3) In a mandamus action filed under division (C) (1) of 3223
this section, the following apply: 3224

(a) (i) If the court orders the public office or the person 3225
responsible for the public record to comply with division (B) of 3226
this section, the court shall determine and award to the relator 3227
all court costs, which shall be construed as remedial and not 3228

punitive. 3229

(ii) If the court makes a determination described in 3230
division (C) (3) (b) (iii) of this section, the court shall 3231
determine and award to the relator all court costs, which shall 3232
be construed as remedial and not punitive. 3233

(b) If the court renders a judgment that orders the public 3234
office or the person responsible for the public record to comply 3235
with division (B) of this section or if the court determines any 3236
of the following, the court may award reasonable attorney's fees 3237
to the relator, subject to division (C) (4) of this section: 3238

(i) The public office or the person responsible for the 3239
public records failed to respond affirmatively or negatively to 3240
the public records request in accordance with the time allowed 3241
under division (B) of this section. 3242

(ii) The public office or the person responsible for the 3243
public records promised to permit the relator to inspect or 3244
receive copies of the public records requested within a 3245
specified period of time but failed to fulfill that promise 3246
within that specified period of time. 3247

(iii) The public office or the person responsible for the 3248
public records acted in bad faith when the office or person 3249
voluntarily made the public records available to the relator for 3250
the first time after the relator commenced the mandamus action, 3251
but before the court issued any order concluding whether or not 3252
the public office or person was required to comply with division 3253
(B) of this section. No discovery may be conducted on the issue 3254
of the alleged bad faith of the public office or person 3255
responsible for the public records. This division shall not be 3256
construed as creating a presumption that the public office or 3257

the person responsible for the public records acted in bad faith 3258
when the office or person voluntarily made the public records 3259
available to the relator for the first time after the relator 3260
commenced the mandamus action, but before the court issued any 3261
order described in this division. 3262

(c) The court shall not award attorney's fees to the 3263
relator if the court determines both of the following: 3264

(i) That, based on the ordinary application of statutory 3265
law and case law as it existed at the time of the conduct or 3266
threatened conduct of the public office or person responsible 3267
for the requested public records that allegedly constitutes a 3268
failure to comply with an obligation in accordance with division 3269
(B) of this section and that was the basis of the mandamus 3270
action, a well-informed public office or person responsible for 3271
the requested public records reasonably would believe that the 3272
conduct or threatened conduct of the public office or person 3273
responsible for the requested public records did not constitute 3274
a failure to comply with an obligation in accordance with 3275
division (B) of this section; 3276

(ii) That a well-informed public office or person 3277
responsible for the requested public records reasonably would 3278
believe that the conduct or threatened conduct of the public 3279
office or person responsible for the requested public records 3280
would serve the public policy that underlies the authority that 3281
is asserted as permitting that conduct or threatened conduct. 3282

(4) All of the following apply to any award of reasonable 3283
attorney's fees awarded under division (C) (3) (b) of this 3284
section: 3285

(a) The fees shall be construed as remedial and not 3286

punitive. 3287

(b) The fees awarded shall not exceed the total of the 3288
reasonable attorney's fees incurred before the public record was 3289
made available to the relator and the fees described in division 3290
(C) (4) (c) of this section. 3291

(c) Reasonable attorney's fees shall include reasonable 3292
fees incurred to produce proof of the reasonableness and amount 3293
of the fees and to otherwise litigate entitlement to the fees. 3294

(d) The court may reduce the amount of fees awarded if the 3295
court determines that, given the factual circumstances involved 3296
with the specific public records request, an alternative means 3297
should have been pursued to more effectively and efficiently 3298
resolve the dispute that was subject to the mandamus action 3299
filed under division (C) (1) of this section. 3300

(5) If the court does not issue a writ of mandamus under 3301
division (C) of this section and the court determines at that 3302
time that the bringing of the mandamus action was frivolous 3303
conduct as defined in division (A) of section 2323.51 of the 3304
Revised Code, the court may award to the public office all court 3305
costs, expenses, and reasonable attorney's fees, as determined 3306
by the court. 3307

(D) Chapter 1347. of the Revised Code does not limit the 3308
provisions of this section. 3309

(E) (1) To ensure that all employees of public offices are 3310
appropriately educated about a public office's obligations under 3311
division (B) of this section, all elected officials or their 3312
appropriate designees shall attend training approved by the 3313
attorney general as provided in section 109.43 of the Revised 3314
Code. A future official may satisfy the requirements of this 3315

division by attending the training before taking office, 3316
provided that the future official may not send a designee in the 3317
future official's place. 3318

(2) All public offices shall adopt a public records policy 3319
in compliance with this section for responding to public records 3320
requests. In adopting a public records policy under this 3321
division, a public office may obtain guidance from the model 3322
public records policy developed and provided to the public 3323
office by the attorney general under section 109.43 of the 3324
Revised Code. Except as otherwise provided in this section, the 3325
policy may not limit the number of public records that the 3326
public office will make available to a single person, may not 3327
limit the number of public records that it will make available 3328
during a fixed period of time, and may not establish a fixed 3329
period of time before it will respond to a request for 3330
inspection or copying of public records, unless that period is 3331
less than eight hours. 3332

The public office shall distribute the public records 3333
policy adopted by the public office under this division to the 3334
employee of the public office who is the records custodian or 3335
records manager or otherwise has custody of the records of that 3336
office. The public office shall require that employee to 3337
acknowledge receipt of the copy of the public records policy. 3338
The public office shall create a poster that describes its 3339
public records policy and shall post the poster in a conspicuous 3340
place in the public office and in all locations where the public 3341
office has branch offices. The public office may post its public 3342
records policy on the internet web site of the public office if 3343
the public office maintains an internet web site. A public 3344
office that has established a manual or handbook of its general 3345
policies and procedures for all employees of the public office 3346

shall include the public records policy of the public office in 3347
the manual or handbook. 3348

(F) (1) The bureau of motor vehicles may adopt rules 3349
pursuant to Chapter 119. of the Revised Code to reasonably limit 3350
the number of bulk commercial special extraction requests made 3351
by a person for the same records or for updated records during a 3352
calendar year. The rules may include provisions for charges to 3353
be made for bulk commercial special extraction requests for the 3354
actual cost of the bureau, plus special extraction costs, plus 3355
ten per cent. The bureau may charge for expenses for redacting 3356
information, the release of which is prohibited by law. 3357

(2) As used in division (F) (1) of this section: 3358

(a) "Actual cost" means the cost of depleted supplies, 3359
records storage media costs, actual mailing and alternative 3360
delivery costs, or other transmitting costs, and any direct 3361
equipment operating and maintenance costs, including actual 3362
costs paid to private contractors for copying services. 3363

(b) "Bulk commercial special extraction request" means a 3364
request for copies of a record for information in a format other 3365
than the format already available, or information that cannot be 3366
extracted without examination of all items in a records series, 3367
class of records, or database by a person who intends to use or 3368
forward the copies for surveys, marketing, solicitation, or 3369
resale for commercial purposes. "Bulk commercial special 3370
extraction request" does not include a request by a person who 3371
gives assurance to the bureau that the person making the request 3372
does not intend to use or forward the requested copies for 3373
surveys, marketing, solicitation, or resale for commercial 3374
purposes. 3375

