

As Introduced

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

S. B. No. 50

Senators Wilson, Smith

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, 128.25, 128.26, 128.27, 128.32, 128.34, 3
128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 4
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 5
128.60, 128.63, 128.99, 149.43, 4776.20, 6
5703.052, 5733.55, and 5751.01; to amend, for 7
the purpose of adopting new section numbers as 8
indicated in parentheses, sections 128.18 9
(128.33), 128.22 (128.35), 128.25 (128.37), 10
128.26 (128.38), 128.27 (128.39), 128.32 11
(128.96), 128.34 (128.98), 128.40 (128.20), 12
128.42 (128.40), and 128.45 (128.451); to enact 13
new sections 128.22, 128.25, 128.26, 128.27, 14
128.42, and 128.45 and sections 128.05, 128.21, 15
128.211, 128.212, 128.221, 128.23, 128.24, 16
128.241, 128.242, 128.243, 128.28, 128.41, 17
128.411, 128.412, 128.413, 128.414, 128.415, 18
128.416, 128.417, 128.418, 128.421, 128.422, and 19
128.43; and to repeal sections 128.04, 128.09, 20
128.15, 128.571, 4742.01, 4742.02, 4742.03, 21
4742.04, 4742.05, 4742.06, and 4742.07 of the 22
Revised Code to make changes to the law 23
governing 9-1-1 service and to repeal program 24

requirements for emergency-service- 25
telecommunicator training. 26

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

Section 1. That sections 128.01, 128.02, 128.021, 128.022, 27
128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 28
128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 29
128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 30
128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052, 31
5733.55, and 5751.01 be amended; sections 128.18 (128.33), 32
128.22 (128.35), 128.25 (128.37), 128.26 (128.38), 128.27 33
(128.39), 128.32 (128.96), 128.34 (128.98), 128.40 (128.20), 34
128.42 (128.40), and 128.45 (128.451) be amended for the purpose 35
of adopting new section numbers as indicated in parentheses; and 36
new sections 128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 37
and sections 128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 38
128.24, 128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 39
128.412, 128.413, 128.414, 128.415, 128.416, 128.417, 128.418, 40
128.421, 128.422, and 128.43 of the Revised Code be enacted to 41
read as follows: 42

Sec. 128.01. As used in this chapter: 43

(A) "9-1-1 system" means a system through which 44
individuals can request emergency service using the ~~telephone-~~ 45
access number 9-1-1. 46

(B) "Basic 9-1-1" means ~~a 9-1-1~~ an emergency telephone 47
system ~~in to~~ which all of the following apply: 48

(1) The system automatically connects a caller ~~provides-~~ 49

~~information on the nature of and the location of an emergency,~~ 50
~~and the personnel receiving the call must determine the~~ 51
~~appropriate emergency service provider to respond at that~~ 52
~~location~~ to a designated public safety answering point. 53

(2) Call routing is determined by a central office only. 54

(3) Automatic number identification and automatic location 55
information may or may not be supported. 56

(C) "Enhanced 9-1-1" means a ~~9-1-1~~ an emergency telephone 57
~~system capable of providing both enhanced wireline 9-1-1 and~~ 58
~~wireless enhanced 9-1-1~~ that includes both of the following: 59

(1) Network switching; 60

(2) Database- and public-safety-answering-point premise 61
elements capable of providing automatic location identification 62
data, selective routing, selective transfer, fixed transfer, and 63
a call back number. 64

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in 65
which the wireline telephone network, in providing wireline 9-1- 66
1, does either of the following: 67

(1) Automatically routes the call to emergency service 68
providers that serve the location from which the call is made 69
and immediately provides to personnel answering the 9-1-1 call 70
information on the location and the telephone number from which 71
the call is being made; 72

(2) Receives, develops, collects, or processes requests 73
for emergency assistance and relays, transfers, operates, 74
maintains, or provides emergency notification services or system 75
capabilities. 76

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 77

in providing wireless 9-1-1, has the capabilities of phase I 81
and, to the extent available, phase II enhanced 9-1-1 services 82
as described in 47 C.F.R. 20.18 (d) to (h). 83

(F) (1) "Wireless service" means federally licensed 84
commercial mobile service as defined in 47 U.S.C. 332(d) and 85
further defined as commercial mobile radio service in 47 C.F.R. 86
20.3, and includes services for communicating voice, text, data, 87
and video and service provided by any wireless, two-way 88
communications device, including a radio-telephone 89
communications line used in cellular telephone service or 90
personal communications service, a network radio access line, or 91
any functional or competitive equivalent of such a radio- 92
telephone communications or network radio access line. 93

(2) Nothing in this chapter applies to paging or any 94
service that cannot be used to call 9-1-1. 95

(G) "Wireless service provider" means ~~a facilities-based-~~ 96
~~provider of any of the following that provides~~ wireless service 97
to one or more end users in this state: 98

(1) A facilities-based provider; 99

(2) A mobile virtual network operator; 100

(3) A virtual network operator; 101

(4) A mobile other licensed operator. 102

(H) "Wireless 9-1-1" means the emergency calling service 103
provided by a 9-1-1 system pursuant to a call originating in the 104
network of a wireless service provider. 105

(I) "Wireline 9-1-1" means the emergency calling service 106
provided by a 9-1-1 system pursuant to a call originating in the 107
network of a wireline service provider. 108

(J) "Wireline service provider" means a facilities-based 106
provider of wireline service to one or more ~~end-users~~ end users 107
in this state. 108

(K) "Wireline service" means basic local exchange service, 109
as defined in section 4927.01 of the Revised Code, that is 110
transmitted by means of interconnected wires or cables by a 111
wireline service provider authorized by the public utilities 112
commission. 113

(L) "Wireline telephone network" means the selective 114
router and data base processing systems, trunking and data 115
wiring cross connection points at the public safety answering 116
point, and all other voice and data components of the 9-1-1 117
system. 118

(M) "Subdivision" means a county, municipal corporation, 119
township, township fire district, joint fire district, township 120
police district, joint police district, joint ambulance 121
district, or joint emergency medical services district that 122
provides emergency service within its territory, or that 123
contracts with another municipal corporation, township, or 124
district or with a private entity to provide such service; and a 125
state college or university, port authority, or park district of 126
any kind that employs law enforcement officers that act as the 127
primary police force on the grounds of the college or university 128
or port authority or in the parks operated by the district. 129

(N) "Emergency service" means emergency law enforcement, 130
firefighting, ambulance, rescue, and medical service. 131

(O) "Emergency service provider" means the state highway 132
patrol and an emergency service department or unit of a 133
subdivision or that provides emergency service to a subdivision 134

under contract with the subdivision. 135

(P) "Public safety answering point" means ~~a facility to~~ 136
~~which an entity responsible for receiving requests for emergency~~ 137
~~services sent by dialing 9-1-1 system calls for within a~~ 138
~~specific specified territory are initially routed for response~~ 139
~~and where personnel respond to specific and processing those~~ 140
requests for emergency ~~service by~~ services according to a 141
specific operational policy that includes directly dispatching 142
the appropriate emergency service provider, relaying a message 143
to the appropriate emergency service provider, or transferring 144
the ~~call request for emergency services~~ to the appropriate 145
emergency service provider. A public safety answering point may 146
be either of the following: 147

(1) Located in a specific facility; 148

(2) Virtual, if telecommunicators are geographically 149
dispersed and do not work from the same facility. The virtual 150
workplace may be a logical combination of physical facilities, 151
an alternate work environment such as a satellite facility, or a 152
combination of the two. Workers may be connected and 153
interoperate via internet-protocol connectivity. 154

(Q) "Customer premises equipment" means telecommunications 155
equipment, including telephone instruments, on the premises of a 156
public safety answering point that is used in answering and 157
responding to 9-1-1 system calls. 158

(R) "Municipal corporation in the county" includes any 159
municipal corporation that is wholly contained in the county and 160
each municipal corporation located in more than one county that 161
has a greater proportion of its territory in the county to which 162
the term refers than in any other county. 163

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

(T) "Final plan" means a final plan adopted under division (B) of section 128.08 of the Revised Code and, except as otherwise expressly provided, an amended final plan adopted under section 128.12 of the Revised Code.

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

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

(W) "Telephone company" means a company engaged in the business of providing local exchange telephone service by making available or furnishing access and a dial tone to persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and gaining access to other telecommunications services. Unless otherwise specified, "telephone company" includes a wireline service provider, a wireless service provider, and any entity that is a covered 9-1-1 service provider under 47 C.F.R. 12.4. For purposes of sections ~~128.25-128.37~~ and ~~128.26-128.38~~ of the Revised Code, "telephone company" means a wireline service provider.

(X) "Prepaid wireless calling service" has the same

meaning as in division (AA) (5) of section 5739.01 of the Revised Code.	193 194
(Y) "Provider of a prepaid wireless calling service" means a wireless service provider that provides a prepaid wireless calling service.	195 196 197
(Z) "Retail sale" has the same meaning as in section 5739.01 of the Revised Code.	198 199
(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale.	200 201
(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted.	202 203 204 205 206
(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider.	207 208 209 210
(DD) "Steering committee" means the statewide emergency services internet protocol network 9-1-1 steering committee established by division (A) (1) of section 128.02 of the Revised Code.	211 212 213 214
<u>(EE) "Communications device or service" includes wired or wireless telecommunications, voice over internet protocol service, multiline telephone systems, nonvoice messaging devices, devices such as sensors that generate data-only messages such as photos or videos, and other similar services or devices, regardless of whether those services or devices existed on the effective date of the amendments to this section by</u>	215 216 217 218 219 220 221

<u>B</u> of the 134th general assembly.	222
(FF) "Next generation 9-1-1" means an internet-protocol-based system comprised of managed emergency services internet protocol networks, functional elements, and databases that replicate traditional enhanced 9-1-1 features and functions and provide additional capabilities.	223 224 225 226 227
(GG) "Emergency services internet-protocol network" means a managed internet-protocol network that is used for emergency services communications and provides the internet-protocol transport infrastructure upon which independent application platforms and core services can be deployed, including those necessary for providing next generation 9-1-1 services. The term designates the network and not the services that ride on the network.	228 229 230 231 232 233 234 235
(HH) "9-1-1 system service provider" means a company or entity engaged in the business of providing all or part of the emergency services internet-protocol network, software applications, hardware, databases, customer premises equipment components and operations, and management procedures required to support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, wireless enhanced 9-1-1, or next generation 9-1-1 systems.	236 237 238 239 240 241 242
(II) "Voice over internet protocol" means technologies for the delivery of voice communications and multimedia sessions over internet-protocol networks, including private networks or the internet.	243 244 245 246
(JJ) "Multiline telephone system" means a system to which both of the following apply:	247 248
(1) The system consists of common control units, telephone sets, control hardware and software, and adjunct systems,	249 250

including network and premises-based systems. 251

(2) The system is designed to aggregate more than one 252
incoming voice communication channel for use by more than one 253
telephone. 254

(KK) "Business service user" means a user of business 255
service that provides telecommunications service, including 9-1- 256
1 service, to end users through a publicly or privately owned or 257
controlled telephone switch. 258

(LL) "Emergency response location" means an additional 259
location identification that provides a specific location. It 260
may include information regarding a specific location within a 261
building, structure, complex, or campus, including a building 262
name, floor number, wing name or number, unit name or number, 263
room name or number, or office or cubicle name or number. 264

(MM) "Operator of a multiline telephone system" means an 265
entity to which both of the following apply: 266

(1) The entity manages or operates a multiline telephone 267
system through which an end user may initiate communication 268
using the 9-1-1 system. 269

(2) The entity owns, leases, or rents a multiline 270
telephone system through which an end user may initiate 271
communication using the 9-1-1 system. 272

(NN) "Core services" means the base set of services needed 273
to process a 9-1-1 call on an emergency services internet- 274
protocol network. It includes all of the following: 275

(1) Emergency services routing proxy; 276

(2) Emergency call routing function; 277

<u>(3) Location validation function;</u>	278
<u>(4) Border control function;</u>	279
<u>(5) Bridge, policy-store, and logging services;</u>	280
<u>(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol.</u>	281 282
<u>The term includes the services and not the network on which they operate.</u>	283 284
<u>(00) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.</u>	285 286
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:	287 288 289
(a) The state chief information officer or the officer's designee;	290 291
(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party;	292 293 294
(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party;	295 296
(d) Five members appointed by the governor.	297
(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	298 299 300 301 302 303 304

consider a nominee proposed by the association or successor 305
organization. The governor may reject any of the nominees and 306
may request that a nominating entity submit alternative 307
nominees. 308

~~(3) Initial appointments shall be made not later than ten-~~ 309
~~days after September 28, 2012.~~ 310

(B) (1) The state chief information officer or the 311
officer's designee shall serve as the chairperson of the 312
steering committee and shall be a nonvoting member. All other 313
members shall be voting members. 314

(2) A member of the steering committee appointed from the 315
membership of the senate or the house of representatives shall 316
serve during the member's term as a member of the general 317
assembly and until a successor is appointed and qualified, 318
notwithstanding adjournment of the general assembly or the 319
expiration of the member's term as a member of the general 320
assembly. 321

(3) The initial terms of one of the representatives of the 322
county commissioners' association of Ohio, one of the 323
representatives of the Ohio municipal league, and the 324
representative of the Ohio township association shall all expire 325
on December 31, 2016. The initial terms of the other 326
representatives of the county commissioners' association of Ohio 327
and the Ohio municipal league shall expire on December 31, 2014. 328
Thereafter, terms of the members appointed by the governor shall 329
be for four years, with each term ending on the same day of the 330
same month as the term it succeeds. Each member appointed by the 331
governor shall hold office from the date of the member's 332
appointment until the end of the term for which the member was 333
appointed, and may be reappointed. A member appointed by the 334

governor shall continue in office after the expiration date of 335
the member's term until the member's successor takes office or 336
until a period of sixty days has elapsed, whichever occurs 337
first. Members appointed by the governor shall serve without 338
compensation and shall not be reimbursed for expenses. 339

(4) A vacancy in the position of any member of the 340
steering committee shall be filled for the unexpired term in the 341
same manner as the original appointment. 342

(C) The steering committee shall generally advise the 343
state on the implementation, operation, and maintenance of a 344
statewide emergency services internet protocol network ~~that~~ 345
~~would support state and local government,~~ a statewide next- 346
generation 9-1-1 core-services system, and the dispatch of 347
emergency service providers. The steering committee shall do all 348
of the following: 349

(1) ~~On or before May 15, 2013, deliver an initial report~~ 350
~~to the speaker of the house of representatives, the president of~~ 351
~~the senate, and the governor providing recommendations for the~~ 352
~~state to address the development of a statewide emergency~~ 353
~~services internet protocol network, which recommendations shall~~ 354
~~include a review of the current funding model for this state's~~ 355
~~9-1-1 systems and may include a recommendation for a reduction~~ 356
~~in wireless 9-1-1 charges;~~ 357

~~(2)~~ Examine the readiness of the state's current 358
technology infrastructure for a statewide emergency services 359
internet protocol network; 360

~~(3)~~ (2) Research legislative authority with regard to 361
governance and funding of a statewide emergency services 362
internet protocol network, and provide recommendations on best 363

practices to limit duplicative efforts to ensure an effective 364
transition to ~~next-generation~~ next generation 9-1-1; 365

~~(4) Make recommendations for consolidation of public 366
safety answering point operations in this state, including 367
recommendations for accelerating the consolidation schedule 368
established in section 128.571 of the Revised Code, to 369
accommodate next-generation 9-1-1 technology and to facilitate a 370
more efficient and effective emergency services system; 371~~

~~(5)~~ (3) Recommend policies, procedures, and statutory or 372
regulatory authority to effectively govern a statewide ~~emergency- 373
services internet protocol network~~ next generation 9-1-1 system; 374

~~(6)~~ (4) Designate a ~~next-generation~~ next generation 9-1-1 375
statewide coordinator to serve as the primary point of contact 376
for federal initiatives; 377

~~(7)~~ (5) Coordinate with statewide initiatives and 378
associations such as the state interoperable executive 379
committee, the Ohio geographically referenced information 380
program council, the Ohio multi-agency radio communications 381
system steering committee, and other interested parties; 382

~~(8)~~ (6) Serve as the entity responsible for the 383
administration of Chapter 128. of the Revised Code. 384

(D) (1) A 9-1-1 service provider shall provide to the 385
steering committee: 386

(a) The aggregate number of access lines that the provider 387
maintains within the state of Ohio; 388

(b) The aggregate amount of costs and cost recovery 389
associated with providing 9-1-1 service, including coverage 390
under tariffs and bill and keep arrangements within this state; 391

(c) Any other information requested by the steering committee deemed necessary to support the transition to next generation 9-1-1.	392 393 394
(2) Any political subdivision or governmental entity operating a public safety answering point shall provide to the steering committee:	395 396 397
(a) The geographic location and population of the area for which the planning committee entity is responsible;	398 399
(b) Statistics detailing the number of 9-1-1 calls received;	400 401
(c) A report of expenditures made from disbursements for 9-1-1;	402 403
(d) An inventory of and the technical specifications for the current 9-1-1 network and equipment;	404 405
(e) Any other information requested by the steering committee that is deemed necessary to support the transition to next generation 9-1-1.	406 407 408
(3) The information requested under divisions (D) (1) and (2) of this section shall be provided by the 9-1-1 service provider, political subdivision, or governmental entity within forty-five days of the request of the steering committee.	409 410 411 412
(E) The steering committee shall hold its inaugural meeting not later than thirty days after September 28, 2012. Thereafter, the steering committee shall meet at least once a <u>month quarter</u> , either in person or utilizing telecommunication-conferencing technology. A majority of the voting members shall constitute a quorum.	413 414 415 416 417 418
(F) (1) The steering committee shall have a permanent	419

technical-standards subcommittee and a permanent public-safety-
answering-point-operations subcommittee, and may, from time to
time, establish additional subcommittees, to advise and assist
the steering committee based upon the subcommittees' areas of
expertise. The subcommittees may meet either in person or
utilizing telecommunication-conferencing technology. A majority
of the voting members shall constitute a quorum.