(c) "Commercial" means profit-seeking production, buying, 3376
or selling of any good, service, or other product. 3377

(d) "Special extraction costs" means the cost of the time 3378
spent by the lowest paid employee competent to perform the task, 3379
the actual amount paid to outside private contractors employed 3380
by the bureau, or the actual cost incurred to create computer 3381
programs to make the special extraction. "Special extraction 3382
costs" include any charges paid to a public agency for computer 3383
or records services. 3384

(3) For purposes of divisions (F) (1) and (2) of this 3385
section, "surveys, marketing, solicitation, or resale for 3386
commercial purposes" shall be narrowly construed and does not 3387
include reporting or gathering news, reporting or gathering 3388
information to assist citizen oversight or understanding of the 3389
operation or activities of government, or nonprofit educational 3390
research. 3391

(G) A request by a defendant, counsel of a defendant, or 3392
any agent of a defendant in a criminal action that public 3393
records related to that action be made available under this 3394
section shall be considered a demand for discovery pursuant to 3395
the Criminal Rules, except to the extent that the Criminal Rules 3396
plainly indicate a contrary intent. The defendant, counsel of 3397
the defendant, or agent of the defendant making a request under 3398
this division shall serve a copy of the request on the 3399
prosecuting attorney, director of law, or other chief legal 3400
officer responsible for prosecuting the action. 3401

(H) (1) Any portion of a body-worn camera or dashboard 3402
camera recording described in divisions (A) (17) (b) to (h) of 3403
this section may be released by consent of the subject of the 3404
recording or a representative of that person, as specified in 3405

those divisions, only if either of the following applies: 3406

(a) The recording will not be used in connection with any 3407
probable or pending criminal proceedings; 3408

(b) The recording has been used in connection with a 3409
criminal proceeding that was dismissed or for which a judgment 3410
has been entered pursuant to Rule 32 of the Rules of Criminal 3411
Procedure, and will not be used again in connection with any 3412
probable or pending criminal proceedings. 3413

(2) If a public office denies a request to release a 3414
restricted portion of a body-worn camera or dashboard camera 3415
recording, as defined in division (A)(17) of this section, any 3416
person may file a mandamus action pursuant to this section or a 3417
complaint with the clerk of the court of claims pursuant to 3418
section 2743.75 of the Revised Code, requesting the court to 3419
order the release of all or portions of the recording. If the 3420
court considering the request determines that the filing 3421
articulates by clear and convincing evidence that the public 3422
interest in the recording substantially outweighs privacy 3423
interests and other interests asserted to deny release, the 3424
court shall order the public office to release the recording. 3425

Sec. 2913.01. As used in this chapter, unless the context 3426
requires that a term be given a different meaning: 3427

(A) "Deception" means knowingly deceiving another or 3428
causing another to be deceived by any false or misleading 3429
representation, by withholding information, by preventing 3430
another from acquiring information, or by any other conduct, 3431
act, or omission that creates, confirms, or perpetuates a false 3432
impression in another, including a false impression as to law, 3433
value, state of mind, or other objective or subjective fact. 3434

(B) "Defraud" means to knowingly obtain, by deception, 3435
some benefit for oneself or another, or to knowingly cause, by 3436
deception, some detriment to another. 3437

(C) "Deprive" means to do any of the following: 3438

(1) Withhold property of another permanently, or for a 3439
period that appropriates a substantial portion of its value or 3440
use, or with purpose to restore it only upon payment of a reward 3441
or other consideration; 3442

(2) Dispose of property so as to make it unlikely that the 3443
owner will recover it; 3444

(3) Accept, use, or appropriate money, property, or 3445
services, with purpose not to give proper consideration in 3446
return for the money, property, or services, and without 3447
reasonable justification or excuse for not giving proper 3448
consideration. 3449

(D) "Owner" means, unless the context requires a different 3450
meaning, any person, other than the actor, who is the owner of, 3451
who has possession or control of, or who has any license or 3452
interest in property or services, even though the ownership, 3453
possession, control, license, or interest is unlawful. 3454

(E) "Services" include labor, personal services, 3455
professional services, rental services, public utility services 3456
including wireless service as defined in division ~~(F)(1)~~ (F) of 3457
section 128.01 of the Revised Code, common carrier services, and 3458
food, drink, transportation, entertainment, and cable television 3459
services and, for purposes of section 2913.04 of the Revised 3460
Code, include cable services as defined in that section. 3461

(F) "Writing" means any computer software, document, 3462
letter, memorandum, note, paper, plate, data, film, or other 3463

thing having in or upon it any written, typewritten, or printed 3464
matter, and any token, stamp, seal, credit card, badge, 3465
trademark, label, or other symbol of value, right, privilege, 3466
license, or identification. 3467

(G) "Forge" means to fabricate or create, in whole or in 3468
part and by any means, any spurious writing, or to make, 3469
execute, alter, complete, reproduce, or otherwise purport to 3470
authenticate any writing, when the writing in fact is not 3471
authenticated by that conduct. 3472

(H) "Utter" means to issue, publish, transfer, use, put or 3473
send into circulation, deliver, or display. 3474

(I) "Coin machine" means any mechanical or electronic 3475
device designed to do both of the following: 3476

(1) Receive a coin, bill, or token made for that purpose; 3477

(2) In return for the insertion or deposit of a coin, 3478
bill, or token, automatically dispense property, provide a 3479
service, or grant a license. 3480

(J) "Slug" means an object that, by virtue of its size, 3481
shape, composition, or other quality, is capable of being 3482
inserted or deposited in a coin machine as an improper 3483
substitute for a genuine coin, bill, or token made for that 3484
purpose. 3485

(K) "Theft offense" means any of the following: 3486

(1) A violation of section 2911.01, 2911.02, 2911.11, 3487
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 3488
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3489
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 3490
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 3491

2913.51, 2915.05, or 2921.41 of the Revised Code;	3492
(2) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any section listed in division (K) (1) of this section or a violation of section 2913.41, 2913.81, or 2915.06 of the Revised Code as it existed prior to July 1, 1996;	3493 3494 3495 3496 3497 3498
(3) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;	3499 3500 3501 3502 3503
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K) (1), (2), or (3) of this section.	3504 3505 3506
(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.	3507 3508 3509 3510
(M) "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.	3511 3512 3513 3514 3515 3516 3517
(N) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data	3518 3519 3520

communications links, and computer programs and data that make 3521
the system capable of performing specified special purpose data 3522
processing tasks. 3523

(O) "Computer network" means a set of related and remotely 3524
connected computers and communication facilities that includes 3525
more than one computer system that has the capability to 3526
transmit among the connected computers and communication 3527
facilities through the use of computer facilities. 3528

(P) "Computer program" means an ordered set of data 3529
representing coded instructions or statements that, when 3530
executed by a computer, cause the computer to process data. 3531

(Q) "Computer software" means computer programs, 3532
procedures, and other documentation associated with the 3533
operation of a computer system. 3534