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

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

(i) The Ohio telephone association;

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

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

(b) The public-safety-answering-point-operations
subcommittee shall include one member representing the division
of emergency management of the department of public safety, one
member representing the state highway patrol, one member
representing the division of emergency medical services of the
department of public safety, two members recommended by the

county commissioners' association of Ohio who are managers of 449
public safety answering points, two members recommended by the 450
Ohio municipal league who are managers of public safety 451
answering points, and one member from each of the following 452
associations selected by the steering committee from nominations 453
received from that association: 454

(i) The buckeye state sheriffs' association; 455

(ii) The Ohio association of chiefs of police; 456

(iii) The Ohio ~~association of fire chiefs~~ association; 457

(iv) The Ohio chapter of the association of public-safety 458
communications officials; 459

(v) The Ohio chapter of the national emergency number 460
association. 461

(G) The committee is not an agency, as defined in section 462
101.82 of the Revised Code, for purposes of sections 101.82 to 463
101.87 of the Revised Code. 464

~~(H) As used in this section, "9-1-1 system," "wireless 465
service provider," "wireline service provider," "emergency 466
service provider," and "public safety answering point" have the 467
same meanings as in section 128.01 of the Revised Code. 468~~

~~(I) As used in this section, "bill and keep arrangements" 469
has the same meaning as in 47 C.F.R. 51.713. 470~~

Sec. 128.021. (A) Not later than January 1, 2014, and in 471
accordance with Chapter 119. of the Revised Code, the steering 472
committee shall adopt rules that establish technical and 473
operational standards for public safety answering points 474
eligible to receive disbursements under section 128.55 of the 475
Revised Code. The rules shall incorporate industry standards and 476

best practices for ~~wireless~~ 9-1-1 services. Public safety 477
answering points shall comply with the standards not later than 478
two years after the effective date of the rules adopting the 479
standards. A public safety answering point may be deemed 480
compliant with rules for minimum staffing standards, if it can 481
demonstrate compliance with all other rules for operational 482
standards. 483

(B) Not later than one year after September 29, 2015, and 484
in accordance with Chapter 119. of the Revised Code, the 485
steering committee shall conduct an assessment of the 486
operational standards for public safety answering points 487
developed under division (A) of this section and revise the 488
standards as necessary to ensure that the operational standards 489
contain the following: 490

(1) Policies to ensure that public safety answering point 491
personnel prioritize life-saving questions in responding to each 492
call to a 9-1-1 system established under this chapter; 493

(2) A requirement that all public safety answering point 494
personnel complete proper training or provide proof of prior 495
training to give instructions regarding emergency situations. 496

(C) Upon the effective date of the amendments to this 497
section by ___B___ of the 134th general assembly, all public 498
safety answering points that answer 9-1-1 calls for service from 499
communications devices and services shall be subject to the 500
public safety answering point operations rules. Public safety 501
answering points not originally required to be compliant shall 502
comply with the standards not later than two years after the 503
effective date of the amendments to this section by ___B___ of 504
the 134th general assembly. 505

Sec. 128.022. (A) The steering committee shall establish 506
guidelines for the tax commissioner to use when disbursing money 507
from the ~~next generation 9-1-1~~ government assistance fund to 508
countywide 9-1-1 systems in the state, as well as guidelines for 509
the use of funds from the next generation 9-1-1 fund. The 510
guidelines shall be consistent with the standards adopted in 511
section 128.021 of the Revised Code and shall specify that 512
disbursements may be used for costs associated with the 513
operation of and equipment for phase II wireless systems and for 514
costs associated with a county's migration to next generation 9- 515
1-1 systems and technology. The committee shall periodically 516
review the guidelines described in this division and adjust them 517
as needed. 518

(B) The committee shall report any adjustments to the 519
guidelines described in division (A) of this section to the 520
department of taxation. The adjustments shall take effect six 521
months from the date the department is notified of the 522
adjustments. 523

Sec. 128.03. (A) ~~(1)~~ A countywide 9-1-1 system shall 524
include all of the territory of the townships and municipal 525
corporations in the county and any portion of such a municipal 526
corporation that extends into an adjacent county. 527

~~(2) The system shall exclude any territory served by a~~ 528
~~wireline service provider that is not capable of reasonably~~ 529
~~meeting the technical and economic requirements of providing the~~ 530
~~wireline telephone network portion of the countywide system for~~ 531
~~that territory. The system shall exclude from enhanced 9-1-1 any~~ 532
~~territory served by a wireline service provider that is not~~ 533
~~capable of reasonably meeting the technical and economic~~ 534
~~requirements of providing the wireline telephone network portion~~ 535

~~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 565
the costs associated with establishing, equipping, furnishing, 566
operating, and maintaining that facility and shall allocate 567
those costs among itself and the subdivisions served by the 568
answering point based on the allocation formula in a final plan. 569
The wireline service provider or other entity that provides or 570
maintains the customer premises equipment shall bill the 571
operating subdivision or the operating regional council of 572
governments for the cost of providing such equipment, or its 573
maintenance. A wireless service provider and a subdivision or 574
regional council of governments operating a public safety 575
answering point may enter into a service agreement for providing 576
wireless enhanced 9-1-1 pursuant to a final plan adopted under 577
this chapter. 578

(E) Except to the extent provided in a final plan that 579
provides for funding of a 9-1-1 system in part through charges 580
imposed under section ~~128.22~~128.35 of the Revised Code, each 581
subdivision served by a public safety answering point shall pay 582
the subdivision or regional council of governments that operates 583
the answering point the amount computed in accordance with the 584
allocation formula set forth in the final plan. 585

(F) Notwithstanding any other provision of law, the 586
purchase or other acquisition, installation, and maintenance of 587
the telephone network for a 9-1-1 system and the purchase or 588
other acquisition, installation, and maintenance of customer 589
premises equipment at a public safety answering point made in 590
compliance with a final plan ~~or an agreement under section~~ 591
~~128.09 of the Revised Code~~, including customer premises 592
equipment used to provide wireless enhanced 9-1-1, are not 593
subject to any requirement of competitive bidding. 594

(G) Each emergency service provider participating in a 595
countywide 9-1-1 system shall maintain a telephone number in 596
addition to 9-1-1. 597

~~(H) Whenever a final plan provides for the implementation 598
of basic 9-1-1, the planning committee shall so notify the 599
steering committee, which shall determine whether the wireline 600
service providers serving the territory covered by the plan are 601
capable of reasonably meeting the technical and economic 602
requirements of providing the wireline telephone network portion 603
of an enhanced 9-1-1 system. The determination shall be made 604
solely for purposes of division (C) (2) of section 128.18 of the 605
Revised Code. 606~~

~~(I) If the public safety answering point personnel 607
reasonably determine that a 9-1-1 call is not an emergency, the 608
personnel shall provide the caller with the telephone number of 609
an appropriate subdivision agency as applicable. 610~~

~~(J) (I) A final plan adopted under this chapter, or an 611
agreement under section 128.09 of the Revised Code, may provide 612
that, by further agreement included in the plan or agreement, 613
the state highway patrol or one or more public safety answering 614
points of another 9-1-1 system is the public safety answering 615
point or points for the provision of wireline or wireless 9-1-1 616
for all or part of the territory of the 9-1-1 system established 617
under the plan or agreement. In that event, the subdivision for 618
which the wireline or wireless 9-1-1 is provided as named in the 619
agreement shall be deemed the subdivision operating the public 620
safety answering point or points for purposes of this chapter, 621
except that, for the purpose of division (D) (2) of this section, 622
that subdivision shall pay only so much of the costs of 623
establishing, equipping, furnishing, operating, or maintaining 624~~

any such public safety answering point as are specified in the 625
agreement with the patrol or other system. 626

~~(K)~~(J) A final plan for the provision of wireless 627
enhanced 9-1-1 shall provide that any wireless 9-1-1 calls 628
routed to a state highway patrol-operated public safety 629
answering point by default, due to a wireless service provider 630
so routing all such calls of its subscribers without prior 631
permission, are instead to be routed as provided under the plan. 632
Upon the implementation of countywide wireless enhanced 9-1-1 633
pursuant to a final plan, the state highway patrol shall cease 634
any functioning as a public safety answering point providing 635
wireless 9-1-1 within the territory covered by the countywide 9- 636
1-1 system so established, unless the patrol functions as a 637
public safety answering point providing wireless enhanced 9-1-1 638
pursuant to an agreement included in the plan as authorized 639
under division ~~(J)~~(I) of this section. 640

Sec. 128.05. Each county shall appoint a county 9-1-1 641
coordinator to serve as the administrative coordinator for all 642
public safety answering points participating in the countywide 643
9-1-1 final plan described in section 128.03 of the Revised Code 644
and shall also serve as a liaison with other county coordinators 645
and the 9-1-1 program office. 646

Sec. 128.06. (A) ~~A board of~~ Except as provided in division 647
~~(B) of this section, every county commissioners or the~~ 648
~~legislative authority of any municipal corporation in the county~~ 649
~~that contains at least thirty per cent of the county's~~ 650
~~population may adopt a resolution to convene~~ shall maintain a 651
county 9-1-1 planning program review committee, which shall 652
serve without compensation and shall consist of ~~three~~ six voting 653
members as follows: 654

(1) ~~The president or other presiding officer~~ A member of 655
the board of county commissioners, who shall serve as 656
chairperson of the committee; 657

(2) The chief executive officer of the most populous 658
municipal corporation in the county; 659

(3) ~~From the more populous of the following, either the~~ 660
~~chief executive officer of the second most populous municipal~~ 661
~~corporation in the county or a~~ A member of the board of township 662
trustees of the most populous township in the county as selected 663
by majority vote of the board of trustees. 664

~~In counties with a population of one hundred seventy five~~ 665
~~thousand or more, the planning committee shall consist of two~~ 666
~~additional voting members as follows: a;~~ 667

(4) A member of a board of township trustees selected by 668
the majority of boards of township trustees in the county 669
pursuant to resolutions they adopt, ~~and the chief executive~~ 670
~~officer;~~ 671

(5) A member of the legislative authority of a municipal 672
corporation in the county selected by the majority of the 673
legislative authorities of municipal corporations in the county 674
pursuant to resolutions they adopt; 675

(6) An elected official from within the county appointed 676
by the board of county commissioners. 677

When determining population under ~~this division~~ (A) (2) of 678
this section, population residing outside the county shall be 679
excluded. 680

(B) In counties with fewer than five townships and a 681
population in excess of seven hundred fifty thousand, the 682

composition of the 9-1-1 program review committee shall consist 683
of five members as follows: 684

(1) A member of the board of county commissioners, who 685
shall serve as chairperson of the committee; 686

(2) The chief executive officer of the most populous 687
municipal corporation in the county. Population residing outside 688
the county shall be excluded when making this determination. 689

(3) A member from one of the following, whichever is more 690
populous: 691

(a) The chief executive officer of the second most 692
populous municipal corporation in the county; 693

(b) A member of the board of township trustees of the most 694
populous township in the county as selected by majority vote of 695
the board of trustees. 696

(4) The chief executive officer of a municipal corporation 697
in the county selected by the majority of the legislative 698
authorities of municipal corporations in the county pursuant to 699
resolutions they adopt; 700

(5) A member of a board of township trustees selected by 701
the majority of boards of township trustees in the county 702
pursuant to resolutions they adopt. 703

~~(C) Within thirty days after the adoption of a resolution~~ 704
~~to convene the Each committee under division (A) of this~~ 705
~~section, the committee shall convene for the sole purpose of~~ 706
~~developing maintain and amend a final plan for implementing and~~ 707
~~operating a countywide 9-1-1 system. The Any amendment to the~~ 708
~~final plan shall require a two-thirds vote of the committee.~~ 709
~~Each committee shall convene at least once annually for the~~ 710

purposes of maintaining or amending a final plan described in 711
this section. 712

(D) Each committee shall, not later than the first day of 713
March of each year, submit a report to the political 714
subdivisions within the county and to the 9-1-1 program office 715
detailing the sources and amounts of revenue expended to support 716
and all costs incurred to operate the countywide 9-1-1 system 717
and the public safety answering points that are a part of that 718
system for the previous calendar year. A county shall provide 719
the county's committee with any clerical, legal, and other staff 720
assistance necessary ~~to develop the final plan and shall pay for~~ 721
~~copying, mailing, and any other such expenses incurred by the~~ 722
~~committee in developing the final plan and in meeting the~~ 723
~~requirements imposed by sections 128.06 to 128.08 of the Revised~~ 724
~~Code.~~ 725

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 726
~~technical advisory committee to assist it in planning the~~ 727
~~countywide 9-1-1 system. The advisory committee shall include at~~ 728
~~least one fire chief and one police chief serving in the county,~~ 729
~~the county sheriff, a representative of the state highway patrol~~ 730
~~selected by the patrol, one representative of each telephone~~ 731
~~company in each case selected by the telephone company~~ 732
~~represented, the director/coordinator of emergency management~~ 733
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 734
~~Revised Code, as appropriate, and a member of a board of~~ 735
~~township trustees of a township in the county selected by a~~ 736
~~majority of boards of township trustees in the county pursuant~~ 737
~~to resolutions they adopt.~~ 738

Sec. 128.07. (A) ~~The 9-1-1 planning committee shall~~ 739
~~prepare a proposal on the implementation of a countywide 9-1-1~~ 740

~~system and shall hold a public meeting on the proposal to~~ 741
~~explain the system to and receive comments from public~~ 742
~~officials. At least thirty but not more than sixty days before~~ 743
~~the meeting, the committee shall send a copy of the~~ 744
~~implementation proposal and written notice of the meeting:~~ 745

~~(1) To the board of county commissioners, the legislative~~ 746
~~authority of each municipal corporation in the county, and to~~ 747
~~the board of trustees of each township in the county, either by~~ 748
~~certified mail or, if the committee has record of an internet~~ 749
~~identifier of record associated with the board or legislative~~ 750
~~authority, by ordinary mail and by that internet identifier of~~ 751
~~record; and~~ 752

~~(2) To the board of trustees, directors, or park~~ 753
~~commissioners of each subdivision that will be served by a~~ 754
~~public safety answering point under the plan.~~ 755

~~(B) The proposal and the final plan adopted by the~~ 756
~~committee required under section 128.06 of the Revised Code~~ 757
~~shall specify:~~ 758

(1) Which telephone companies serving customers in the 759
county and, as authorized in division (A) ~~(1)~~ of section 128.03 760
of the Revised Code, in an adjacent county will participate in 761
the 9-1-1 system; 762

(2) The location and number of public safety answering 763
points; how they the public safety answering points will be 764
connected to a company's telephone network county's preferred 765
next generation 9-1-1 system; from what geographic territory 766
each public safety answering point will receive 9-1-1 calls; 767
whether ~~basic or enhanced~~ 9-1-1 or next generation 9-1-1 service 768
will be provided within such territory; what subdivisions will 769

be served by the public safety answering point; and whether ~~an~~a 770
public safety answering point will respond to calls by directly 771
dispatching an emergency service provider, by relaying a message 772
to the appropriate emergency service provider, or by 773
transferring the call to the appropriate emergency service 774
provider; 775

(3) How originating service providers must connect to the 776
core 9-1-1 system identified by the final plan and what methods 777
will be utilized by the originating service providers to provide 778
9-1-1 voice, text, other forms of messaging media, and caller 779
location to the core 9-1-1 system; 780

(4) That in instances where a public safety answering 781
point, even if capable, does not directly dispatch all entities 782
that provide the emergency services potentially needed for an 783
incident, without significant delay, that request shall be 784
transferred or the information electronically relayed to the 785
entity that directly dispatches the potentially needed emergency 786
services; 787

(5) Which subdivision or regional council of governments 788
will establish, equip, furnish, operate, and maintain a 789
particular public safety answering point; 790