(R) "Data" means a representation of information, 3535
knowledge, facts, concepts, or instructions that are being or 3536
have been prepared in a formalized manner and that are intended 3537
for use in a computer, computer system, or computer network. For 3538
purposes of section 2913.47 of the Revised Code, "data" has the 3539
additional meaning set forth in division (A) of that section. 3540

(S) "Cable television service" means any services provided 3541
by or through the facilities of any cable television system or 3542
other similar closed circuit coaxial cable communications 3543
system, or any microwave or similar transmission service used in 3544
connection with any cable television system or other similar 3545
closed circuit coaxial cable communications system. 3546

(T) "Gain access" means to approach, instruct, communicate 3547
with, store data in, retrieve data from, or otherwise make use 3548
of any resources of a computer, computer system, or computer 3549

network, or any cable service or cable system both as defined in 3550
section 2913.04 of the Revised Code. 3551

(U) "Credit card" includes, but is not limited to, a card, 3552
code, device, or other means of access to a customer's account 3553
for the purpose of obtaining money, property, labor, or services 3554
on credit, or for initiating an electronic fund transfer at a 3555
point-of-sale terminal, an automated teller machine, or a cash 3556
dispensing machine. It also includes a county procurement card 3557
issued under section 301.29 of the Revised Code. 3558

(V) "Electronic fund transfer" has the same meaning as in 3559
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 3560

(W) "Rented property" means personal property in which the 3561
right of possession and use of the property is for a short and 3562
possibly indeterminate term in return for consideration; the 3563
rentee generally controls the duration of possession of the 3564
property, within any applicable minimum or maximum term; and the 3565
amount of consideration generally is determined by the duration 3566
of possession of the property. 3567

(X) "Telecommunication" means the origination, emission, 3568
dissemination, transmission, or reception of data, images, 3569
signals, sounds, or other intelligence or equivalence of 3570
intelligence of any nature over any communications system by any 3571
method, including, but not limited to, a fiber optic, 3572
electronic, magnetic, optical, digital, or analog method. 3573

(Y) "Telecommunications device" means any instrument, 3574
equipment, machine, or other device that facilitates 3575
telecommunication, including, but not limited to, a computer, 3576
computer network, computer chip, computer circuit, scanner, 3577
telephone, cellular telephone, pager, personal communications 3578

device, transponder, receiver, radio, modem, or device that 3579
enables the use of a modem. 3580

(Z) "Telecommunications service" means the providing, 3581
allowing, facilitating, or generating of any form of 3582
telecommunication through the use of a telecommunications device 3583
over a telecommunications system. 3584

(AA) "Counterfeit telecommunications device" means a 3585
telecommunications device that, alone or with another 3586
telecommunications device, has been altered, constructed, 3587
manufactured, or programmed to acquire, intercept, receive, or 3588
otherwise facilitate the use of a telecommunications service or 3589
information service without the authority or consent of the 3590
provider of the telecommunications service or information 3591
service. "Counterfeit telecommunications device" includes, but 3592
is not limited to, a clone telephone, clone microchip, tumbler 3593
telephone, or tumbler microchip; a wireless scanning device 3594
capable of acquiring, intercepting, receiving, or otherwise 3595
facilitating the use of telecommunications service or 3596
information service without immediate detection; or a device, 3597
equipment, hardware, or software designed for, or capable of, 3598
altering or changing the electronic serial number in a wireless 3599
telephone. 3600

(BB) (1) "Information service" means, subject to division 3601
(BB) (2) of this section, the offering of a capability for 3602
generating, acquiring, storing, transforming, processing, 3603
retrieving, utilizing, or making available information via 3604
telecommunications, including, but not limited to, electronic 3605
publishing. 3606

(2) "Information service" does not include any use of a 3607
capability of a type described in division (BB) (1) of this 3608

section for the management, control, or operation of a 3609
telecommunications system or the management of a 3610
telecommunications service. 3611

(CC) "Elderly person" means a person who is sixty-five 3612
years of age or older. 3613

(DD) "Disabled adult" means a person who is eighteen years 3614
of age or older and has some impairment of body or mind that 3615
makes the person unable to work at any substantially 3616
remunerative employment that the person otherwise would be able 3617
to perform and that will, with reasonable probability, continue 3618
for a period of at least twelve months without any present 3619
indication of recovery from the impairment, or who is eighteen 3620
years of age or older and has been certified as permanently and 3621
totally disabled by an agency of this state or the United States 3622
that has the function of so classifying persons. 3623

(EE) "Firearm" and "dangerous ordnance" have the same 3624
meanings as in section 2923.11 of the Revised Code. 3625

(FF) "Motor vehicle" has the same meaning as in section 3626
4501.01 of the Revised Code. 3627

(GG) "Dangerous drug" has the same meaning as in section 3628
4729.01 of the Revised Code. 3629

(HH) "Drug abuse offense" has the same meaning as in 3630
section 2925.01 of the Revised Code. 3631

(II) (1) "Computer hacking" means any of the following: 3632

(a) Gaining access or attempting to gain access to all or 3633
part of a computer, computer system, or a computer network 3634
without express or implied authorization with the intent to 3635
defraud or with intent to commit a crime; 3636

(b) Misusing computer or network services including, but 3637
not limited to, mail transfer programs, file transfer programs, 3638
proxy servers, and web servers by performing functions not 3639
authorized by the owner of the computer, computer system, or 3640
computer network or other person authorized to give consent. As 3641
used in this division, "misuse of computer and network services" 3642
includes, but is not limited to, the unauthorized use of any of 3643
the following: 3644

(i) Mail transfer programs to send mail to persons other 3645
than the authorized users of that computer or computer network; 3646

(ii) File transfer program proxy services or proxy servers 3647
to access other computers, computer systems, or computer 3648
networks; 3649

(iii) Web servers to redirect users to other web pages or 3650
web servers. 3651

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 3652
using a group of computer programs commonly known as "port 3653
scanners" or "probes" to intentionally access any computer, 3654
computer system, or computer network without the permission of 3655
the owner of the computer, computer system, or computer network 3656
or other person authorized to give consent. The group of 3657
computer programs referred to in this division includes, but is 3658
not limited to, those computer programs that use a computer 3659
network to access a computer, computer system, or another 3660
computer network to determine any of the following: the presence 3661
or types of computers or computer systems on a network; the 3662
computer network's facilities and capabilities; the availability 3663
of computer or network services; the presence or versions of 3664
computer software including, but not limited to, operating 3665
systems, computer services, or computer contaminants; the 3666

presence of a known computer software deficiency that can be 3667
used to gain unauthorized access to a computer, computer system, 3668
or computer network; or any other information about a computer, 3669
computer system, or computer network not necessary for the 3670
normal and lawful operation of the computer initiating the 3671
access. 3672

(ii) The group of computer programs referred to in 3673
division (II) (1) (c) (i) of this section does not include standard 3674
computer software used for the normal operation, administration, 3675
management, and test of a computer, computer system, or computer 3676
network including, but not limited to, domain name services, 3677
mail transfer services, and other operating system services, 3678
computer programs commonly called "ping," "tcpdump," and 3679
"traceroute" and other network monitoring and management 3680
computer software, and computer programs commonly known as 3681
"nslookup" and "whois" and other systems administration computer 3682
software. 3683