~~(4)~~(6) A projection of the initial cost of establishing, 791
equipping, and furnishing and of the annual cost of the first 792
five years of operating and maintaining each public safety 793
answering point; 794

~~(5)~~(7) Whether the cost of establishing, equipping, 795
furnishing, operating, or maintaining each public safety 796
answering point should be funded through charges imposed under 797
section ~~128.22~~128.35 of the Revised Code or will be allocated 798

among the subdivisions served by the answering point and, if any 799
such cost is to be allocated, the formula for so allocating it; 800

~~(6)~~ (8) How each emergency service provider will respond 801
to a misdirected call or the provision of a caller location that 802
is either misrepresentative of the actual location or does not 803
meet requirements of the federal communications commission or 804
other accepted national standards as they exist on the date of 805
the call origination. 806

~~(C) Following the meeting required by this section, the 9-~~ 807
~~1-1 planning committee may modify the implementation proposal-~~ 808
~~and, no later than nine months after the resolution authorized-~~ 809
~~by section 128.06 of the Revised Code is adopted, may adopt, by-~~ 810
~~majority vote, a final plan for implementing a countywide 9-1-1-~~ 811
~~system. If a planning committee and wireline service provider do-~~ 812
~~not agree on whether the wireline service provider is capable of-~~ 813
~~providing the wireline telephone network as described under-~~ 814
~~division (A) of section 128.03 of the Revised Code and the-~~ 815
~~planning committee refers that question to the steering-~~ 816
~~committee, the steering committee may extend the nine month-~~ 817
~~deadline established by this division to twelve months.-~~ 818
~~Immediately on completion of the plan, the planning-~~ (B) (1) The 819
9-1-1 program review committee shall send a copy of the final 820
plan: 821

~~(1)~~ (a) To the board of county commissioners of the 822
county, to the legislative authority of each municipal 823
corporation in the county, and to the board of township trustees 824
of each township in the county either by certified mail or, if 825
the committee has record of an internet identifier of record 826
associated with the board or legislative authority, by ordinary 827
mail and by that internet identifier of record; and 828

~~(2)-(b)~~ To the board of trustees, directors, or park 829
commissioners of each subdivision that will be served by a 830
public safety answering point under the plan. 831

~~(D)-(2)~~ The 9-1-1 program review committee shall file a 832
copy of its current final plan with the Ohio 9-1-1 program 833
office not later than six months after the effective date of 834
this amendment. Any revisions or amendments shall be filed not 835
later than ninety days after adoption. 836

(C) As used in this section, "internet identifier of 837
record" has the same meaning as in section 9.312 of the Revised 838
Code. 839

Sec. 128.08. (A) Within sixty days after receipt of the 840
final plan pursuant to division ~~(C)-(B) (1)~~ of section 128.07 of 841
the Revised Code, the board of county commissioners of the 842
county and the legislative authority of each municipal 843
corporation in the county and of each township whose territory 844
is proposed to be included in a countywide 9-1-1 system shall 845
act by resolution to approve or disapprove the plan, except 846
that, with respect to a final plan that provides for funding of 847
the 9-1-1 system in part through charges imposed under section 848
~~128.22-128.35~~ of the Revised Code, the board of county 849
commissioners shall not act by resolution to approve or 850
disapprove the plan until after a resolution adopted under 851
section ~~128.22-128.35~~ of the Revised Code has become effective 852
as provided in division (D) of that section. ~~A municipal~~ 853
~~corporation or township whose territory is proposed to be~~ 854
~~included in the system includes any municipal corporation or~~ 855
~~township in which a part of its territory is excluded pursuant~~ 856
~~to division (A) (2) of section 128.03 of the Revised Code. Each~~ 857
such authority immediately shall notify the board of county 858

commissioners in writing of its approval or disapproval of the 859
final plan. Failure by a board or legislative authority to 860
notify the board of county commissioners of approval or 861
disapproval within such sixty-day period shall be deemed 862
disapproval by the board or authority. 863

(B) As used in this division, "county's population" 864
excludes the population of any municipal corporation or township 865
that, under the plan, is completely excluded from 9-1-1 service 866
in the county's final plan. A countywide plan is effective if 867
all of the following entities approve the plan in accordance 868
with this section: 869

(1) The board of county commissioners; 870

(2) The legislative authority of a municipal corporation 871
that contains at least thirty per cent of the county's 872
population, if any; 873

(3) The legislative authorities of municipal corporations 874
and townships that contain at least sixty per cent of the 875
county's population or, if the plan has been approved by a 876
municipal corporation that contains at least sixty per cent of 877
the county's population, by the legislative authorities of 878
municipal corporations and townships that contain at least 879
seventy-five per cent of the county's population. 880

(C) After a countywide plan approved in accordance with 881
this section is adopted, all of the telephone companies, 882
subdivisions, and regional councils of governments included in 883
the plan are subject to the specific requirements of the plan 884
and to this chapter. 885

Sec. 128.12. (A) An amended final plan is required for any 886
of the following purposes: 887

(1) Expanding the territory included in the countywide 9-1-1 system;	888 889
(2) Upgrading any part or all of a the countywide 9-1-1 system from basic to enhanced wireline 9-1-1;	890 891
(3) Adjusting the territory served by a public safety answering point;	892 893
(4) Permitting a regional council of governments to operate a public safety answering point;	894 895
(5) Represcribing the funding of public safety answering points as between the alternatives set forth in division (B) (5) <u>(A) (7)</u> of section 128.07 of the Revised Code;	896 897 898
(6) Providing for wireless enhanced 9-1-1;	899
(7) Adding, <u>changing, or removing</u> a telephone company 9-1-1 system service provider as a participant in a the countywide 9-1-1 system after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;	900 901 902 903
(8) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division (J) <u>(I)</u> of section 128.03 of the Revised Code;	904 905 906 907 908 909
(9) Making any other necessary adjustments to the plan.	910
(B) (1) To amend a final plan for the purpose described in division (A) (7) of this section, an entity that wishes to be added as a participant in a 9-1-1 system shall file a written letter of that intent with the board of county commissioners of the county that approved the final plan. The final plan is	911 912 913 914 915

~~deemed amended upon the filing of that letter. The entity that files the letter shall send written notice of that filing to all subdivisions, regional councils of governments, and telephone companies participating in the system.~~

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

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

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

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

Sec. 128.21. (A) The 9-1-1 program office shall coordinate 946
and manage a statewide next generation 9-1-1 core services 947
system. The office shall interoperate the system with Canada and 948
the states that border this state. The office shall also manage 949
the vendors supplying the equipment and services for the system 950
to the department of administrative services. 951

(B) (1) The statewide next generation 9-1-1 core services 952
system shall be capable of providing 9-1-1 core services for all 953
of the territory of all the counties within this state, over 954
both land and water. The system shall route all 9-1-1 traffic 955
using location and policy-based routing to legacy enhanced 9-1-1 956
public safety answering points, next generation 9-1-1 public 957
safety answering points, and local next generation 9-1-1 958
systems. The system shall be designed to provide access to 959
emergency services from all connected communications sources and 960
provide multimedia data capabilities for public safety answering 961
points and other emergency service organizations. 962

(2) The emergency services internet protocol network that 963
supports the statewide next generation 9-1-1 core services 964
system shall be capable of being shared by all public safety 965
agencies. It may be constructed from a mix of dedicated and 966
shared facilities. It may be interconnected at local, regional, 967
state, federal, national, and international levels to form an 968
internet-protocol-based inter-network, or network of networks. 969

Sec. 128.211. (A) Not later than six months after the 970
effective date of this section, the 9-1-1 program office shall 971
draft, submit, or update a state of Ohio 9-1-1 plan to the 972
steering committee. The plan shall include all of the following: 973

(1) A specific plan to address the amendments to this 974
chapter by ___B___ of the 134th general assembly; 975

<u>(2) Specific system details describing interoperability</u>	976
<u>among counties, the states bordering this state, and Canada;</u>	977
<u>(3) A progression plan for the system and sustainability</u>	978
<u>within the funding method encompassed by sections 128.41 to</u>	979
<u>128.422 of the Revised Code.</u>	980
<u>(B) Not later than six months after the plan is submitted</u>	981
<u>under division (A) of this section, the steering committee shall</u>	982
<u>review and may approve the plan.</u>	983
<u>Sec. 128.212.</u> (A) <u>Any entity in this state that operates a</u>	984
<u>9-1-1 system, emergency services internet-protocol network, or</u>	985
<u>public safety answering point and that pursues a 9-1-1 grant</u>	986
<u>from the state or federal government shall present a letter of</u>	987
<u>coordination from the 9-1-1 program office.</u>	988
<u>(B) The letter of coordination shall state all of the</u>	989
<u>following:</u>	990
<u>(1) The entity described in division (A) of this section;</u>	991
<u>(2) The specific grantor identification;</u>	992
<u>(3) The dollar amount of the grant;</u>	993
<u>(4) The intended use of the grant;</u>	994
<u>(5) The system, equipment, software, or any component to</u>	995
<u>be procured with the grant and the purpose of the grant do not</u>	996
<u>inhibit, conflict, or reduce interoperability with the statewide</u>	997
<u>next generation 9-1-1 core services system and emergency</u>	998
<u>services internet-protocol network and is consistent with the</u>	999
<u>state of Ohio 9-1-1 plan.</u>	1000
<u>Sec. 128.22.</u> <u>The 9-1-1 program office may do all of the</u>	1001
<u>following:</u>	1002

<u>(A) Expend funds from the 9-1-1 program fund for the</u>	1003
<u>purposes of 9-1-1 public education;</u>	1004
<u>(B) Coordinate, adopt, and communicate all necessary</u>	1005
<u>technical and operational standards and requirements to ensure</u>	1006
<u>an effective model for a statewide interconnected 9-1-1 system;</u>	1007
<u>(C) Collect and distribute data from and to public safety</u>	1008
<u>answering points, service providers, and emergency service</u>	1009
<u>providers regarding both of the following:</u>	1010
<u>(1) The status and operation of the components of the</u>	1011
<u>statewide 9-1-1 system, including all of the following:</u>	1012
<u>(a) The aggregate number of access lines that the provider</u>	1013
<u>maintains within this state;</u>	1014
<u>(b) The aggregate amount of costs and cost recovery</u>	1015
<u>associated with providing 9-1-1 service, including coverage</u>	1016
<u>under tariffs and bill and keep arrangements within this state;</u>	1017
<u>(c) Any other information requested by the steering</u>	1018
<u>committee and deemed necessary to support the transition to next</u>	1019
<u>generation 9-1-1.</u>	1020
<u>(2) Location information necessary for the reconciliation</u>	1021
<u>and synchronization of next generation 9-1-1 location</u>	1022
<u>information, including all of the following:</u>	1023
<u>(a) Address location information;</u>	1024
<u>(b) Master street address guide;</u>	1025
<u>(c) Service order inputs;</u>	1026
<u>(d) Geographic information system files;</u>	1027
<u>(e) Street center lines;</u>	1028

<u>(f) Response boundaries;</u>	1029
<u>(g) Administrative boundaries;</u>	1030
<u>(h) Address points.</u>	1031
<u>(D) Require, coordinate, oversee, and limit data</u>	1032
<u>collection and distribution to ensure that data collection and</u>	1033
<u>distribution meets legal privacy and confidentiality</u>	1034
<u>requirements;</u>	1035
<u>(E) With advice from the 9-1-1 steering committee, enter</u>	1036
<u>into interlocal contracts, interstate contracts, intrastate</u>	1037
<u>contracts, and federal contracts for the purpose of implementing</u>	1038
<u>statewide 9-1-1 services.</u>	1039
<u>Sec. 128.221.</u> (A) <u>The data described in section 128.22 of</u>	1040
<u>the Revised Code shall be protected in accordance with</u>	1041
<u>applicable provisions of the Revised Code. Charges, terms, and</u>	1042
<u>conditions for the disclosure or use of that data provided by</u>	1043
<u>public safety answering points, service providers, and emergency</u>	1044
<u>service providers for the purpose of 9-1-1 shall be subject to</u>	1045
<u>the jurisdiction of the steering committee.</u>	1046
<u>(B) Data and information that contribute to more effective</u>	1047
<u>9-1-1 services and emergency response may be accessed and shared</u>	1048
<u>among 9-1-1 and emergency response functions specifically for</u>	1049
<u>the purposes of effective emergency response, while ensuring the</u>	1050
<u>overall privacy and confidentiality of the data and information</u>	1051
<u>involved.</u>	1052
<u>Sec. 128.23.</u> (A) <u>Every telecommunication service provider</u>	1053
<u>able to generate 9-1-1 traffic within the state shall do all of</u>	1054
<u>the following:</u>	1055
<u>(1) Register with the 9-1-1 program office;</u>	1056

(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; 1057
1058
1059
1060

(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: 1061
1062
1063
1064
1065

(a) Preprovisioning of location data into a state-operated database utilizing industry standard protocols; 1066
1067

(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. 1068
1069
1070

(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 during the next business day. 1071
1072
1073
1074

(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. 1075
1076
1077
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Sec. 128.24. (A) Except as provided in division (C) of this section: 1079
1080

(1) Each operator of a multiline telephone system that was installed or substantially renovated on or after the effective date of ___B___ of the 134th general assembly, 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 1081
1082
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1085

include the provision of either of the following, which shall 1086
satisfy the requirements of division (A) (3) of this section: 1087

(a) Legacy automatic number identification and automatic 1088
location identification; 1089

(b) Next generation 9-1-1 location data. 1090

(2) Each operator of a multiline telephone system that was 1091
installed or substantially renovated on or after the effective 1092
date of ___ B ___ of the 134th general assembly, shall provide an 1093
emergency-response-location identifier as part of the location 1094
transmission to the public safety answering point, using either 1095
legacy private-switch automatic location identification or next 1096
generation 9-1-1 methodologies. 1097

(3) Each operator of a multiline telephone system that was 1098
installed or substantially renovated on or after the effective 1099
date of ___ B ___ of the 134th general assembly, shall identify 1100
the specific location of the caller using an emergency response 1101
location that includes the public street address of the building 1102
from which the call originated, a suite or room number, the 1103
building floor, and a building identifier, if applicable. 1104

(B) All locations provided under this section shall be 1105
either master-street-address-guide or next-generation-9-1-1- 1106
location-validation-function valid. 1107

(C) The requirements of divisions (A) (1), (2), and (3) of 1108
this section do not apply to a multiline telephone system in a 1109
workspace of less than seven thousand square feet in a single 1110
building, on a single level of a structure, having a single 1111
public street address. 1112

Sec. 128.241. Beginning not later than one year after the 1113
effective date of this section and except as provided in 1114

sections 128.242 and 128.243 of the Revised Code, a business 1115
service user that provides residential or business facilities, 1116
owns or controls a multiline telephone system or voice over 1117
internet protocol system in those facilities, and provides 1118
outbound dialing capacity from those facilities shall ensure 1119
both of the following: 1120

(A) In the case of a multiline telephone system that is 1121
capable of initiating a 9-1-1 call, the system is connected to 1122
the public switched telephone network in such a way that when an 1123
individual using the system dials 9-1-1, the call connects to 1124
the public safety answering point without requiring the user to 1125
dial any additional digit or code. 1126

(B) The system is configured to provide notification of 1127
any 9-1-1 call made through the system to a centralized location 1128
on the same site as the system. The business service user is not 1129
required to have a person available at the location to receive a 1130
notification. 1131

Sec. 128.242. Except as provided in section 128.243 of the 1132
Revised Code, a business service user to which all of the 1133
following apply is exempt from the requirements of section 1134
128.241 of the Revised Code until two years after the effective 1135
date of this section: 1136

(A) The requirements would be unduly and unreasonably 1137
burdensome. 1138

(B) The multiline telephone system or voice over internet 1139
protocol system needs to be reprogrammed or replaced. 1140

(C) The business service user made a good-faith attempt to 1141
reprogram or replace the system. 1142

(D) The business service user agrees to place an 1143

instructional sticker next to the telephones that explains how 1144
to access 9-1-1 in case of emergency, provides the specific 1145
location where the device is installed, and reminds the caller 1146
to give the location information to the 9-1-1 call taker. 1147

(E) The instructions described in division (D) of this 1148
section are printed in at least sixteen-point boldface type in a 1149
contrasting color using a font that is easily readable. 1150

(F) The business service user affirms in an affidavit the 1151
conditions specified in divisions (B), (C), (D), and (E) of this 1152
section. 1153

(G) The affidavit described in division (F) of this 1154
section includes the manufacturer and model number of the 1155
system. 1156

Sec. 128.243. Sections 128.241 and 128.242 of the Revised 1157
Code shall not apply if they are preempted by or in conflict 1158
with federal law. 1159

Sec. 128.25. Each county shall provide a single point of 1160
contact to the 9-1-1 program office who has the authority to 1161
assist in location-data discrepancies, 9-1-1 traffic misroutes, 1162
and boundary disputes between public safety answering points. 1163