(d) The intentional use of a computer, computer system, or 3684
a computer network in a manner that exceeds any right or 3685
permission granted by the owner of the computer, computer 3686
system, or computer network or other person authorized to give 3687
consent. 3688

(2) "Computer hacking" does not include the introduction 3689
of a computer contaminant, as defined in section 2909.01 of the 3690
Revised Code, into a computer, computer system, computer 3691
program, or computer network. 3692

(JJ) "Police dog or horse" has the same meaning as in 3693
section 2921.321 of the Revised Code. 3694

(KK) "Anhydrous ammonia" is a compound formed by the 3695

combination of two gaseous elements, nitrogen and hydrogen, in 3696
the manner described in this division. Anhydrous ammonia is one 3697
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 3698
by weight is fourteen parts nitrogen to three parts hydrogen, 3699
which is approximately eighty-two per cent nitrogen to eighteen 3700
per cent hydrogen. 3701

(LL) "Assistance dog" has the same meaning as in section 3702
955.011 of the Revised Code. 3703

(MM) "Federally licensed firearms dealer" has the same 3704
meaning as in section 5502.63 of the Revised Code. 3705

(NN) "Active duty service member" means any member of the 3706
armed forces of the United States performing active duty under 3707
title 10 of the United States Code. 3708

Sec. 4776.20. (A) As used in this section: 3709

(1) "Licensing agency" means, in addition to each board 3710
identified in division (C) of section 4776.01 of the Revised 3711
Code, the board or other government entity authorized to issue a 3712
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 3713
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3714
~~4742.,~~ 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 3715
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 3716
"Licensing agency" includes an administrative officer that has 3717
authority to issue a license. 3718

(2) "Licensee" means, in addition to a licensee as 3719
described in division (B) of section 4776.01 of the Revised 3720
Code, the person to whom a license is issued by the board or 3721
other government entity authorized to issue a license under 3722
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 3723
4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.,~~ 4747., 3724

4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3725
4766., 4771., 4773., and 4781. of the Revised Code. 3726

(3) "Prosecutor" has the same meaning as in section 3727
2935.01 of the Revised Code. 3728

(B) On a licensee's conviction of, plea of guilty to, 3729
judicial finding of guilt of, or judicial finding of guilt 3730
resulting from a plea of no contest to the offense of 3731
trafficking in persons in violation of section 2905.32 of the 3732
Revised Code, the prosecutor in the case shall promptly notify 3733
the licensing agency of the conviction, plea, or finding and 3734
provide the licensee's name and residential address. On receipt 3735
of this notification, the licensing agency shall immediately 3736
suspend the licensee's license. 3737

(C) If there is a conviction of, plea of guilty to, 3738
judicial finding of guilt of, or judicial finding of guilt 3739
resulting from a plea of no contest to the offense of 3740
trafficking in persons in violation of section 2905.32 of the 3741
Revised Code and all or part of the violation occurred on the 3742
premises of a facility that is licensed by a licensing agency, 3743
the prosecutor in the case shall promptly notify the licensing 3744
agency of the conviction, plea, or finding and provide the 3745
facility's name and address and the offender's name and 3746
residential address. On receipt of this notification, the 3747
licensing agency shall immediately suspend the facility's 3748
license. 3749

(D) Notwithstanding any provision of the Revised Code to 3750
the contrary, the suspension of a license under division (B) or 3751
(C) of this section shall be implemented by a licensing agency 3752
without a prior hearing. After the suspension, the licensing 3753
agency shall give written notice to the subject of the 3754

suspension of the right to request a hearing under Chapter 119. 3755
of the Revised Code. After a hearing is held, the licensing 3756
agency shall either revoke or permanently revoke the license of 3757
the subject of the suspension, unless it determines that the 3758
license holder has not been convicted of, pleaded guilty to, 3759
been found guilty of, or been found guilty based on a plea of no 3760
contest to the offense of trafficking in persons in violation of 3761
section 2905.32 of the Revised Code. 3762

Sec. 5703.052. (A) There is hereby created in the state 3763
treasury the tax refund fund, from which refunds shall be paid 3764
for taxes illegally or erroneously assessed or collected, or for 3765
any other reason overpaid, that are levied by Chapter 4301., 3766
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 3767
5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3768
3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 3769
5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for 3770
fees ~~or levied under sections 3734.90 to 3734.9014 of the~~ 3771
Revised Code, wireless 9-1-1 charges imposed under section 3772
128.40 of the Revised Code, or next generation 9-1-1 access fees 3773
imposed under sections 128.41 and 128.42 of the Revised Code 3774
illegally or erroneously assessed or collected, or for any other 3775
reason overpaid, ~~that are levied by sections 128.42 or 3734.90-~~ 3776
~~to 3734.9014 of the Revised Code~~ also shall be paid from the 3777
fund. Refunds for amounts illegally or erroneously assessed or 3778
collected by the tax commissioner, or for any other reason 3779
overpaid, that are due under section 1509.50 of the Revised Code 3780
shall be paid from the fund. Refunds for amounts illegally or 3781
erroneously assessed or collected by the commissioner, or for 3782
any other reason overpaid to the commissioner, under sections 3783
718.80 to 718.95 of the Revised Code shall be paid from the 3784
fund. However, refunds for taxes levied under section 5739.101 3785

of the Revised Code shall not be paid from the tax refund fund, 3786
but shall be paid as provided in section 5739.104 of the Revised 3787
Code. 3788

(B) (1) Upon certification by the tax commissioner to the 3789
treasurer of state of a tax refund, a wireless 9-1-1 charge 3790
refund, a next generation 9-1-1 access fee refund, or another 3791
amount refunded, or by the superintendent of insurance of a 3792
domestic or foreign insurance tax refund, the treasurer of state 3793
shall place the amount certified to the credit of the fund. The 3794
certified amount transferred shall be derived from the receipts 3795
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3796
1-1 access fee, or other amount from which the refund arose. 3797

(2) When a refund is for a tax, fee, wireless 9-1-1 3798
charge, next generation 9-1-1 access fee, or other amount that 3799
is not levied by the state or that was illegally or erroneously 3800
distributed to a taxing jurisdiction, the tax commissioner shall 3801
recover the amount of that refund from the next distribution of 3802
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3803
access fee, or other amount that otherwise would be made to the 3804
taxing jurisdiction. If the amount to be recovered would exceed 3805
twenty-five per cent of the next distribution of that tax, fee, 3806
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3807
other amount, the commissioner may spread the recovery over more 3808
than one future distribution, taking into account the amount to 3809
be recovered and the amount of the anticipated future 3810
distributions. In no event may the commissioner spread the 3811
recovery over a period to exceed thirty-six months. 3812

Sec. 5733.55. (A) As used in this section: 3813

(1) "9-1-1 system" has the same meaning as in section 3814
128.01 of the Revised Code. 3815

(2) "Nonrecurring 9-1-1 charges" means nonrecurring 3816
charges approved by the public utilities commission for the 3817
telephone network portion of a 9-1-1 system pursuant to section 3818
~~128.18~~ 128.33 of the Revised Code. 3819

(3) "Eligible nonrecurring 9-1-1 charges" means all 3820
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 3821
following: 3822

(a) Charges for a system that was not established pursuant 3823
to a plan adopted under section 128.08 of the Revised Code ~~or an~~ 3824
~~agreement under section 128.09 of the Revised Code;~~ 3825

(b) Charges for that part of a system established pursuant 3826
to such a plan ~~or agreement~~ that are excluded from the credit by 3827
division (C) (2) of section ~~128.18~~ 128.33 of the Revised Code. 3828

(4) "Telephone company" has the same meaning as in section 3829
5727.01 of the Revised Code. 3830

(B) Beginning in tax year 2005, a telephone company shall 3831
be allowed a nonrefundable credit against the tax imposed by 3832
section 5733.06 of the Revised Code equal to the amount of its 3833
eligible nonrecurring 9-1-1 charges. The credit shall be claimed 3834
for the company's taxable year that covers the period in which 3835
the 9-1-1 service for which the credit is claimed becomes 3836
available for use. The credit shall be claimed in the order 3837
required by section 5733.98 of the Revised Code. If the credit 3838
exceeds the total taxes due under section 5733.06 of the Revised 3839
Code for the tax year, the tax commissioner shall credit the 3840
excess against taxes due under that section for succeeding tax 3841
years until the full amount of the credit is granted. 3842

(C) After the last day a return, with any extensions, may 3843
be filed by any telephone company that is eligible to claim a 3844

credit under this section, the commissioner shall determine 3845
whether the sum of the credits allowed for prior tax years 3846
commencing with tax year 2005 plus the sum of the credits 3847
claimed for the current tax year exceeds fifteen million 3848
dollars. If it does, the credits allowed under this section for 3849
the current tax year shall be reduced by a uniform percentage 3850
such that the sum of the credits allowed for the current tax 3851
year do not exceed fifteen million dollars claimed by all 3852
telephone companies for all tax years. Thereafter, no credit 3853
shall be granted under this section, except for the remaining 3854
portions of any credits allowed under division (B) of this 3855
section. 3856

(D) A telephone company that is entitled to carry forward 3857
a credit against its public utility excise tax liability under 3858
section 5727.39 of the Revised Code is entitled to carry forward 3859
any amount of that credit remaining after its last public 3860
utility excise tax payment for the period of July 1, 2003, 3861
through June 30, 2004, and claim that amount as a credit against 3862
its corporation franchise tax liability under this section. 3863
Nothing in this section authorizes a telephone company to claim 3864
a credit under this section for any eligible nonrecurring 9-1-1 3865
charges for which it has already claimed a credit under this 3866
section or section 5727.39 of the Revised Code. 3867

Sec. 5751.01. As used in this chapter: 3868

(A) "Person" means, but is not limited to, individuals, 3869
combinations of individuals of any form, receivers, assignees, 3870
trustees in bankruptcy, firms, companies, joint-stock companies, 3871
business trusts, estates, partnerships, limited liability 3872
partnerships, limited liability companies, associations, joint 3873
ventures, clubs, societies, for-profit corporations, S 3874

corporations, qualified subchapter S subsidiaries, qualified 3875
subchapter S trusts, trusts, entities that are disregarded for 3876
federal income tax purposes, and any other entities. 3877

(B) "Consolidated elected taxpayer" means a group of two 3878
or more persons treated as a single taxpayer for purposes of 3879
this chapter as the result of an election made under section 3880
5751.011 of the Revised Code. 3881

(C) "Combined taxpayer" means a group of two or more 3882
persons treated as a single taxpayer for purposes of this 3883
chapter under section 5751.012 of the Revised Code. 3884

(D) "Taxpayer" means any person, or any group of persons 3885
in the case of a consolidated elected taxpayer or combined 3886
taxpayer treated as one taxpayer, required to register or pay 3887
tax under this chapter. "Taxpayer" does not include excluded 3888
persons. 3889

(E) "Excluded person" means any of the following: 3890

(1) Any person with not more than one hundred fifty 3891
thousand dollars of taxable gross receipts during the calendar 3892
year. Division (E)(1) of this section does not apply to a person 3893
that is a member of a consolidated elected taxpayer. 3894

(2) A public utility that paid the excise tax imposed by 3895
section 5727.24 or 5727.30 of the Revised Code based on one or 3896
more measurement periods that include the entire tax period 3897
under this chapter, except that a public utility that is a 3898
combined company is a taxpayer with regard to the following 3899
gross receipts: 3900

(a) Taxable gross receipts directly attributed to a public 3901
utility activity, but not directly attributed to an activity 3902
that is subject to the excise tax imposed by section 5727.24 or 3903

5727.30 of the Revised Code; 3904

(b) Taxable gross receipts that cannot be directly 3905
attributed to any activity, multiplied by a fraction whose 3906
numerator is the taxable gross receipts described in division 3907
(E) (2) (a) of this section and whose denominator is the total 3908
taxable gross receipts that can be directly attributed to any 3909
activity; 3910

(c) Except for any differences resulting from the use of 3911
an accrual basis method of accounting for purposes of 3912
determining gross receipts under this chapter and the use of the 3913
cash basis method of accounting for purposes of determining 3914
gross receipts under section 5727.24 of the Revised Code, the 3915
gross receipts directly attributed to the activity of a natural 3916
gas company shall be determined in a manner consistent with 3917
division (D) of section 5727.03 of the Revised Code. 3918

As used in division (E) (2) of this section, "combined 3919
company" and "public utility" have the same meanings as in 3920
section 5727.01 of the Revised Code. 3921

(3) A financial institution, as defined in section 5726.01 3922
of the Revised Code, that paid the tax imposed by section 3923
5726.02 of the Revised Code based on one or more taxable years 3924
that include the entire tax period under this chapter; 3925

(4) A person directly or indirectly owned by one or more 3926
financial institutions, as defined in section 5726.01 of the 3927
Revised Code, that paid the tax imposed by section 5726.02 of 3928
the Revised Code based on one or more taxable years that include 3929
the entire tax period under this chapter. 3930

For the purposes of division (E) (4) of this section, a 3931
person owns another person under the following circumstances: 3932

(a) In the case of corporations issuing capital stock, one 3933
corporation owns another corporation if it owns fifty per cent 3934
or more of the other corporation's capital stock with current 3935
voting rights; 3936

(b) In the case of a limited liability company, one person 3937
owns the company if that person's membership interest, as 3938
defined in section 1706.01 of the Revised Code, is fifty per 3939
cent or more of the combined membership interests of all persons 3940
owning such interests in the company; 3941

(c) In the case of a partnership, trust, or other 3942
unincorporated business organization other than a limited 3943
liability company, one person owns the organization if, under 3944
the articles of organization or other instrument governing the 3945
affairs of the organization, that person has a beneficial 3946
interest in the organization's profits, surpluses, losses, or 3947
distributions of fifty per cent or more of the combined 3948
beneficial interests of all persons having such an interest in 3949
the organization. 3950