Sec. 128.26. Not later than five years after the date that 1164
the statewide next generation 9-1-1 core services system is 1165
operationally available to all counties in the state, each 1166
county or, as applicable, each regional council of governments, 1167
shall provide next generation 9-1-1 service for all areas to be 1168
covered as set forth in the county's final plan or the council's 1169
agreement. 1170

Sec. 128.27. A service provider that operates within a 1171
county that participates in the statewide next generation 9-1-1 1172

core services system or within the area served by a regional 1173
council of governments that participates in that system shall 1174
deliver the 9-1-1 traffic that originates in that geographic 1175
area to the next generation 9-1-1 core for that geographic area. 1176

Sec. 128.28. If a service provider or county participates 1177
in the statewide next generation 9-1-1 core services system, the 1178
service provider or county shall adhere to standards of the 9-1- 1179
1 program office, which may include standards created by the 1180
national emergency number association and the internet 1181
engineering task force. 1182

Sec. ~~128.18~~ 128.33. (A) In accordance with this chapter 1183
and Chapters 4901., 4903., 4905., and 4909. of the Revised Code, 1184
the public utilities commission shall determine the just, 1185
reasonable, and compensatory rates, tolls, classifications, 1186
charges, or rentals to be observed and charged for the wireline 1187
telephone network portion of a basic or enhanced 9-1-1 system, 1188
and each telephone company that is a wireline service provider 1189
participating in the system shall be subject to those chapters, 1190
to the extent they apply, as to the service provided by its 1191
portion of the wireline telephone network for the system as 1192
described in the final plan ~~or to be installed pursuant to~~ 1193
~~agreements under section 128.09 of the Revised Code,~~ and as to 1194
the rates, tolls, classifications, charges, or rentals to be 1195
observed and charged for that service. 1196

(B) Only the customers of a participating telephone 1197
company described in division (A) of this section that are 1198
served within the area covered by a 9-1-1 system shall pay the 1199
recurring rates for the maintenance and operation of the 1200
company's portion of the wireline telephone network of the 1201
system. Such rates shall be computed by dividing the total 1202

monthly recurring rates set forth in the company's schedule as 1203
filed in accordance with section 4905.30 of the Revised Code, by 1204
the total number of residential and business customer access 1205
lines, or their equivalent, within the area served. Each 1206
residential and business customer within the area served shall 1207
pay the recurring rates based on the number of its residential 1208
and business customer access lines or their equivalent. No 1209
company shall include such amount on any customer's bill until 1210
the company has completed its portion of the wireline telephone 1211
network in accordance with the terms, conditions, requirements, 1212
and specifications of the final plan ~~or an agreement made under~~ 1213
~~section 128.09 of the Revised Code.~~ 1214

(C) (1) Except as otherwise provided in division (C) (2) of 1215
this section, a participating telephone company described in 1216
division (A) of this section may receive through the credit 1217
authorized by section 5733.55 of the Revised Code the total 1218
nonrecurring charges for its portion of the wireline telephone 1219
network of the system and the total nonrecurring charges for any 1220
updating or modernization of that wireline telephone network in 1221
accordance with the terms, conditions, requirements, and 1222
specifications of the final plan ~~or pursuant to agreements under~~ 1223
~~section 128.09 of the Revised Code,~~ as such charges are set 1224
forth in the schedule filed by the telephone company in 1225
accordance with section 4905.30 of the Revised Code. However, 1226
that portion, updating, or modernization shall not be for or 1227
include the provision of wireless 9-1-1. As applicable, the 1228
receipt of permissible charges shall occur only upon the 1229
completion of the installation of the network or the completion 1230
of the updating or modernization. 1231

(2) The credit shall not be allowed under division (C) (1) 1232
of this section for the upgrading of a system from basic to 1233

enhanced wireline 9-1-1 if both of the following apply: 1234

(a) The telephone company received the credit for the 1235
wireline telephone network portion of the basic 9-1-1 system now 1236
proposed to be upgraded. 1237

(b) At the time the final plan ~~or agreement pursuant to~~ 1238
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 1239
system was agreed to, the telephone company was capable of 1240
reasonably meeting the technical and economic requirements of 1241
providing the wireline telephone network portion of an enhanced 1242
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 1243
~~determined by the steering committee under division (A) or (H)~~ 1244
~~of section 128.03 or division (C) of section 128.09 of the~~ 1245
~~Revised Code.~~ 1246

(3) If the credit is not allowed under division (C) (2) of 1247
this section, the total nonrecurring charges for the wireline 1248
telephone network used in providing 9-1-1 service, as set forth 1249
in the schedule filed by a telephone company in accordance with 1250
section 4905.30 of the Revised Code, on completion of the 1251
installation of the network in accordance with the terms, 1252
conditions, requirements, and specifications of the final plan- 1253
~~or pursuant to section 128.09 of the Revised Code,~~ shall be paid 1254
by the municipal corporations and townships with any territory 1255
in the area in which such upgrade from basic to enhanced 9-1-1 1256
is made. 1257

(D) If customer premises equipment for a public safety 1258
answering point is supplied by a telephone company that is 1259
required to file a schedule under section 4905.30 of the Revised 1260
Code pertaining to customer premises equipment, the recurring 1261
and nonrecurring rates and charges for the installation and 1262
maintenance of the equipment specified in the schedule shall 1263

apply. 1264

Sec. ~~128.22~~ 128.35. (A) (1) For the purpose of paying the 1265
costs of establishing, equipping, and furnishing one or more 1266
public safety answering points as part of a countywide 9-1-1 1267
system effective under division (B) of section 128.08 of the 1268
Revised Code and paying the expense of administering and 1269
enforcing this section, the board of county commissioners of a 1270
county, in accordance with this section, may fix and impose, on 1271
each lot or parcel of real property in the county that is owned 1272
by a person, municipal corporation, township, or other political 1273
subdivision and is improved, or is in the process of being 1274
improved, reasonable charges to be paid by each such owner. The 1275
charges shall be sufficient to pay only the estimated allowed 1276
costs and shall be equal in amount for all such lots or parcels. 1277

(2) For the purpose of paying the costs of operating and 1278
maintaining the answering points and paying the expense of 1279
administering and enforcing this section, the board, in 1280
accordance with this section, may fix and impose reasonable 1281
charges to be paid by each owner, as provided in division (A) (1) 1282
of this section, that shall be sufficient to pay only the 1283
estimated allowed costs and shall be equal in amount for all 1284
such lots or parcels. The board may fix and impose charges under 1285
this division pursuant to a resolution adopted for the purposes 1286
of both divisions (A) (1) and (2) of this section or pursuant to 1287
a resolution adopted solely for the purpose of division (A) (2) 1288
of this section, and charges imposed under division (A) (2) of 1289
this section may be separately imposed or combined with charges 1290
imposed under division (A) (1) of this section. 1291

(B) Any board adopting a resolution under this section 1292
pursuant to a final plan initiating the establishment of a 9-1-1 1293

system or pursuant to an amendment to a final plan shall adopt 1294
the resolution within sixty days after the board receives the 1295
final plan for the 9-1-1 system pursuant to division ~~(C)~~(B) (1) 1296
of section 128.07 of the Revised Code. The board by resolution 1297
may change any charge imposed under this section whenever the 1298
board considers it advisable. Any resolution adopted under this 1299
section shall declare whether securities will be issued under 1300
Chapter 133. of the Revised Code in anticipation of the 1301
collection of unpaid special assessments levied under this 1302
section. 1303

(C) The board shall adopt a resolution under this section 1304
at a public meeting held in accordance with section 121.22 of 1305
the Revised Code. Additionally, the board, before adopting any 1306
such resolution, shall hold at least two public hearings on the 1307
proposed charges. Prior to the first hearing, the board shall 1308
publish notice of the hearings once a week for two consecutive 1309
weeks in a newspaper of general circulation in the county or as 1310
provided in section 7.16 of the Revised Code. The notice shall 1311
include a listing of the charges proposed in the resolution and 1312
the date, time, and location of each of the hearings. The board 1313
shall hear any person who wishes to testify on the charges or 1314
the resolution. 1315

(D) No resolution adopted under this section shall be 1316
effective sooner than thirty days following its adoption nor 1317
shall any such resolution be adopted as an emergency measure. 1318
The resolution is subject to a referendum in accordance with 1319
sections 305.31 to 305.41 of the Revised Code unless, in the 1320
resolution, the board of county commissioners directs the board 1321
of elections of the county to submit the question of imposing 1322
the charges to the electors of the county at the next primary or 1323
general election in the county occurring not less than ninety 1324

days after the resolution is certified to the board. No 1325
resolution shall go into effect unless approved by a majority of 1326
those voting upon it in any election allowed under this 1327
division. 1328

(E) To collect charges imposed under division (A) of this 1329
section, the board of county commissioners shall certify them to 1330
the county auditor of the county who then shall place them upon 1331
the real property duplicate against the properties to be 1332
assessed, as provided in division (A) of this section. Each 1333
assessment shall bear interest at the same rate that securities 1334
issued in anticipation of the collection of the assessments 1335
bear, is a lien on the property assessed from the date placed 1336
upon the real property duplicate by the auditor, and shall be 1337
collected in the same manner as other taxes. 1338

(F) All money collected by or on behalf of a county under 1339
this section shall be paid to the county treasurer of the county 1340
and kept in a separate and distinct fund to the credit of the 1341
county. The fund shall be used to pay the costs allowed in 1342
division (A) of this section and specified in the resolution 1343
adopted under that division. In no case shall any surplus so 1344
collected be expended for other than the use and benefit of the 1345
county. 1346

Sec. ~~128.25~~128.37. (A) This section applies only to a 1347
county that meets both of the following conditions: 1348

(1) A final plan for a countywide 9-1-1 system either has 1349
not been approved in the county under section 128.08 of the 1350
Revised Code or has been approved but has not been put into 1351
operation because of a lack of funding; 1352

(2) The board of county commissioners, at least once, has 1353

submitted to the electors of the county the question of raising 1354
funds for a 9-1-1 system under section ~~128.22~~128.35, 5705.19, or 1355
5739.026 of the Revised Code, and a majority of the electors has 1356
disapproved the question each time it was submitted. 1357

(B) (1) A board of county commissioners may adopt a 1358
resolution imposing a monthly charge ~~on telephone access lines~~ 1359
to pay for the equipment costs of establishing and maintaining 1360
no more than three public safety answering points of a 1361
countywide 9-1-1 system, which public safety answering points 1362
shall be only twenty-four-hour dispatching points already 1363
existing in the county. ~~The~~ 1364

(2) The charge may be imposed on either of the following: 1365

(a) Telephone access lines; 1366

(b) Each communications device or service to which both of 1367
the following apply: 1368

(i) The communications device or service is sold in the 1369
county, registered to a service address or location within the 1370
county, or the subscriber's primary place of using the 1371
communications device or service is in the county. 1372

(ii) The communications device or service is capable of 1373
initiating a direct connection to 9-1-1. 1374

(3) If the board imposes the charge on communications 1375
devices and services as described in division (B) (2) (b) of this 1376
section, the charge shall be paid in the same manner as in 1377
section 128.412 of the Revised Code. 1378

(C) The resolution shall state the amount of the charge, 1379
which shall not exceed fifty cents per month, and the month the 1380
charge will first be imposed, which shall be no earlier than 1381

four months after the special election held pursuant to this 1382
section. ~~Each residential and business telephone company~~ 1383
~~customer within the area served by the 9-1-1 system shall pay~~ 1384
~~the monthly charge for each of its residential or business~~ 1385
~~customer access lines or their equivalent.~~ 1386

Before adopting a resolution under this division, the 1387
board of county commissioners shall hold at least two public 1388
hearings on the proposed charge. Before the first hearing, the 1389
board shall publish notice of the hearings once a week for two 1390
consecutive weeks in a newspaper of general circulation in the 1391
county or as provided in section 7.16 of the Revised Code. The 1392
notice shall state the amount of the proposed charge, an 1393
explanation of the necessity for the charge, and the date, time, 1394
and location of each of the hearings. 1395

~~(C)~~ (D) A resolution adopted under division (B) of this 1396
section shall direct the board of elections to submit the 1397
question of imposing the charge to the electors of the county at 1398
a special election on the day of the next primary or general 1399
election in the county. The board of county commissioners shall 1400
certify a copy of the resolution to the board of elections not 1401
less than ninety days before the day of the special election. No 1402
resolution adopted under division (B) of this section shall take 1403
effect unless approved by a majority of the electors voting upon 1404
the resolution at an election held pursuant to this section. 1405

In any year, the board of county commissioners may impose 1406
a lesser charge than the amount originally approved by the 1407
electors. The board may change the amount of the charge no more 1408
than once a year. The board may not impose a charge greater than 1409
the amount approved by the electors without first holding an 1410
election on the question of the greater charge. 1411

~~(D)~~ (E) Money raised from a monthly charge ~~on telephone~~ 1412
~~access lines~~ under this section shall be deposited into a 1413
special fund created in the county treasury by the board of 1414
county commissioners pursuant to section 5705.12 of the Revised 1415
Code, to be used only for the necessary equipment costs of 1416
establishing and maintaining no more than three public safety 1417
answering points of a countywide 9-1-1 system pursuant to a 1418
resolution adopted under division (B) of this section. In 1419
complying with this division, any county may seek the assistance 1420
of the steering committee with regard to operating and 1421
maintaining a 9-1-1 system. 1422

~~(E)~~ (F) Pursuant to the voter approval required by 1423
division ~~(C)~~ (D) of this section, the final plan for a 1424
countywide 9-1-1 system that will be funded through a monthly 1425
charge imposed in accordance with this section shall be amended 1426
by the existing 9-1-1 ~~planning program review~~ committee, and the 1427
amendment of such a final plan is not an amendment of a final 1428
plan for the purpose of division (A) of section 128.12 of the 1429
Revised Code. 1430

Sec. ~~128.26~~ 128.38. (A) This section applies only to a 1431
county that has a final plan for a countywide 9-1-1 system that 1432
either has not been approved in the county under section 128.08 1433
of the Revised Code or has been approved but has not been put 1434
into operation because of a lack of funding. 1435

(B) (1) A board of county commissioners may adopt a 1436
resolution imposing a monthly charge ~~on telephone access lines~~ 1437
to pay for the operating and equipment costs of establishing and 1438
maintaining no more than one public safety answering point of a 1439
countywide 9-1-1 system. ~~The~~ 1440

(2) The charge may be imposed on either of the following: 1441

(a) Telephone access lines; 1442

(b) Each communications device or service to which both of 1443
the following apply: 1444

(i) The communications device or service is sold in the 1445
county, registered to a service address or location within the 1446
county, or the subscriber's primary place of using the 1447
communications device or service is in the county. 1448

(ii) The communications device or service is capable of 1449
initiating a direct connection to 9-1-1. 1450

(3) If the board imposes the charge on communications 1451
devices and services as described in division (B) (2) (b) of this 1452
section, the charge shall be paid in the same manner as in 1453
section 128.412 of the Revised Code. 1454

(C) The resolution shall state the amount of the charge, 1455
which shall not exceed fifty cents per month, and the month the 1456
charge will first be imposed, which shall be no earlier than 1457
four months after the special election held pursuant to this 1458
section. ~~Each residential and business telephone company~~ 1459
~~customer within the area of the county served by the 9-1-1~~ 1460
~~system shall pay the monthly charge for each of its residential~~ 1461
~~or business customer access lines or their equivalent.~~ 1462

Before adopting a resolution under this division, the 1463
board of county commissioners shall hold at least two public 1464
hearings on the proposed charge. Before the first hearing, the 1465
board shall publish notice of the hearings once a week for two 1466
consecutive weeks in a newspaper of general circulation in the 1467
county or as provided in section 7.16 of the Revised Code. The 1468
notice shall state the amount of the proposed charge, an 1469
explanation of the necessity for the charge, and the date, time, 1470

and location of each of the hearings. 1471

~~(C)~~ (D) A resolution adopted under division (B) of this 1472
section shall direct the board of elections to submit the 1473
question of imposing the charge to the electors of the county at 1474
a special election on the day of the next primary or general 1475
election in the county. The board of county commissioners shall 1476
certify a copy of the resolution to the board of elections not 1477
less than ninety days before the day of the special election. No 1478
resolution adopted under division (B) of this section shall take 1479
effect unless approved by a majority of the electors voting upon 1480
the resolution at an election held pursuant to this section. 1481

In any year, the board of county commissioners may impose 1482
a lesser charge than the amount originally approved by the 1483
electors. The board may change the amount of the charge no more 1484
than once a year. The board shall not impose a charge greater 1485
than the amount approved by the electors without first holding 1486
an election on the question of the greater charge. 1487

~~(D)~~ (E) Money raised from a monthly charge ~~on telephone~~ 1488
~~access lines~~ under this section shall be deposited into a 1489
special fund created in the county treasury by the board of 1490
county commissioners pursuant to section 5705.12 of the Revised 1491
Code, to be used only for the necessary operating and equipment 1492
costs of establishing and maintaining no more than one public 1493
safety answering point of a countywide 9-1-1 system pursuant to 1494
a resolution adopted under division (B) of this section. In 1495
complying with this division, any county may seek the assistance 1496
of the steering committee with regard to operating and 1497
maintaining a 9-1-1 system. 1498

~~(E)~~ (F) Nothing in ~~sections 128.01 to 128.34 of the~~ 1499
~~Revised Code~~ this chapter precludes a final plan adopted in 1500

accordance with those sections from being amended to provide 1501
that, by agreement included in the plan, a public safety 1502
answering point of another countywide 9-1-1 system is the public 1503
safety answering point of a countywide 9-1-1 system funded 1504
through a monthly charge imposed in accordance with this 1505
section. In that event, the county for which the public safety 1506
answering point is provided shall be deemed the subdivision 1507
operating the public safety answering point for purposes of 1508
~~sections 128.01 to 128.34 of the Revised Code~~this chapter, 1509
except that, for the purpose of division (D) of section 128.03 1510
of the Revised Code, the county shall pay only so much of the 1511
costs associated with establishing, equipping, furnishing, 1512
operating, or maintaining the public safety answering point 1513
specified in the agreement included in the final plan. 1514

~~(F)~~(G) Pursuant to the voter approval required by 1515
division ~~(C)~~(D) of this section, the final plan for a 1516
countywide 9-1-1 system that will be funded through a monthly 1517
charge imposed in accordance with this section, or that will be 1518
amended to include an agreement described in division ~~(E)~~(F) of 1519
this section, shall be amended by the existing 9-1-1 ~~planning~~ 1520
program review committee, and the amendment of such a final plan 1521
is not an amendment of a final plan for the purpose of division 1522
(A) of section 128.12 of the Revised Code. 1523

Sec. ~~128.27~~128.39. (A) As part of its normal monthly 1524
billing process, each telephone company with customers in the 1525
area served by a 9-1-1 system shall bill and collect from those 1526
customers any charge imposed under section ~~128.25~~128.37 or 1527
~~128.26~~128.38 of the Revised Code. The company may list the 1528
charge as a separate entry on each bill and may indicate on the 1529
bill that the charge is made pursuant to approval of a ballot 1530
issue by county voters. Any customer billed by a company for a 1531

charge imposed under section ~~128.25-128.37~~ or ~~128.26-128.38~~ of 1532
the Revised Code is liable to the county for the amount billed. 1533
The company shall apply any partial payment of a customer's bill 1534
first to the amount the customer owes the company. The company 1535
shall keep complete records of charges it bills and collects, 1536
and such records shall be open during business hours for 1537
inspection by the county commissioners or their agents or 1538
employees. If a company fails to bill any customer for the 1539
charge, it is liable to the county for the amount that was not 1540
billed. 1541

(B) A telephone company that collects charges under this 1542
section shall remit the money to the county on a quarterly 1543
basis. The company may retain three per cent of any charge it 1544
collects as compensation for the costs of such collection. If a 1545
company collects charges under this section and fails to remit 1546
the money to the county as prescribed, it is liable to the 1547
county for any amount collected and not remitted. 1548

Sec. ~~128.42-128.40~~. (A) ~~There~~ Ending three months after 1549
the effective date of this section, there is hereby imposed a 1550
wireless 9-1-1 charge of twenty-five cents per month as follows: 1551

(1) On each wireless telephone number of a wireless 1552
service subscriber who has a billing address in this state. The 1553
subscriber shall pay the wireless 9-1-1 charge for each such 1554
wireless telephone number assigned to the subscriber. Each 1555
wireless service provider and each reseller shall collect the 1556
wireless 9-1-1 charge as a specific line item on each 1557
subscriber's monthly bill. The line item shall be expressly 1558
designated "State/Local Wireless-E911 Costs (\$0.25/billed 1559
number)." If a provider bills a subscriber for any wireless 1560
enhanced 9-1-1 costs that the provider may incur, the charge or 1561

amount is not to appear in the same line item as the state/local 1562
line item. If the charge or amount is to appear in its own, 1563
separate line item on the bill, the charge or amount shall be 1564
expressly designated "[Name of Provider] Federal Wireless-E911 1565
Costs." 1566

~~(2) (a) Prior to January 1, 2014, on each subscriber of 1567
prepaid wireless service. A wireless service provider or 1568
reseller shall collect the wireless 9-1-1 charge in either of 1569
the following manners: 1570~~

~~(i) If the subscriber has a positive account balance on 1571
the last day of the month and has used the service during that 1572
month, by reducing that balance not later than the end of the 1573
first week of the following month by twenty-five cents or an 1574
equivalent number of airtime minutes; 1575~~

~~(ii) By dividing the total earned prepaid wireless 1576
telephone revenue from sales within this state received by the 1577
wireless service provider or reseller during the month by fifty, 1578
multiplying the quotient by twenty-five cents. 1579~~

~~(b) Amounts collected under division (A) (2) of this 1580
section shall be remitted pursuant to division (A) (1) of section 1581
128.46 of the Revised Code. 1582~~

~~The wireless 9-1-1 charges authorized under this section 1583
shall not be imposed on a subscriber of wireless lifeline 1584
service or a provider of that service. 1585~~

~~(B) Beginning January 1, 2014: 1586~~

~~(1) There is hereby imposed, on On each retail sale of a 1587
prepaid wireless calling service occurring in this state, a 1588
wireless 9-1-1 charge of five-tenths of one per cent of the sale 1589
price. 1590~~

~~(2)~~ (B) For purposes of division ~~(B) (1)~~ (A) (2) of this 1591
section, a retail sale occurs in this state if it is effected by 1592
the consumer appearing in person at a seller's business location 1593
in this state, or if the sale is sourced to this state under 1594
division (E) (3) of section 5739.034 of the Revised Code, except 1595
that under that division, in lieu of sourcing a sale under 1596
division (C) (5) of section 5739.033 of the Revised Code, the 1597
seller, rather than the service provider, may elect to source 1598
the sale to the location associated with the mobile telephone 1599
number. 1600

~~(3) (a)~~ (C) (1) Except as provided in division ~~(B) (4) (e)~~ (D) 1601
(3) of this section, the seller of the prepaid wireless calling 1602
service shall collect the charge imposed under division (A) of 1603
this section from the consumer at the time of each retail sale 1604
and disclose the amount of the charge to the consumer at the 1605
time of the sale by itemizing the charge on the receipt, 1606
invoice, or similar form of written documentation provided to 1607
the consumer. 1608

~~(b)~~ (2) The seller that collects the charge imposed under 1609
division (A) of this section shall comply with the reporting and 1610
remittance requirements under section 128.46 of the Revised 1611
Code. 1612

~~(4)~~ (D) When a prepaid wireless calling service is sold 1613
with one or more other products or services for a single, 1614
nonitemized price, the wireless 9-1-1 charge imposed under 1615
division ~~(B) (1)~~ (A) (2) of this section shall apply to the entire 1616
nonitemized price, except as provided in divisions ~~(B) (4) (a)~~ (D) 1617
(1) to ~~(e)~~ (3) of this section. 1618

~~(a)~~ (1) If the amount of the prepaid wireless calling 1619
service is disclosed to the consumer as a dollar amount, the 1620

seller may elect to apply the charge only to that dollar amount. 1621

~~(b)~~ (2) If the seller can identify the portion of the 1622
nonitemized price that is attributable to the prepaid wireless 1623
calling service, by reasonable and verifiable standards from the 1624
seller's books and records that are kept in the regular course 1625
of business for other purposes, including nontax purposes, the 1626
seller may elect to apply the charge only to that portion. 1627

~~(e)~~ (3) If a minimal amount of a prepaid wireless calling 1628
service is sold with a prepaid wireless calling device for the 1629
single, nonitemized price, the seller may elect not to collect 1630
the charge. As used in this division, "minimal" means either ten 1631
minutes or less or five dollars or less. 1632

~~(C)~~ (E) The wireless 9-1-1 charges authorized under this 1633
section shall not be imposed on a subscriber of wireless 1634
lifeline service or a provider of that service. 1635

(F) The wireless 9-1-1 charges shall be exempt from state 1636
or local taxation. 1637

Sec. 128.41. Except as provided in sections 128.413 and 1638
128.42 of the Revised Code: 1639

(A) For a two-year period after the expiration of the fee 1640
described in section 128.40 of the Revised Code, there is 1641
imposed a next generation 9-1-1 access fee of twenty-five cents 1642
per month on each communications device or service to which both 1643
of the following apply: 1644

(1) The communications device or service is sold in this 1645
state, registered to a service address or location within this 1646
state, or the subscriber's primary place of using the 1647
communications device or service is in this state. 1648

(2) The communications device or service is capable of 1649
initiating a direct connection to 9-1-1. 1650

(B) For a five-year period after the period described in 1651
division (A) of this section, there is imposed a next generation 1652
9-1-1 access fee on each communications device or service 1653
described in that division. The amount of the fee shall be 1654
twenty-five cents per month or, if the steering committee 1655
designates an alternate amount under section 128.411 of the 1656
Revised Code, that alternate amount. 1657

(C) After the five-year period described in division (B) 1658
of this section, there is imposed a next generation 9-1-1 access 1659
fee of twenty-five cents per month on each communications device 1660
or service described in division (A) of this section. 1661

Sec. 128.411. (A) For purposes of division (B) of section 1662
128.41 of the Revised Code, the steering committee may, on the 1663
first day of January of each year and subject to division (B) of 1664
this section, designate an alternate amount for the monthly next 1665
generation 9-1-1 access fee. The alternative amount shall 1666
satisfy both of the following requirements: 1667

(1) It may not be more than two cents above the fee amount 1668
for the previous year. 1669

(2) It may not be higher than thirty cents. 1670

(B) The steering committee may designate a fee amount that 1671
is higher than the previous year's fee amount only if there are 1672
outstanding transitional costs associated with the next 1673
generation 9-1-1 system. 1674

(C) The steering committee shall report to the general 1675
assembly any action to increase the next generation 9-1-1 access 1676
fee. The report shall state the remaining amount of the 1677

counties' transitional costs of connecting to the statewide 1678
emergency services internet protocol network. 1679

Sec. 128.412. (A) Except as provided in division (B) of 1680
this section and division (A) of section 128.413 of the Revised 1681
Code, the subscriber who is billed for a communications device 1682
or service described in division (A) of section 128.41 of the 1683
Revised Code shall pay a separate next generation 9-1-1 access 1684
fee for each such communications device or service for which the 1685
subscriber is billed. 1686

(B) In the case of a multiline telephone system, the 1687
subscriber shall pay a separate fee for each line. In the case 1688
of a voice over internet protocol system, the subscriber shall 1689
pay a separate fee for each call path available to the system to 1690
make an outside call. 1691

Sec. 128.413. (A) A subscriber of wireless lifeline 1692
service is exempt from the next generation 9-1-1 access fee 1693
imposed under section 128.41 of the Revised Code. 1694

(B) The next generation 9-1-1 access fee does not apply to 1695
wholesale transactions between telecommunications service 1696
providers where the service is a component of a service provided 1697
to an end user. This exemption includes network access charges 1698
and interconnection charges paid to a local exchange carrier. 1699

Sec. 128.414. Each service provider and each reseller 1700
shall collect the next generation 9-1-1 access fee imposed under 1701
section 128.41 of the Revised Code as a specific line item on 1702
each subscriber's monthly bill or point of sale invoice. The 1703
line item shall be expressly designated "Ohio Next Generation 9- 1704
1-1 Access Fee ([amount]/device or service/month)." If a 1705
provider bills a subscriber for any other 9-1-1 costs that the 1706

provider may incur, the charge or amount is not to appear in the 1707
same line item as the next generation 9-1-1 access fee line 1708
item. If the charge or amount is to appear in a separate line 1709
item on the bill, the charge or amount shall be expressly 1710
designated "[Name of Provider] [Description of charge or 1711
amount]." 1712

Sec. 128.415. If the amount of the next generation 9-1-1 1713
access fee exceeds twenty-five cents per month, the amount 1714
collected that is attributable to the difference between the 1715
actual amount and twenty-five cents shall be deposited into the 1716
9-1-1 government assistance fund created under section 128.54 of 1717
the Revised Code. 1718

Sec. 128.416. (A) Not later than twelve months after the 1719
effective date of this section, the steering committee shall 1720
submit a report to the general assembly on the effectiveness of 1721
the next generation 9-1-1 access fee at twenty-five cents per 1722
month. 1723

(B) After the five-year period described in division (C) 1724
of section 128.41 of the Revised Code, the steering committee 1725
shall submit a report to the general assembly on a future amount 1726
for the next generation 9-1-1 access fee. 1727

Sec. 128.417. After installation and operation for twelve 1728
months of the statewide next generation 9-1-1 system, the 1729
steering committee shall monitor the accounts where funds are 1730
generated from the next generation 9-1-1 access fee. The 1731
steering committee may reduce the next generation access fee if 1732
it is determined the obligations of the funds can still be met 1733
to avoid over-collection of fees. If the fee is reduced, the 1734
steering committee may increase the fee, not to exceed the 1735
maximum rate of thirty cents, to ensure adequate funding exists 1736

to meet the obligations of the funds. 1737

Sec. 128.418. The steering committee shall notify the tax 1738
commissioner of the committee's intent to adjust the next 1739
generation 9-1-1 access fee not later than six months before the 1740
adjustment takes effect. 1741

Sec. 128.42. (A) Three months after the effective date of 1742
this section, there is imposed, on each retail sale of a prepaid 1743
wireless calling service occurring in this state, a next 1744
generation 9-1-1 access fee of five-tenths of one per cent of 1745
the sale price. 1746

(B) For purposes of division (A) of this section, a retail 1747
sale occurs in this state if it is effected by the consumer 1748
appearing in person at a seller's business location in this 1749
state, or if the sale is sourced to this state under division 1750
(E) (3) of section 5739.034 of the Revised Code, except that 1751
under that division, in lieu of sourcing a sale under division 1752
(C) (5) of section 5739.033 of the Revised Code, the seller, 1753
rather than the service provider, may elect to source the sale 1754
to the location associated with the mobile telephone number. 1755

Sec. 128.421. Except as provided in division (B) (3) of 1756
section 128.422 of the Revised Code, the seller of the prepaid 1757
calling service shall collect the next generation 9-1-1 access 1758
fee imposed under section 128.42 of the Revised Code from the 1759
consumer at the time of each retail sale and disclose the amount 1760
of the fee to the consumer at the time of the sale by itemizing 1761
the fee on the receipt, invoice, or similar form of written 1762
documentation provided to the consumer. 1763

Sec. 128.422. (A) When a prepaid calling service is sold 1764
with one or more other products or services for a single, 1765

nonitemized price, the next generation 9-1-1 access fee imposed 1766
under section 128.42 of the Revised Code shall apply to the 1767
entire nonitemized price, except as provided in divisions (B) (1) 1768
to (3) of this section. 1769

(B) (1) If the amount of the prepaid calling service is 1770
disclosed to the consumer as a dollar amount, the seller may 1771
elect to apply the fee only to that dollar amount. 1772

(2) If the seller can identify the portion of the 1773
nonitemized price that is attributable to the prepaid calling 1774
service, by reasonable and verifiable standards from the 1775
seller's books and records that are kept in the regular course 1776
of business for other purposes, including nontax purposes, the 1777
seller may elect to apply the fee only to that portion. 1778

(3) If a minimal amount of a prepaid calling service is 1779
sold with a prepaid wireless calling device for the single, 1780
nonitemized price, the seller may elect not to collect the fee. 1781
As used in this division, "minimal" means either ten minutes or 1782
less or five dollars or less. 1783

Sec. 128.43. The next generation 9-1-1 access fee imposed 1784
under sections 128.41 and 128.42 of the Revised Code shall be 1785
exempt from state or local taxation. 1786

Sec. 128.44. ~~Beginning January 1, 2014, the~~ The tax 1787
commissioner shall provide notice to all known wireless service 1788
providers, resellers, and sellers of prepaid wireless calling 1789
services of any increase or decrease in either of the ~~wireless-~~ 1790
~~next generation 9-1-1 charges~~ access fee imposed under section- 1791
~~sections 128.41 and 128.42~~ of the Revised Code. Each notice 1792
shall be provided not less than thirty days before the effective 1793
date of the increase or decrease. 1794

Sec. 128.45. (A) Each entity required to bill and collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code shall keep complete and accurate records of bills that include the charges and fees, together with a record of the charges and fees collected under those sections. The entities shall keep all related invoices and other pertinent documents. 1795
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(B) Each seller shall keep complete and accurate records of retail sales of prepaid wireless calling services, together with a record of the charges and fees collected under sections 128.40 and 128.421 of the Revised Code, and shall keep all related invoices and other pertinent documents. 1803
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~~Sec. 128.45-128.451.~~ ~~Beginning January 1, 2014:~~ 1808