(5) A domestic insurance company or foreign insurance 3951
company, as defined in section 5725.01 of the Revised Code, that 3952
paid the insurance company premiums tax imposed by section 3953
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3954
insurance company whose gross premiums are subject to tax under 3955
section 3905.36 of the Revised Code based on one or more 3956
measurement periods that include the entire tax period under 3957
this chapter; 3958

(6) A person that solely facilitates or services one or 3959
more securitizations of phase-in-recovery property pursuant to a 3960
final financing order as those terms are defined in section 3961
4928.23 of the Revised Code. For purposes of this division, 3962

"securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F) (2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of

services for another;	3992
(c) Amounts realized from another's use or possession of	3993
the taxpayer's property or capital;	3994
(d) Any combination of the foregoing amounts.	3995
(2) "Gross receipts" excludes the following amounts:	3996
(a) Interest income except interest on credit sales;	3997
(b) Dividends and distributions from corporations, and	3998
distributive or proportionate shares of receipts and income from	3999
a pass-through entity as defined under section 5733.04 of the	4000
Revised Code;	4001
(c) Receipts from the sale, exchange, or other disposition	4002
of an asset described in section 1221 or 1231 of the Internal	4003
Revenue Code, without regard to the length of time the person	4004
held the asset. Notwithstanding section 1221 of the Internal	4005
Revenue Code, receipts from hedging transactions also are	4006
excluded to the extent the transactions are entered into	4007
primarily to protect a financial position, such as managing the	4008
risk of exposure to (i) foreign currency fluctuations that	4009
affect assets, liabilities, profits, losses, equity, or	4010
investments in foreign operations; (ii) interest rate	4011
fluctuations; or (iii) commodity price fluctuations. As used in	4012
division (F) (2) (c) of this section, "hedging transaction" has	4013
the same meaning as used in section 1221 of the Internal Revenue	4014
Code and also includes transactions accorded hedge accounting	4015
treatment under statement of financial accounting standards	4016
number 133 of the financial accounting standards board. For the	4017
purposes of division (F) (2) (c) of this section, the actual	4018
transfer of title of real or tangible personal property to	4019
another entity is not a hedging transaction.	4020

(d) Proceeds received attributable to the repayment, 4021
maturity, or redemption of the principal of a loan, bond, mutual 4022
fund, certificate of deposit, or marketable instrument; 4023

(e) The principal amount received under a repurchase 4024
agreement or on account of any transaction properly 4025
characterized as a loan to the person; 4026

(f) Contributions received by a trust, plan, or other 4027
arrangement, any of which is described in section 501(a) of the 4028
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 4029
1, Subchapter (D) of the Internal Revenue Code applies; 4030

(g) Compensation, whether current or deferred, and whether 4031
in cash or in kind, received or to be received by an employee, 4032
former employee, or the employee's legal successor for services 4033
rendered to or for an employer, including reimbursements 4034
received by or for an individual for medical or education 4035
expenses, health insurance premiums, or employee expenses, or on 4036
account of a dependent care spending account, legal services 4037
plan, any cafeteria plan described in section 125 of the 4038
Internal Revenue Code, or any similar employee reimbursement; 4039

(h) Proceeds received from the issuance of the taxpayer's 4040
own stock, options, warrants, puts, or calls, or from the sale 4041
of the taxpayer's treasury stock; 4042

(i) Proceeds received on the account of payments from 4043
insurance policies, except those proceeds received for the loss 4044
of business revenue; 4045

(j) Gifts or charitable contributions received; membership 4046
dues received by trade, professional, homeowners', or 4047
condominium associations; ~~and~~ payments received for educational 4048
courses, meetings, meals, or similar payments to a trade, 4049

professional, or other similar association; and fundraising 4050
receipts received by any person when any excess receipts are 4051
donated or used exclusively for charitable purposes; 4052

(k) Damages received as the result of litigation in excess 4053
of amounts that, if received without litigation, would be gross 4054
receipts; 4055

(l) Property, money, and other amounts received or 4056
acquired by an agent on behalf of another in excess of the 4057
agent's commission, fee, or other remuneration; 4058

(m) Tax refunds, other tax benefit recoveries, and 4059
reimbursements for the tax imposed under this chapter made by 4060
entities that are part of the same combined taxpayer or 4061
consolidated elected taxpayer group, and reimbursements made by 4062
entities that are not members of a combined taxpayer or 4063
consolidated elected taxpayer group that are required to be made 4064
for economic parity among multiple owners of an entity whose tax 4065
obligation under this chapter is required to be reported and 4066
paid entirely by one owner, pursuant to the requirements of 4067
sections 5751.011 and 5751.012 of the Revised Code; 4068

(n) Pension reversions; 4069

(o) Contributions to capital; 4070

(p) Sales or use taxes collected as a vendor or an out-of- 4071
state seller on behalf of the taxing jurisdiction from a 4072
consumer or other taxes the taxpayer is required by law to 4073
collect directly from a purchaser and remit to a local, state, 4074
or federal tax authority; 4075

(q) In the case of receipts from the sale of cigarettes, 4076
tobacco products, or vapor products by a wholesale dealer, 4077
retail dealer, distributor, manufacturer, vapor distributor, or 4078

seller, all as defined in section 5743.01 of the Revised Code, 4079
an amount equal to the federal and state excise taxes paid by 4080
any person on or for such cigarettes, tobacco products, or vapor 4081
products under subtitle E of the Internal Revenue Code or 4082
Chapter 5743. of the Revised Code; 4083

(r) In the case of receipts from the sale, transfer, 4084
exchange, or other disposition of motor fuel as "motor fuel" is 4085
defined in section 5736.01 of the Revised Code, an amount equal 4086
to the value of the motor fuel, including federal and state 4087
motor fuel excise taxes and receipts from billing or invoicing 4088
the tax imposed under section 5736.02 of the Revised Code to 4089
another person; 4090

(s) In the case of receipts from the sale of beer or 4091
intoxicating liquor, as defined in section 4301.01 of the 4092
Revised Code, by a person holding a permit issued under Chapter 4093
4301. or 4303. of the Revised Code, an amount equal to federal 4094
and state excise taxes paid by any person on or for such beer or 4095
intoxicating liquor under subtitle E of the Internal Revenue 4096
Code or Chapter 4301. or 4305. of the Revised Code; 4097

(t) Receipts realized by a new motor vehicle dealer or 4098
used motor vehicle dealer, as defined in section 4517.01 of the 4099
Revised Code, from the sale or other transfer of a motor 4100
vehicle, as defined in that section, to another motor vehicle 4101
dealer for the purpose of resale by the transferee motor vehicle 4102
dealer, but only if the sale or other transfer was based upon 4103
the transferee's need to meet a specific customer's preference 4104
for a motor vehicle; 4105

(u) Receipts from a financial institution described in 4106
division (E)(3) of this section for services provided to the 4107
financial institution in connection with the issuance, 4108

processing, servicing, and management of loans or credit 4109
accounts, if such financial institution and the recipient of 4110
such receipts have at least fifty per cent of their ownership 4111
interests owned or controlled, directly or constructively 4112
through related interests, by common owners; 4113