~~(A) Each wireless service provider and reseller shall keep complete and accurate records of bills for wireless service, together with a record of the wireless 9-1-1 charges collected under section 128.42 of the Revised Code, and shall keep all related invoices and other pertinent documents. Each seller shall keep complete and accurate records of retail sales of prepaid wireless calling services, together with a record of the wireless 9-1-1 charges collected under section 128.42 of the Revised Code, and shall keep all related invoices and other pertinent documents.~~ 1809
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~~(B)~~ Records, invoices, and documents required to be kept under ~~this~~ section 128.45 of the Revised Code shall be open during business hours to the inspection of the tax commissioner. They shall be preserved for a period of four years unless the tax commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept 1819
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longer. 1825

Sec. 128.46. (A) ~~Prior to January 1, 2014:~~ 1826

~~(1) A wireless service provider or reseller, not later
than the last day of each month, shall remit the full amount of
all wireless 9-1-1 charges it collected under division (A) of
section 128.42 of the Revised Code for the second preceding
calendar month to the administrator, with the exception of
charges equivalent to the amount authorized as a billing and
collection fee under division (A) (2) of this section. In doing
so, the provider or reseller may remit the requisite amount in
any reasonable manner consistent with its existing operating or
technological capabilities, such as by customer address,
location associated with the wireless telephone number, or
another allocation method based on comparable, relevant data. If
the wireless service provider or reseller receives a partial
payment for a bill from a wireless service subscriber, the
wireless service provider or reseller shall apply the payment
first against the amount the subscriber owes the wireless
service provider or reseller and shall remit to the
administrator such lesser amount, if any, as results from that
invoice.~~ 1827
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~~(2) A wireless service provider or reseller may retain as
a billing and collection fee two per cent of the total wireless
9-1-1 charges it collects in a month and shall account to the
administrator for the amount retained.~~ 1846
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~~(3) The administrator shall return to, or credit against
the next month's remittance of, a wireless service provider or
reseller the amount of any remittances the administrator
determines were erroneously submitted by the provider or
reseller.~~ 1850
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~~(B) Beginning January 1, 2014:~~ 1855

(1) ~~Each seller of a prepaid wireless calling service,~~ 1856
~~wireless service provider, and reseller~~ An entity required to 1857
collect a wireless 9-1-1 charge under section 128.40 of the 1858
Revised Code or the next generation 9-1-1 access fee under 1859
section 128.414 or 128.421 of the Revised Code shall, on or 1860
before the twenty-third day of each month, except as provided in 1861
divisions ~~(B)~~ (A) (2) and (3) of this section, do both of the 1862
following: 1863

(a) Make and file a return for the preceding month, in the 1864
form prescribed by the tax commissioner, showing the amount of 1865
the ~~wireless 9-1-1 charges or fees due under section 128.42 of~~ 1866
~~the Revised Code~~ for that month; 1867

(b) Remit the full amount due, as shown on the return, 1868
with the exception of charges and fees equivalent to the amount 1869
authorized as a collection fee under division (B) ~~(4)~~ of this 1870
section. 1871

(2) The commissioner may grant one or more thirty-day 1872
extensions for making and filing returns and remitting amounts 1873
due. The commissioner may also require returns and payments to 1874
be made other than monthly. 1875

(3) If a seller is required to collect prepaid wireless 9- 1876
1-1 charges under section 128.40 of the Revised Code or next 1877
generation 9-1-1 access fees under section 128.421 of the 1878
Revised Code in amounts that do not merit monthly returns, the 1879
commissioner may authorize the seller to make and file returns 1880
less frequently. The commissioner shall ascertain whether this 1881
authorization is warranted upon the basis of administrative 1882
costs to the state. 1883

~~(4)-(B)~~ A wireless service provider, reseller, and seller 1884
may each retain as a collection fee three per cent of the total 1885
wireless 9-1-1 charges required to be collected under section 1886
~~128.42-128.40~~ of the Revised Code, and shall account to the tax 1887
commissioner for the amount retained. 1888

~~(5)-(C)~~ The return required under division ~~(B)-(A)~~ (1) (a) of 1889
this section shall be filed electronically using the Ohio 1890
business gateway, as defined in section 718.01 of the Revised 1891
Code, ~~the Ohio telefile system,~~ or any other electronic means 1892
prescribed by the tax commissioner. Remittance of the amount due 1893
shall be made electronically in a manner approved by the 1894
commissioner. ~~A wireless service provider, reseller, or seller-~~ 1895
An entity required to file the return may apply to the 1896
commissioner on a form prescribed by the commissioner to be 1897
excused from either electronic requirement of this division. For 1898
good cause shown, the commissioner may excuse the ~~provider,~~ 1899
~~reseller, or seller-~~entity from either or both of the 1900
requirements and may permit the ~~provider, reseller, or seller-~~ 1901
entity to file returns or make remittances by nonelectronic 1902
means. 1903

~~(C)-(D)~~ (1) Prior to January 1, 2014, each subscriber on 1904
which a wireless 9-1-1 charge is imposed under division (A) of 1905
section 128.42 of the Revised Code is liable to the state for 1906
the amount of the charge. If a wireless service provider or 1907
~~reseller fails to collect the charge under that division from a~~ 1908
~~subscriber of prepaid wireless service, or fails to bill any~~ 1909
~~other subscriber for the charge, the wireless service provider-~~ 1910
~~or reseller is liable to the state for the amount not collected-~~ 1911
~~or billed. If a wireless service provider or reseller collects-~~ 1912
~~charges under that division and fails to remit the money to the-~~ 1913
~~administrator, the wireless service provider or reseller is-~~ 1914

~~liable to the state for any amount collected and not remitted.~~ 1915

~~(2) Beginning January 1, 2014:~~ 1916

~~(a) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section ~~128.42~~128.40 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under section 128.41 or 128.42 of the Revised Code is liable to the state for the amount of the charge. ~~If a wireless service provider or reseller fails~~ 1917
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~~(2) An entity required to bill or collect the wireless 9-1-1 charge, under section 128.40 of the Revised Code or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not billed or collected. If a provider, reseller, or seller fails to remit money to the tax commissioner as required under this section, the provider, reseller, or seller the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code is liable to the state for ~~the~~ any amount that was required to be collected but that was not remitted, regardless of whether the amount was collected.~~ 1923
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~~(b) (3) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under ~~division (B)(1) of~~ section 128.40 of the Revised Code or any next generation 9-1-1 access fee imposed under section 128.42 of the Revised Code that was not collected or remitted.~~ 1934
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~~(D) Prior to January 1, 2014:~~ 1940

~~(1) If the steering committee has reason to believe that a wireless service provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by~~ 1941
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~~divisions (A) (1) and (C) (1) of this section or has retained more-~~ 1944
~~than the amount authorized under division (A) (2) of this-~~ 1945
~~section, and after written notice to the provider or reseller,~~ 1946
~~the steering committee may audit the provider or reseller for-~~ 1947
~~the sole purpose of making such a determination. The audit may-~~ 1948
~~include, but is not limited to, a sample of the provider's or-~~ 1949
~~reseller's billings, collections, remittances, or retentions for-~~ 1950
~~a representative period, and the steering committee shall make a-~~ 1951
~~good faith effort to reach agreement with the provider or-~~ 1952
~~reseller in selecting that sample.~~ 1953

~~(2) Upon written notice to the wireless service provider-~~ 1954
~~or reseller, the steering committee, by order after completion-~~ 1955
~~of the audit, may make an assessment against the provider or-~~ 1956
~~reseller if, pursuant to the audit, the steering committee-~~ 1957
~~determines that the provider or reseller has failed to bill,~~ 1958
~~collect, or remit the wireless 9 1 1 charge as required by-~~ 1959
~~divisions (A) (1) and (C) (1) of this section or has retained more-~~ 1960
~~than the amount authorized under division (A) (2) of this-~~ 1961
~~section. The assessment shall be in the amount of any remittance-~~ 1962
~~that was due and unpaid on the date notice of the audit was sent-~~ 1963
~~by the steering committee to the provider or reseller or, as-~~ 1964
~~applicable, in the amount of the excess amount under division-~~ 1965
~~(A) (2) of this section retained by the provider or reseller as-~~ 1966
~~of that date.~~ 1967

~~(3) The portion of any assessment not paid within sixty-~~ 1968
~~days after the date of service by the steering committee of the-~~ 1969
~~assessment notice under division (D) (2) of this section shall-~~ 1970
~~bear interest from that date until paid at the rate per annum-~~ 1971
~~prescribed by section 5703.47 of the Revised Code. That interest-~~ 1972
~~may be collected by making an assessment under division (D) (2)-~~ 1973
~~of this section. An assessment under this division and any-~~ 1974

~~interest due shall be remitted in the same manner as the~~ 1975
~~wireless 9-1-1 charge imposed under division (A) of section~~ 1976
~~128.42 of the Revised Code.~~ 1977

~~(4) Unless the provider, reseller, or seller assessed~~ 1978
~~files with the steering committee within sixty days after~~ 1979
~~service of the notice of assessment, either personally or by~~ 1980
~~certified mail, a written petition for reassessment, signed by~~ 1981
~~the party assessed or that party's authorized agent having~~ 1982
~~knowledge of the facts, the assessment shall become final and~~ 1983
~~the amount of the assessment shall be due and payable from the~~ 1984
~~party assessed to the administrator. The petition shall indicate~~ 1985
~~the objections of the party assessed, but additional objections~~ 1986
~~may be raised in writing if received by the administrator or the~~ 1987
~~steering committee prior to the date shown on the final~~ 1988
~~determination.~~ 1989

~~(5) After an assessment becomes final, if any portion of~~ 1990
~~the assessment remains unpaid, including accrued interest, a~~ 1991
~~certified copy of the final assessment may be filed in the~~ 1992
~~office of the clerk of the court of common pleas in the county~~ 1993
~~in which the place of business of the assessed party is located.~~ 1994
~~If the party assessed maintains no place of business in this~~ 1995
~~state, the certified copy of the final assessment may be filed~~ 1996
~~in the office of the clerk of the court of common pleas of~~ 1997
~~Franklin county. Immediately upon the filing, the clerk shall~~ 1998
~~enter a judgment for the state against the assessed party in the~~ 1999
~~amount shown on the final assessment. The judgment may be filed~~ 2000
~~by the clerk in a loose-leaf book entitled "special judgments~~ 2001
~~for wireless 9-1-1 charges" and shall have the same effect as~~ 2002
~~other judgments. The judgment shall be executed upon the request~~ 2003
~~of the steering committee.~~ 2004

~~(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code. If, after the date of service of the audit notice under division (D) (1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.~~ 2005
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~~(7) All money collected by the administrator under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.~~ 2013
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~~(E) Beginning January 1, 2014:~~ 2017

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller an entity 2018
required to collect a wireless 9-1-1 charge under section 128.40 2019
of the Revised Code or the next generation 9-1-1 access fee 2020
under section 128.414 or 128.421 of the Revised Code has failed 2021
to bill, collect, or remit the ~~wireless 9-1-1 charge~~ or fee as 2022
required by this section and ~~section 128.42~~ sections 128.40 to 2023
128.422 of the Revised Code or has retained more than the amount 2024
authorized under division (B) ~~(4)~~ of this section, and after 2025
written notice to the ~~provider, reseller, or seller~~ entity, the 2026
tax commissioner may audit the ~~provider, reseller, or seller~~ 2027
entity for the sole purpose of making such a determination. The 2028
audit may include, but is not limited to, a sample of the 2029
~~provider's, reseller's, or seller's~~ entity's billings, 2030
collections, remittances, or retentions for a representative 2031
period, and the tax commissioner shall make a good faith effort 2032
to reach agreement with the ~~provider, reseller, or seller~~ entity 2033
2034

in selecting that sample. 2035

(2) Upon written notice to the ~~wireless service provider,~~ 2036
~~reseller, or seller entity,~~ the tax commissioner, after 2037
completion of the audit, may make an assessment against the 2038
~~provider, reseller, or seller entity~~ if, pursuant to the audit, 2039
the tax commissioner determines that the ~~provider, reseller, or~~ 2040
~~seller entity~~ has failed to bill, collect, or remit the ~~wireless-~~ 2041
~~9-1-1 charge or fee~~ as required by ~~this section and section~~ 2042
~~128.42 sections 128.40 to 128.422~~ of the Revised Code or has 2043
retained more than the amount authorized under division (B) ~~(4)~~ 2044
of this section. The assessment shall be in the amount of any 2045
remittance that was due and unpaid on the date notice of the 2046
audit was sent by the tax commissioner to the ~~provider,~~ 2047
~~reseller, or seller entity~~ or, as applicable, in the amount of 2048
the excess amount under division (B) ~~(4)~~ of this section retained 2049
by the ~~provider, reseller, or seller entity~~ as of that date. 2050

(3) The portion of any assessment consisting of ~~wireless-~~ 2051
~~9-1-1 charges or fees~~ due and not paid within sixty days after 2052
the date that the assessment was made under division (E) (2) of 2053
this section shall bear interest from that date until paid at 2054
the rate per annum prescribed by section 5703.47 of the Revised 2055
Code. That interest may be collected by making an assessment 2056
under division (E) (2) of this section. 2057

(4) Unless the ~~provider, reseller, or seller entity~~ 2058
assessed files with the tax commissioner within sixty days after 2059
service of the notice of assessment, either personally or by 2060
certified mail, a written petition for reassessment, signed by 2061
the ~~party entity~~ assessed or that ~~party's entity's~~ authorized 2062
agent having knowledge of the facts, the assessment shall become 2063
final and the amount of the assessment shall be due and payable 2064

from the ~~party-entity~~ assessed to the treasurer of state, for 2065
deposit to the next generation 9-1-1 fund, which is created 2066
under section 128.54 of the Revised Code. The petition shall 2067
indicate the objections of the ~~party-entity~~ assessed, but 2068
additional objections may be raised in writing if received by 2069
the commissioner prior to the date shown on the final 2070
determination. If the petition has been properly filed, the 2071
commissioner shall proceed under section 5703.60 of the Revised 2072
Code. 2073

(5) After an assessment becomes final, if any portion of 2074
the assessment remains unpaid, including accrued interest, a 2075
certified copy of the final assessment may be filed in the 2076
office of the clerk of the court of common pleas in the county 2077
in which the business of the assessed ~~party-entity~~ is conducted. 2078
If the ~~party-entity~~ assessed maintains no place of business in 2079
this state, the certified copy of the final assessment may be 2080
filed in the office of the clerk of the court of common pleas of 2081
Franklin county. Immediately upon the filing, the clerk shall 2082
enter a judgment for the state against the assessed ~~party-entity~~ 2083
in the amount shown on the final assessment. The judgment may be 2084
filed by the clerk in a loose-leaf book entitled "special 2085
judgments for ~~wireless~~ 9-1-1 charges and fees" and shall have 2086
the same effect as other judgments. The judgment shall be 2087
executed upon the request of the tax commissioner. 2088

(6) If the commissioner determines that the commissioner 2089
erroneously has refunded a ~~wireless~~ 9-1-1 charge or fee to any 2090
person, the commissioner may make an assessment against that 2091
person for recovery of the erroneously refunded charge. 2092

(7) An assessment under division (E) of this section does 2093
not discharge a subscriber's or consumer's liability to 2094

reimburse the ~~provider, reseller, or seller~~ entity for a 2095
~~wireless 9-1-1 charge~~ or fee. If, after the date of service of 2096
the audit notice under division (E) (1) of this section, a 2097
subscriber or consumer pays a ~~wireless 9-1-1 charge~~ or fee for 2098
the period covered by the assessment, the payment shall be 2099
credited against the assessment. 2100

Sec. 128.461. ~~Beginning January 1, 2014, any~~ Every 2101
wireless 9-1-1 charge and next generation 9-1-1 access fee 2102
required to be remitted under section 128.46 of the Revised Code 2103
shall be subject to interest as prescribed by section 5703.47 of 2104
the Revised Code, calculated from the date the ~~wireless 9-1-1~~ 2105
~~charge~~ or fee was due under section 128.46 of the Revised Code 2106
to the date the ~~wireless 9-1-1 charge~~ or fee is remitted or the 2107
date of assessment, whichever occurs first. 2108

Sec. 128.462. ~~Beginning January 1, 2014:~~ 2109

(A) Except as otherwise provided in this section, no 2110
assessment shall be made or issued against a ~~wireless service~~ 2111
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 2112
charge ~~imposed by or pursuant to~~ required to be collected under 2113
section ~~128.42-128.40~~ of the Revised Code or any next generation 2114
9-1-1 access fee required to be collected under section 128.414 2115
or 128.421 of the Revised Code more than four years after the 2116
return date for the period in which the sale or purchase was 2117
made, or more than four years after the return for such period 2118
is filed, whichever is later. This division does not bar an 2119
assessment: 2120