(v) Receipts realized from administering anti-neoplastic 4114
drugs and other cancer chemotherapy, biologicals, therapeutic 4115
agents, and supportive drugs in a physician's office to patients 4116
with cancer; 4117

(w) Funds received or used by a mortgage broker that is 4118
not a dealer in intangibles, other than fees or other 4119
consideration, pursuant to a table-funding mortgage loan or 4120
warehouse-lending mortgage loan. Terms used in division (F) (2) 4121
(w) of this section have the same meanings as in section 1322.01 4122
of the Revised Code, except "mortgage broker" means a person 4123
assisting a buyer in obtaining a mortgage loan for a fee or 4124
other consideration paid by the buyer or a lender, or a person 4125
engaged in table-funding or warehouse-lending mortgage loans 4126
that are first lien mortgage loans. 4127

(x) Property, money, and other amounts received by a 4128
professional employer organization, as defined in section 4129
4125.01 of the Revised Code, or an alternate employer 4130
organization, as defined in section 4133.01 of the Revised Code, 4131
from a client employer, as defined in either of those sections 4132
as applicable, in excess of the administrative fee charged by 4133
the professional employer organization or the alternate employer 4134
organization to the client employer; 4135

(y) In the case of amounts retained as commissions by a 4136
permit holder under Chapter 3769. of the Revised Code, an amount 4137
equal to the amounts specified under that chapter that must be 4138

paid to or collected by the tax commissioner as a tax and the 4139
amounts specified under that chapter to be used as purse money; 4140

(z) Qualifying distribution center receipts as determined 4141
under section 5751.40 of the Revised Code; 4142

(aa) Receipts of an employer from payroll deductions 4143
relating to the reimbursement of the employer for advancing 4144
moneys to an unrelated third party on an employee's behalf; 4145

(bb) Cash discounts allowed and taken; 4146

(cc) Returns and allowances; 4147

(dd) Bad debts from receipts on the basis of which the tax 4148
imposed by this chapter was paid in a prior quarterly tax 4149
payment period. For the purpose of this division, "bad debts" 4150
means any debts that have become worthless or uncollectible 4151
between the preceding and current quarterly tax payment periods, 4152
have been uncollected for at least six months, and that may be 4153
claimed as a deduction under section 166 of the Internal Revenue 4154
Code and the regulations adopted under that section, or that 4155
could be claimed as such if the taxpayer kept its accounts on 4156
the accrual basis. "Bad debts" does not include repossessed 4157
property, uncollectible amounts on property that remains in the 4158
possession of the taxpayer until the full purchase price is 4159
paid, or expenses in attempting to collect any account 4160
receivable or for any portion of the debt recovered; 4161

(ee) Any amount realized from the sale of an account 4162
receivable to the extent the receipts from the underlying 4163
transaction giving rise to the account receivable were included 4164
in the gross receipts of the taxpayer; 4165

(ff) Any receipts directly attributed to a transfer 4166
agreement or to the enterprise transferred under that agreement 4167

under section 4313.02 of the Revised Code—; 4168

(gg) Qualified uranium receipts as determined under 4169
section 5751.41 of the Revised Code—; 4170

(hh) In the case of amounts collected by a licensed casino 4171
operator from casino gaming, amounts in excess of the casino 4172
operator's gross casino revenue. In this division, "casino 4173
operator" and "casino gaming" have the meanings defined in 4174
section 3772.01 of the Revised Code, and "gross casino revenue" 4175
has the meaning defined in section 5753.01 of the Revised Code. 4176

(ii) Receipts realized from the sale of agricultural 4177
commodities by an agricultural commodity handler, both as 4178
defined in section 926.01 of the Revised Code, that is licensed 4179
by the director of agriculture to handle agricultural 4180
commodities in this state—; 4181

(jj) Qualifying integrated supply chain receipts as 4182
determined under section 5751.42 of the Revised Code—; 4183

(kk) In the case of a railroad company described in 4184
division (D) (9) of section 5727.01 of the Revised Code that 4185
purchases dyed diesel fuel directly from a supplier as defined 4186
by section 5736.01 of the Revised Code, an amount equal to the 4187
product of the number of gallons of dyed diesel fuel purchased 4188
directly from such a supplier multiplied by the average 4189
wholesale price for a gallon of diesel fuel as determined under 4190
section 5736.02 of the Revised Code for the period during which 4191
the fuel was purchased multiplied by a fraction, the numerator 4192
of which equals the rate of tax levied by section 5736.02 of the 4193
Revised Code less the rate of tax computed in section 5751.03 of 4194
the Revised Code, and the denominator of which equals the rate 4195
of tax computed in section 5751.03 of the Revised Code—; 4196

(ll) Receipts realized by an out-of-state disaster 4197
business from disaster work conducted in this state during a 4198
disaster response period pursuant to a qualifying solicitation 4199
received by the business. Terms used in division (F) (2) (ll) of 4200
this section have the same meanings as in section 5703.94 of the 4201
Revised Code. 4202

(mm) In the case of receipts from the sale or transfer of 4203
a mortgage-backed security or a mortgage loan by a mortgage 4204
lender holding a valid certificate of registration issued under 4205
Chapter 1322. of the Revised Code or by a person that is a 4206
member of the mortgage lender's consolidated elected taxpayer 4207
group, an amount equal to the principal balance of the mortgage 4208
loan; 4209

(nn) Amounts of excess surplus of the state insurance fund 4210
received by the taxpayer from the Ohio bureau of workers' 4211
compensation pursuant to rules adopted under section 4123.321 of 4212
the Revised Code; 4213

(oo) Except as otherwise provided in division (B) of 4214
section 5751.091 of the Revised Code, receipts of a megaproject 4215
supplier from sales of tangible personal property directly to a 4216
megaproject operator in this state for use at the site of the 4217
megaproject operator's megaproject, provided that the sale 4218
occurs during the period that the megaproject operator has an 4219
agreement with the tax credit authority for the megaproject 4220
under division (D) of section 122.17 of the Revised Code that 4221
remains in effect and has not expired or been terminated, and 4222
provided the megaproject supplier holds a certificate for such 4223
megaproject issued under section 5751.052 of the Revised Code 4224
for the calendar year in which the sales are made and, if the 4225
megaproject supplier meets the requirements described in 4226

division (A) (13) (b) of section 122.17 of the Revised Code, the 4227
megaproject supplier holds a certificate for such megaproject 4228
issued under division (D) (11) of section 122.17 of the Revised 4229
Code on the first day of that calendar year; 4230

(pp) Receipts from the sale of each new piece of capital 4231
equipment that has a cost in excess of one hundred million 4232
dollars and that is used at the site of a megaproject that 4233
satisfies the criteria described in division (A) (11) (a) (ii) of 4234
section 122.17 of the Revised Code, provided that the sale 4235
occurs during the period that a megaproject operator has an 4236
agreement for that megaproject with the tax credit authority 4237
under division (D) of section 122.17 of the Revised Code that 4238
remains in effect and has not expired or been terminated; 4239

(qq) In the case of amounts collected by a sports gaming 4240
proprietor from sports gaming, amounts in excess of the 4241
proprietor's sports gaming receipts. As used in this division, 4242
"sports gaming proprietor" has the same meaning as in section 4243
3775.01 of the Revised Code and "sports gaming receipts" has the 4244
same meaning as in section 5753.01 of the Revised Code. 4245

(rr) Any receipts for which the tax imposed by this 4246
chapter is prohibited by the constitution or laws of the United 4247
States or the constitution of this state; 4248

(ss) Receipts from fees imposed under sections 128.41 and 4249
128.42 of the Revised Code. 4250

(3) In the case of a taxpayer when acting as a real estate 4251
broker, "gross receipts" includes only the portion of any fee 4252
for the service of a real estate broker, or service of a real 4253
estate salesperson associated with that broker, that is retained 4254
by the broker and not paid to an associated real estate 4255

salesperson or another real estate broker. For the purposes of 4256
this division, "real estate broker" and "real estate 4257
salesperson" have the same meanings as in section 4735.01 of the 4258
Revised Code. 4259

(4) A taxpayer's method of accounting for gross receipts 4260
for a tax period shall be the same as the taxpayer's method of 4261
accounting for federal income tax purposes for the taxpayer's 4262
federal taxable year that includes the tax period. If a 4263
taxpayer's method of accounting for federal income tax purposes 4264
changes, its method of accounting for gross receipts under this 4265
chapter shall be changed accordingly. 4266

(G) "Taxable gross receipts" means gross receipts situated 4267
to this state under section 5751.033 of the Revised Code. 4268

(H) A person has "substantial nexus with this state" if 4269
any of the following applies. The person: 4270

(1) Owns or uses a part or all of its capital in this 4271
state; 4272

(2) Holds a certificate of compliance with the laws of 4273
this state authorizing the person to do business in this state; 4274

(3) Has bright-line presence in this state; 4275

(4) Otherwise has nexus with this state to an extent that 4276
the person can be required to remit the tax imposed under this 4277
chapter under the Constitution of the United States. 4278

(I) A person has "bright-line presence" in this state for 4279
a reporting period and for the remaining portion of the calendar 4280
year if any of the following applies. The person: 4281

(1) Has at any time during the calendar year property in 4282
this state with an aggregate value of at least fifty thousand 4283

dollars. For the purpose of division (I) (1) of this section, 4284
owned property is valued at original cost and rented property is 4285
valued at eight times the net annual rental charge. 4286

(2) Has during the calendar year payroll in this state of 4287
at least fifty thousand dollars. Payroll in this state includes 4288
all of the following: 4289

(a) Any amount subject to withholding by the person under 4290
section 5747.06 of the Revised Code; 4291

(b) Any other amount the person pays as compensation to an 4292
individual under the supervision or control of the person for 4293
work done in this state; and 4294

(c) Any amount the person pays for services performed in 4295
this state on its behalf by another. 4296

(3) Has during the calendar year taxable gross receipts of 4297
at least five hundred thousand dollars-; 4298

(4) Has at any time during the calendar year within this 4299
state at least twenty-five per cent of the person's total 4300
property, total payroll, or total gross receipts-; 4301

(5) Is domiciled in this state as an individual or for 4302
corporate, commercial, or other business purposes. 4303

(J) "Tangible personal property" has the same meaning as 4304
in section 5739.01 of the Revised Code. 4305

(K) "Internal Revenue Code" means the Internal Revenue 4306
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 4307
used in this chapter that is not otherwise defined has the same 4308
meaning as when used in a comparable context in the laws of the 4309
United States relating to federal income taxes unless a 4310
different meaning is clearly required. Any reference in this 4311

chapter to the Internal Revenue Code includes other laws of the 4312
United States relating to federal income taxes. 4313

(L) "Calendar quarter" means a three-month period ending 4314
on the thirty-first day of March, the thirtieth day of June, the 4315
thirtieth day of September, or the thirty-first day of December. 4316

(M) "Tax period" means the calendar quarter or calendar 4317
year on the basis of which a taxpayer is required to pay the tax 4318
imposed under this chapter. 4319

(N) "Calendar year taxpayer" means a taxpayer for which 4320
the tax period is a calendar year. 4321

(O) "Calendar quarter taxpayer" means a taxpayer for which 4322
the tax period is a calendar quarter. 4323

(P) "Agent" means a person authorized by another person to 4324
act on its behalf to undertake a transaction for the other, 4325
including any of the following: 4326

(1) A person receiving a fee to sell financial 4327
instruments; 4328

(2) A person retaining only a commission from a 4329
transaction with the other proceeds from the transaction being 4330
remitted to another person; 4331

(3) A person issuing licenses and permits under section 4332
1533.13 of the Revised Code; 4333

(4) A lottery sales agent holding a valid license issued 4334
under section 3770.05 of the Revised Code; 4335

(5) A person acting as an agent of the division of liquor 4336
control under section 4301.17 of the Revised Code. 4337

(Q) "Received" includes amounts accrued under the accrual 4338

method of accounting. 4339

(R) "Reporting person" means a person in a consolidated 4340
elected taxpayer or combined taxpayer group that is designated 4341
by that group to legally bind the group for all filings and tax 4342
liabilities and to receive all legal notices with respect to 4343
matters under this chapter, or, for the purposes of section 4344
5751.04 of the Revised Code, a separate taxpayer that is not a 4345
member of such a group. 4346

(S) "Megaproject," "megaproject operator," and 4347
"megaproject supplier" have the same meanings as in section 4348
122.17 of the Revised Code. 4349

Section 2. That existing sections 128.01, 128.02, 128.021, 4350
128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 4351
128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 4352
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 4353
128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and 5751.01 4354
of the Revised Code are hereby repealed. 4355

Section 3. That sections 128.04, 128.09, 128.15, 128.25, 4356
128.26, 128.27, 128.571, 4742.01, 4742.02, 4742.03, 4742.04, 4357
4742.05, 4742.06, and 4742.07 of the Revised Code are hereby 4358
repealed. 4359

Section 4. Not later than twenty-four months after the 4360
effective date of this section, the 9-1-1 steering committee, in 4361
consultation with the Tax Commissioner, shall deliver a report 4362
to the General Assembly detailing any legislative 4363
recommendations to address issues concerning the collection and 4364
use of the next generation 9-1-1 access fees, including auditing 4365
carriers and other companies subject to collect such fees. 4366

Section 5. Any monthly charge adopted and imposed on a 4367

county's residents pursuant to sections 128.25 or 128.26 of the 4368
Revised Code as those sections existed prior to the effective 4369
date of this section are hereby terminated. 4370

Section 6. Section 149.43 of the Revised Code is presented 4371
in this act as a composite of the section as amended by H.B. 45, 4372
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 4373
134th General Assembly. The General Assembly, applying the 4374
principle stated in division (B) of section 1.52 of the Revised 4375
Code that amendments are to be harmonized and reconciled if 4376
reasonably capable of simultaneous operation, finds that the 4377
composite is the resulting version of the section in effect 4378
prior to the effective date of the section as presented in this 4379
act. 4380