(1) When the tax commissioner has substantial evidence of 2121
amounts of ~~wireless 9-1-1 charges~~ or fees collected by a 2122
~~provider, reseller, or seller~~ an entity from subscribers or 2123
consumers, which were not returned to the state; 2124

(2) When the ~~provider, reseller, or seller~~ entity assessed 2125
failed to file a return as required by section 128.46 of the 2126
Revised Code; 2127

(3) When the ~~provider, reseller, or seller~~ entity and the 2128
commissioner waive in writing the time limitation. 2129

(B) No assessment shall be made or issued against a 2130
~~wireless service provider, reseller, or seller~~ an entity for any 2131
wireless 9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 2132
of the Revised Code or next generation 9-1-1 access fee imposed 2133
by section 128.41 or 128.42 of the Revised Code for any period 2134
during which there was in full force and effect a rule of the 2135
tax commissioner under or by virtue of which the collection or 2136
payment of any such ~~wireless 9-1-1 charge~~ or fee was not 2137
required. This division does not bar an assessment when the tax 2138
commissioner has substantial evidence of amounts of ~~wireless 9-~~ 2139
~~1-1 charges~~ or fees collected by a ~~provider, reseller, or seller~~ 2140
an entity from subscribers or consumers, which were not returned 2141
to the state. 2142

Sec. 128.47. ~~Beginning January 1, 2014:~~ 2143

(A) ~~A wireless service provider, reseller, seller,~~ 2144
~~wireless service~~ An entity required to collect a wireless 9-1-1 2145
charge under section 128.40 of the Revised Code or the next 2146
generation 9-1-1 access fee under section 128.414 or 128.421 of 2147
the Revised Code, a subscriber, or a consumer ~~of a prepaid~~ 2148
~~wireless calling service~~ may apply to the tax commissioner for a 2149
refund of ~~wireless 9-1-1 charges~~ or fees described in division 2150
(B) of this section. The application shall be made on the form 2151
prescribed by the tax commissioner. The application shall be 2152
made not later than four years after the date of the illegal or 2153
erroneous payment of the ~~wireless 9-1-1 charge~~ or fee by the 2154

subscriber or consumer, unless the ~~wireless service provider,~~ 2155
~~reseller, or seller entity~~ waives the time limitation under 2156
division (A) (3) of section 128.462 of the Revised Code. If the 2157
time limitation is waived, the refund application period shall 2158
be extended for the same period as the waiver. 2159

(B) (1) If a ~~wireless service provider, reseller, or seller~~ 2160
an entity refunds to a subscriber or consumer the full amount of 2161
wireless 9-1-1 charges or next generation 9-1-1 access fees that 2162
the subscriber or consumer paid illegally or erroneously, and if 2163
the ~~provider, reseller, or seller~~ entity remitted that amount 2164
under section 128.46 of the Revised Code, the tax commissioner 2165
shall refund that amount to the ~~provider, reseller, or seller~~ 2166
entity. 2167

(2) If a ~~wireless service provider, reseller, or seller~~ an 2168
entity has illegally or erroneously billed a subscriber or 2169
charged a consumer for a wireless 9-1-1 charge or a next 2170
generation 9-1-1 access fee, and if the ~~provider, reseller, or~~ 2171
~~seller~~ entity has not collected the charge or fee but has 2172
remitted that amount under section 128.46 of the Revised Code, 2173
the tax commissioner shall refund that amount to the ~~provider,~~ 2174
~~reseller, or seller~~ entity. 2175

(C) (1) The tax commissioner may refund to a subscriber or 2176
consumer wireless 9-1-1 charges or next generation 9-1-1 access 2177
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 2178
~~seller~~ an entity only if both of the following apply: 2179

(a) The tax commissioner has not refunded the ~~wireless 9-~~ 2180
~~1-1~~ charges or fees to the ~~provider, reseller, or seller~~ entity. 2181

(b) The ~~provider, reseller, or seller~~ entity has not 2182
refunded the ~~wireless 9-1-1~~ charges or fees to the subscriber or 2183

consumer. 2184

(2) The tax commissioner may require the subscriber or 2185
consumer to obtain from the ~~provider, reseller, or seller entity~~ 2186
a written statement confirming that the ~~provider, reseller, or~~ 2187
~~seller entity~~ has not refunded the ~~wireless 9-1-1 charges or~~ 2188
~~fees~~ to the subscriber or consumer and that the ~~provider,~~ 2189
~~reseller, or seller entity~~ has not filed an application for a 2190
refund under this section. The tax commissioner may also require 2191
the ~~provider, reseller, or seller entity~~ to provide this 2192
statement. 2193

(D) On the filing of an application for a refund under 2194
this section, the tax commissioner shall determine the amount of 2195
refund to which the applicant is entitled. If the amount is not 2196
less than that claimed, the commissioner shall certify the 2197
determined amount to the director of budget and management and 2198
the treasurer of state for payment from the tax refund fund 2199
created under section 5703.052 of the Revised Code. If the 2200
amount is less than that claimed, the commissioner shall proceed 2201
in accordance with section 5703.70 of the Revised Code. 2202

(E) Refunds granted under this section shall include 2203
interest as provided by section 5739.132 of the Revised Code. 2204

Sec. 128.52. (A) ~~Beginning on July 1, 2013, each~~ Each 2205
seller of a prepaid wireless calling service required to collect 2206
prepaid wireless 9-1-1 charges under ~~division (B) of section~~ 2207
~~128.42-128.40 of the Revised Code or next generation 9-1-1~~ 2208
access fees under section 128.421 of the Revised Code shall also 2209
be subject to the provisions of Chapter 5739. of the Revised 2210
Code regarding the excise tax on retail sales levied under 2211
section 5739.02 of the Revised Code, as those provisions apply 2212
to audits, assessments, appeals, enforcement, liability, and 2213

penalties. 2214

(B) The tax commissioner shall establish procedures by 2215
which a person may document that a sale is not a retail sale of 2216
a prepaid wireless calling service. The procedures shall 2217
substantially coincide with similar procedures under Chapter 2218
5739. of the Revised Code. 2219

Sec. 128.54. (A) (1) For the purpose of receiving, 2220
distributing, and accounting for amounts received from the 2221
wireless 9-1-1 charges imposed under section 128.40 of the 2222
Revised Code and the next generation 9-1-1 access fees imposed 2223
under sections 128.41 and 128.42 of the Revised Code, the 2224
following funds are created in the state treasury: 2225

(a) The ~~wireless~~ 9-1-1 government assistance fund; 2226

(b) The ~~wireless~~ 9-1-1 administrative fund; 2227

(c) The ~~wireless~~ 9-1-1 program fund; 2228

(d) The next generation 9-1-1 fund. 2229

(2) Amounts remitted under section 128.46 of the Revised 2230
Code shall be paid to the treasurer of state for deposit as 2231
follows: 2232

(a) ~~Ninety seven~~ Forty-seven per cent to the ~~wireless~~ 9-1- 2233
1 government assistance fund. All interest earned on the 2234
~~wireless~~ 9-1-1 government assistance fund shall be credited to 2235
the fund. 2236

(b) One per cent to the ~~wireless~~ 9-1-1 administrative 2237
fund; 2238

(c) Two per cent to the 9-1-1 program fund; 2239

(d) Fifty per cent to the next generation 9-1-1 fund. 2240

(3) The tax commissioner shall use the ~~wireless-9-1-1~~ 2241
administrative fund to defray the costs incurred in carrying out 2242
this chapter. 2243

(4) The steering committee shall use the 9-1-1 program 2244
fund to defray the costs incurred by the steering committee in 2245
carrying out this chapter. 2246

(5) Annually, the tax commissioner, after paying 2247
administrative costs under division (A) (3) of this section, 2248
shall transfer any excess remaining in the ~~wireless-9-1-1~~ 2249
administrative fund to the next generation 9-1-1 fund, created 2250
under this section. 2251

(B) At the direction of the steering committee, the tax 2252
commissioner shall transfer the funds remaining in the ~~wireless-~~ 2253
9-1-1 government assistance fund to the credit of the next 2254
generation 9-1-1 fund. All interest earned on the next 2255
generation 9-1-1 fund shall be credited to the fund. 2256

(C) From the ~~wireless-9-1-1~~ government assistance fund, 2257
the director of budget and management shall, as funds are 2258
available, transfer to the tax refund fund, created under 2259
section 5703.052 of the Revised Code, amounts equal to the 2260
refunds certified by the tax commissioner under division (D) of 2261
section 128.47 of the Revised Code. 2262

Sec. 128.55. (A) (1) The tax commissioner, ~~not later than~~ 2263
~~the last day of each month,~~ shall disburse moneys from the 2264
~~wireless-9-1-1~~ government assistance fund, plus any accrued 2265
interest on the fund, to each county treasurer in the same 2266
proportion distributed to that county by the tax commissioner in 2267
the corresponding calendar month of the previous year. Any 2268
shortfall in distributions resulting from the timing of funds 2269

received in a previous month shall be distributed in the 2270
following month. Disbursements shall occur not later than the 2271
tenth day of the month succeeding the month in which the 2272
wireless 9-1-1 charges imposed under section 128.40 of the 2273
Revised Code and the next generation 9-1-1 access fees imposed 2274
under sections 128.41 and 128.42 of the Revised Code are 2275
remitted. 2276

(2) ~~The tax commissioner shall disburse moneys from the~~ 2277
~~next generation 9-1-1 fund in accordance with the guidelines~~ 2278
~~established under section 128.022 of the Revised Code shall be~~ 2279
administered by the department of administrative services and 2280
used exclusively to pay costs of installing, maintaining, and 2281
operating the call routing and core services statewide next 2282
generation 9-1-1 system. 2283

(B) Immediately upon receipt by a county treasurer of a 2284
disbursement under division (A) of this section, the county 2285
shall disburse, in accordance with the allocation formula set 2286
forth in the final plan, the amount the county so received to 2287
any other subdivisions in the county and any regional councils 2288
of governments in the county that pay the costs of a public 2289
safety answering point providing wireless enhanced 9-1-1 under 2290
the plan. 2291

(C) Nothing in this chapter affects the authority of a 2292
subdivision operating or served by a public safety answering 2293
point of a 9-1-1 system or a regional council of governments 2294
operating a public safety answering point of a 9-1-1 system to 2295
use, as provided in the final plan for the system ~~or in an~~ 2296
~~agreement under section 128.09 of the Revised Code,~~ any other 2297
authorized revenue of the subdivision or the regional council of 2298
governments for the purposes of providing basic or enhanced 9-1- 2299

1.	2300
Sec. 128.57. Except as otherwise provided in section	2301
128.571 of the Revised Code:	2302
(A) A countywide 9-1-1 system receiving a disbursement	2303
under section 128.55 of the Revised Code shall provide	2304
countywide wireless enhanced 9-1-1 in accordance with this	2305
chapter beginning as soon as reasonably possible after receipt	2306
of the first disbursement or, if that service is already	2307
implemented, shall continue to provide such service. Except as	2308
provided in divisions (B), (C), and (E), and (F) of this	2309
section, a disbursement shall be used solely for the purpose of	2310
paying either or both of the following:	2311
(1) Any costs of designing <u>the following:</u>	2312
(a) <u>Designing</u> , upgrading, purchasing, leasing,	2313
programming, installing, testing, or maintaining the necessary	2314
data, hardware, software, and trunking required for the public	2315
safety answering point or points of the 9-1-1 system to provide	2316
wireless, <u>enhanced, or next generation</u> 9-1-1, which costs are	2317
incurred before or on or after May 6, 2005, and consist of such	2318
additional costs of the 9-1-1 system over and above any costs	2319
incurred to provide wireline 9-1-1 or to otherwise provide	2320
wireless enhanced 9-1-1. Annually, up to twenty five thousand	2321
dollars of the disbursements received on or after January 1,	2322
2009, may be applied to data, hardware, and software that	2323
automatically alerts personnel receiving a 9-1-1 call that a	2324
person at the subscriber's address or telephone number may have	2325
a mental or physical disability, of which that personnel shall	2326
inform the appropriate <u>service;</u>	2327
<u>(b) Processing 9-1-1 emergency calls from the point of</u>	2328

origin to include any expense for interoperable bidirectional 2329
computer aided dispatch data transfers with other public safety 2330
answering points or emergency services organizations and 2331
transferring and receiving law enforcement, fire, and emergency 2332
medical service provider. On or after the provision of technical 2333
and operational standards pursuant to section 128.021 of the 2334
Revised Code, a regional council of governments operating a 2335
public safety answering point or a subdivision shall consider 2336
the standards before incurring any costs described in this 2337
division. data via wireless or internet connections from public 2338
safety answering points or emergency services organizations to 2339
all applicable emergency responders. 2340

(2) Any costs of training the staff of the public safety 2341
answering point or points to provide wireless enhanced 9-1-1, 2342
~~which costs are incurred before or on or after May 6, 2005.~~ 2343

(B) A subdivision or a regional council of governments 2344
that certifies to the steering committee that it has paid the 2345
costs described in divisions (A) (1) and (2) of this section and 2346
is providing countywide wireless enhanced 9-1-1 may use 2347
disbursements received under section 128.55 of the Revised Code 2348
to pay any of its personnel costs of one or more public safety 2349
answering points providing countywide wireless enhanced 9-1-1. 2350

(C) After receiving its July 2013 disbursement under 2351
division (A) of section 128.55 of the Revised Code as that 2352
division existed prior to the amendments to that division by 2353
H.B. 64 of the 131st general assembly, a regional council of 2354
governments operating a public safety answering point or a 2355
subdivision may use any remaining balance of disbursements it 2356
received under that division, as it existed prior to the 2357
amendments to it by H.B. 64 of the 131st general assembly, to 2358

pay any of its costs of providing countywide wireless 9-1-1, 2359
including the personnel costs of one or more public safety 2360
answering points providing that service. 2361

(D) The costs described in divisions (A), (B), (C), and 2362
(E) of this section may include any such costs payable pursuant 2363
to an agreement under division ~~(J)~~(I) of section 128.03 of the 2364
Revised Code. 2365

(E) (1) No disbursement to a countywide 9-1-1 system for 2366
costs of a public safety answering point shall be made from the 2367
~~wireless~~ 9-1-1 government assistance fund or the next generation 2368
9-1-1 fund unless the public safety answering point meets the 2369
standards set by rule of the steering committee under section 2370
128.021 of the Revised Code. 2371

(2) The steering committee shall monitor compliance with 2372
the standards and shall notify the tax commissioner to suspend 2373
disbursements to a countywide 9-1-1 system that fails to meet 2374
the standards. Upon receipt of this notification, the 2375
commissioner shall suspend disbursements until the commissioner 2376
is notified of compliance with the standards. 2377

(F) If the amount of the next generation 9-1-1 access fee 2378
exceeds twenty-five cents per month, the amount collected that 2379
is attributable to the difference between the actual amount and 2380
twenty-five cents shall be used exclusively for the transitional 2381
costs of next generation 9-1-1 or costs of connecting to the 2382
statewide emergency services internet protocol network. 2383

(G) The auditor of state may audit and review each 2384
county's expenditures of funds received from the ~~wireless~~ 9-1-1 2385
government assistance fund to verify that the funds were used in 2386
accordance with the requirements of this chapter. All funds 2387

generated from the next generation 9-1-1 access fee imposed 2388
under sections 128.41 and 128.42 of the Revised Code may be used 2389
only for 9-1-1 related expenses. 2390

Sec. 128.60. (A) (1) A telephone company, the state highway 2391
patrol as described in division ~~(J)~~(I) of section 128.03 of the 2392
Revised Code, and each subdivision or regional council of 2393
governments operating one or more public safety answering points 2394
for a countywide system providing wireless 9-1-1, shall provide 2395
the steering committee and the tax commissioner with such 2396
information as the steering committee and tax commissioner 2397
request for the purposes of carrying out their duties under this 2398
chapter, including, but not limited to, duties regarding the 2399
collection of the wireless 9-1-1 charges imposed under section 2400
128.40 of the Revised Code and the next generation 9-1-1 access 2401
fee imposed under sections 128.41 and 128.42 of the Revised 2402
Code. 2403

(2) A wireless service provider shall provide an official, 2404
employee, agent, or representative of a subdivision or regional 2405
council of governments operating a public safety answering 2406
point, or of the state highway patrol as described in division 2407
~~(J)~~(I) of section 128.03 of the Revised Code, with such 2408
technical, service, and location information as the official, 2409
employee, agent, or representative requests for the purpose of 2410
providing wireless 9-1-1. 2411

(3) A subdivision or regional council of governments 2412
operating one or more public safety answering points of a 9-1-1 2413
system, and a telephone company, shall provide to the steering 2414
committee such information as the steering committee requires 2415
for the purpose of carrying out its duties under Chapter 128. of 2416
the Revised Code. 2417

(B) (1) Any information provided under division (A) of this 2418
section that consists of trade secrets as defined in section 2419
1333.61 of the Revised Code or of information regarding the 2420
customers, revenues, expenses, or network information of a 2421
telephone company shall be confidential and does not constitute 2422
a public record for the purpose of section 149.43 of the Revised 2423
Code. 2424

(2) The steering committee, tax commissioner, and any 2425
official, employee, agent, or representative of the steering 2426
committee, of the tax commissioner, of the state highway patrol 2427
as described in division ~~(J)~~ (I) of section 128.03 of the 2428
Revised Code, or of a subdivision or regional council of 2429
governments operating a public safety answering point, while 2430
acting or claiming to act in the capacity of the steering 2431
committee or tax commissioner or such official, employee, agent, 2432
or representative, shall not disclose any information provided 2433
under division (A) of this section regarding a telephone 2434
company's customers, revenues, expenses, or network information. 2435
Nothing in division (B) (2) of this section precludes any such 2436
information from being aggregated and included in any report of 2437
the steering committee, tax commissioner, or any official, 2438
employee, agent, or representative of the steering committee or 2439
tax commissioner, provided the aggregated information does not 2440
identify the number of any particular company's customers or the 2441
amount of its revenues or expenses or identify a particular 2442
company as to any network information. 2443

Sec. 128.63. ~~(A)~~—The tax commissioner may adopt rules in 2444
accordance with Chapter 119. of the Revised Code to carry out 2445
this chapter, including rules prescribing the necessary 2446
accounting for the collection fee under division (B) ~~(4)~~ of 2447
section 128.46 of the Revised Code. 2448

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

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

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

(B) Except as otherwise provided in this section, an individual who gives emergency instructions through a 9-1-1 system established under this chapter, and the principals for whom the person acts, including both employers and independent contractors, public and private, and an individual who follows emergency instructions and the principals for whom that person acts, including both employers and independent contractors, public and private, are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from the issuance or following of emergency instructions, except

where the issuance or following of the instructions constitutes 2479
willful or wanton misconduct. 2480

(C) Except for willful or wanton misconduct, a telephone 2481
company, and any other installer, maintainer, or provider, 2482
through the sale or otherwise, of customer premises equipment, 2483
or service used for or with a 9-1-1 system, and their respective 2484
officers, directors, employees, agents, suppliers, corporate 2485
parents, and affiliates are not liable in damages in a civil 2486
action for injuries, death, or loss to persons or property 2487
incurred by any person resulting from any of the following: 2488

(1) Such an entity's or its officers', directors', 2489
employees', agents', or suppliers' participation in or acts or 2490
omissions in connection with participating in or developing, 2491
maintaining, or operating a 9-1-1 system; 2492

(2) Such an entity's or its officers', directors', 2493
employees', agents', or suppliers' provision of assistance to a 2494
public utility, municipal utility, or state or local government 2495
as authorized by divisions ~~(G) (4)~~ (H) (4) and (5) of this 2496
section. 2497

(D) Except for willful or wanton misconduct, a provider of 2498
and a seller of a prepaid wireless calling service and their 2499
respective officers, directors, employees, agents, and suppliers 2500
are not liable in damages in a civil action for injuries, death, 2501
or loss to persons or property incurred by any person resulting 2502
from anything described in division (C) of this section. 2503

(E) Except for willful or wanton misconduct, a 9-1-1 2504
system service provider and the provider's respective officers, 2505
directors, employees, agents, and suppliers are not liable for 2506
any damages in a civil action for injuries, death, or loss to 2507

persons or property incurred by any person resulting from 2508
developing, adopting, implementing, maintaining, or operating a 2509
9-1-1 system, or from complying with emergency-related 2510
information requests from state or local government officials. 2511

(F) No person shall knowingly use the telephone number of 2512
a 9-1-1 system established under this chapter to report an 2513
emergency if the person knows that no emergency exists. 2514

~~(F)~~ (G) No person shall knowingly use a 9-1-1 system for a 2515
purpose other than obtaining emergency service. 2516

~~(G)~~ (H) No person shall disclose or use any information 2517
concerning telephone numbers, addresses, or names obtained from 2518
the data base that serves the public safety answering point of a 2519
9-1-1 system established under this chapter, except for any of 2520
the following purposes or under any of the following 2521
circumstances: 2522

(1) For the purpose of the 9-1-1 system; 2523

(2) For the purpose of responding to an emergency call to 2524
an emergency service provider; 2525

(3) In the circumstance of the inadvertent disclosure of 2526
such information due solely to technology of the wireline 2527
telephone network portion of the 9-1-1 system not allowing 2528
access to the data base to be restricted to 9-1-1 specific 2529
answering lines at a public safety answering point; 2530

(4) In the circumstance of access to a data base being 2531
given by a telephone company that is a wireline service provider 2532
to a public utility or municipal utility in handling customer 2533
calls in times of public emergency or service outages. The 2534
charge, terms, and conditions for the disclosure or use of such 2535
information for the purpose of such access to a data base shall 2536

be subject to the jurisdiction of the steering committee. 2537

(5) In the circumstance of access to a data base given by 2538
a telephone company that is a wireline service provider to a 2539
state and local government in warning of a public emergency, as 2540
determined by the steering committee. The charge, terms, and 2541
conditions for the disclosure or use of that information for the 2542
purpose of access to a data base is subject to the jurisdiction 2543
of the steering committee. 2544

Sec. ~~128.34~~ 128.98. (A) The attorney general, upon request 2545
of the steering committee, or on the attorney general's own 2546
initiative, shall begin proceedings against a telephone company 2547
that is a wireline service provider to enforce compliance with 2548
this chapter or with the terms, conditions, requirements, or 2549
specifications of a final plan ~~or of an agreement under section~~ 2550
~~128.09 of the Revised Code~~ as to wireline or wireless 9-1-1. 2551

(B) The attorney general, upon the attorney general's own 2552
initiative, or any prosecutor, upon the prosecutor's initiative, 2553
shall begin proceedings against a subdivision or a regional 2554
council of governments as to wireline or wireless 9-1-1 to 2555
enforce compliance with this chapter or with the terms, 2556
conditions, requirements, or specifications of a final plan ~~or~~ 2557
~~of an agreement under section 128.09 of the Revised Code~~ as to 2558
wireline or wireless 9-1-1. 2559

Sec. 128.99. (A) Whoever violates division ~~(E)~~ (F) of 2560
section ~~128.32~~ 128.96 of the Revised Code is guilty of a 2561
misdemeanor of the fourth degree. 2562

(B) Whoever violates division ~~(F)~~ or (G) or (H) of section 2563
~~128.32~~ 128.96 or division (B) (2) of section 128.60 of the 2564
Revised Code is guilty of a misdemeanor of the fourth degree on 2565

a first offense and a felony of the fifth degree on each 2566
subsequent offense. 2567

(C) If a wireless service provider, reseller, or seller 2568
violates division ~~(B)~~(A)(1)(a) of section 128.46 of the Revised 2569
Code, and does not comply with any extensions granted under 2570
division ~~(B)(2)~~(A)(2) of that section, the tax commissioner may 2571
impose a late-filing penalty of not more than the greater of 2572
fifty dollars or five per cent of the amount required to be 2573
remitted as described in division (B)(1)(b) of that section. 2574

(D) If a wireless service provider, reseller, or seller 2575
fails to comply with division ~~(B)~~(A)(1)(b) of section 128.46 of 2576
the Revised Code, the tax commissioner may impose a late-payment 2577
penalty of not more than the greater of fifty dollars or five 2578
per cent of the wireless 9-1-1 charge required to be remitted 2579
for the reporting period minus any partial remittance made on or 2580
before the due date, including any extensions granted under 2581
division ~~(B)~~(A)(2) of section 128.46 of the Revised Code. 2582

(E) The tax commissioner may impose an assessment penalty 2583
of not more than the greater of one hundred dollars or thirty- 2584
five per cent of the wireless 9-1-1 charges due after the tax 2585
commissioner notifies the person of an audit, an examination, a 2586
delinquency, assessment, or other notice that additional 2587
wireless 9-1-1 charges are due. 2588

(F) If a wireless service provider, reseller, or seller 2589
fails to comply with either electronic requirement of division 2590
~~(B)(5)~~(C) of section 128.46 of the Revised Code, the tax 2591
commissioner may impose an electronic penalty, for either or 2592
both failures to comply, of not more than the lesser of the 2593
following: 2594

(1) The greater of one hundred dollars or ten per cent of 2595
the amount required to be, but not, remitted electronically; 2596

(2) Five thousand dollars. 2597

(G) Each penalty described in divisions (C) to (F) of this 2598
section is in addition to any other penalty described in those 2599
divisions. The tax commissioner may abate all or any portion of 2600
any penalty described in those divisions. 2601

(H) An operator in violation of section 128.24 of the 2602
Revised Code may be assessed a fine of up to five thousand 2603
dollars per offense. 2604

(I) (1) If a business service user fails to comply with 2605
section 128.241 of the Revised Code without being exempt under 2606
section 128.242 of the Revised Code, the 9-1-1 steering 2607
committee shall request the attorney general to bring an action 2608
to recover one of the following amounts from the user: 2609

(a) One thousand dollars for an initial failure; 2610

(b) Up to five thousand dollars for each subsequent 2611
failure within each continuing six-month period in which the 2612
user remains noncompliant. 2613

(2) Any funds recovered under division (I) (1) of this 2614
section shall be deposited into the next generation 9-1-1 fund 2615
created under section 128.54 of the Revised Code. 2616

(3) Divisions (I) (1) and (2) of this section shall not 2617
apply if they are preempted by or in conflict with federal law. 2618

Sec. 149.43. (A) As used in this section: 2619

(1) "Public record" means records kept by any public 2620
office, including, but not limited to, state, county, city, 2621

village, township, and school district units, and records	2622
pertaining to the delivery of educational services by an	2623
alternative school in this state kept by the nonprofit or for-	2624
profit entity operating the alternative school pursuant to	2625
section 3313.533 of the Revised Code. "Public record" does not	2626
mean any of the following:	2627
(a) Medical records;	2628
(b) Records pertaining to probation and parole	2629
proceedings, to proceedings related to the imposition of	2630
community control sanctions and post-release control sanctions,	2631
or to proceedings related to determinations under section	2632
2967.271 of the Revised Code regarding the release or maintained	2633
incarceration of an offender to whom that section applies;	2634
(c) Records pertaining to actions under section 2151.85	2635
and division (C) of section 2919.121 of the Revised Code and to	2636
appeals of actions arising under those sections;	2637
(d) Records pertaining to adoption proceedings, including	2638
the contents of an adoption file maintained by the department of	2639
health under sections 3705.12 to 3705.124 of the Revised Code;	2640
(e) Information in a record contained in the putative	2641
father registry established by section 3107.062 of the Revised	2642
Code, regardless of whether the information is held by the	2643
department of job and family services or, pursuant to section	2644
3111.69 of the Revised Code, the office of child support in the	2645
department or a child support enforcement agency;	2646
(f) Records specified in division (A) of section 3107.52	2647
of the Revised Code;	2648
(g) Trial preparation records;	2649

(h) Confidential law enforcement investigatory records;	2650
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	2651 2652
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	2653 2654
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	2655 2656 2657 2658
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	2659 2660 2661 2662
(m) Intellectual property records;	2663
(n) Donor profile records;	2664
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	2665 2666
(p) Designated public service worker residential and familial information;	2667 2668
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	2669 2670 2671 2672 2673
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	2674 2675
(s) In the case of a child fatality review board acting	2676

under sections 307.621 to 307.629 of the Revised Code or a 2677
review conducted pursuant to guidelines established by the 2678
director of health under section 3701.70 of the Revised Code, 2679
records provided to the board or director, statements made by 2680
board members during meetings of the board or by persons 2681
participating in the director's review, and all work products of 2682
the board or director, and in the case of a child fatality 2683
review board, child fatality review data submitted by the board 2684
to the department of health or a national child death review 2685
database, other than the report prepared pursuant to division 2686
(A) of section 307.626 of the Revised Code; 2687

(t) Records provided to and statements made by the 2688
executive director of a public children services agency or a 2689
prosecuting attorney acting pursuant to section 5153.171 of the 2690
Revised Code other than the information released under that 2691
section; 2692

(u) Test materials, examinations, or evaluation tools used 2693
in an examination for licensure as a nursing home administrator 2694
that the board of executives of long-term services and supports 2695
administers under section 4751.15 of the Revised Code or 2696
contracts under that section with a private or government entity 2697
to administer; 2698

(v) Records the release of which is prohibited by state or 2699
federal law; 2700

(w) Proprietary information of or relating to any person 2701
that is submitted to or compiled by the Ohio venture capital 2702
authority created under section 150.01 of the Revised Code; 2703

(x) Financial statements and data any person submits for 2704
any purpose to the Ohio housing finance agency or the 2705

controlling board in connection with applying for, receiving, or 2706
accounting for financial assistance from the agency, and 2707
information that identifies any individual who benefits directly 2708
or indirectly from financial assistance from the agency; 2709

(y) Records listed in section 5101.29 of the Revised Code; 2710

(z) Discharges recorded with a county recorder under 2711
section 317.24 of the Revised Code, as specified in division (B) 2712
(2) of that section; 2713

(aa) Usage information including names and addresses of 2714
specific residential and commercial customers of a municipally 2715
owned or operated public utility; 2716

(bb) Records described in division (C) of section 187.04 2717
of the Revised Code that are not designated to be made available 2718
to the public as provided in that division; 2719

(cc) Information and records that are made confidential, 2720
privileged, and not subject to disclosure under divisions (B) 2721
and (C) of section 2949.221 of the Revised Code; 2722

(dd) Personal information, as defined in section 149.45 of 2723
the Revised Code; 2724

(ee) The confidential name, address, and other personally 2725
identifiable information of a program participant in the address 2726
confidentiality program established under sections 111.41 to 2727
111.47 of the Revised Code, including the contents of any 2728
application for absent voter's ballots, absent voter's ballot 2729
identification envelope statement of voter, or provisional 2730
ballot affirmation completed by a program participant who has a 2731
confidential voter registration record; records or portions of 2732
records pertaining to that program that identify the number of 2733
program participants that reside within a precinct, ward, 2734

township, municipal corporation, county, or any other geographic 2735
area smaller than the state; and any real property 2736
confidentiality notice filed under section 111.431 of the 2737
Revised Code and the information described in division (C) of 2738
that section. As used in this division, "confidential address" 2739
and "program participant" have the meaning defined in section 2740
111.41 of the Revised Code. 2741

(ff) Orders for active military service of an individual 2742
serving or with previous service in the armed forces of the 2743
United States, including a reserve component, or the Ohio 2744
organized militia, except that, such order becomes a public 2745
record on the day that is fifteen years after the published date 2746
or effective date of the call to order; 2747

(gg) The name, address, contact information, or other 2748
personal information of an individual who is less than eighteen 2749
years of age that is included in any record related to a traffic 2750
accident involving a school vehicle in which the individual was 2751
an occupant at the time of the accident; 2752

(hh) Protected health information, as defined in 45 C.F.R. 2753
160.103, that is in a claim for payment for a health care 2754
product, service, or procedure, as well as any other health 2755
claims data in another document that reveals the identity of an 2756
individual who is the subject of the data or could be used to 2757
reveal that individual's identity; 2758

(ii) Any depiction by photograph, film, videotape, or 2759
printed or digital image under either of the following 2760
circumstances: 2761

(i) The depiction is that of a victim of an offense the 2762
release of which would be, to a reasonable person of ordinary 2763

sensibilities, an offensive and objectionable intrusion into the 2764
victim's expectation of bodily privacy and integrity. 2765

(ii) The depiction captures or depicts the victim of a 2766
sexually oriented offense, as defined in section 2950.01 of the 2767
Revised Code, at the actual occurrence of that offense. 2768

(jj) Restricted portions of a body-worn camera or 2769
dashboard camera recording; 2770

(kk) In the case of a fetal-infant mortality review board 2771
acting under sections 3707.70 to 3707.77 of the Revised Code, 2772
records, documents, reports, or other information presented to 2773
the board or a person abstracting such materials on the board's 2774
behalf, statements made by review board members during board 2775
meetings, all work products of the board, and data submitted by 2776
the board to the department of health or a national infant death 2777
review database, other than the report prepared pursuant to 2778
section 3707.77 of the Revised Code. 2779

(ll) Records, documents, reports, or other information 2780
presented to the pregnancy-associated mortality review board 2781
established under section 3738.01 of the Revised Code, 2782
statements made by board members during board meetings, all work 2783
products of the board, and data submitted by the board to the 2784
department of health, other than the biennial reports prepared 2785
under section 3738.08 of the Revised Code; 2786

(mm) Except as otherwise provided in division (A) (1) (oo) 2787
of this section, telephone numbers for a victim, as defined in 2788
section 2930.01 of the Revised Code or a witness to a crime that 2789
are listed on any law enforcement record or report. 2790

(nn) A preneed funeral contract, as defined in section 2791
4717.01 of the Revised Code, and contract terms and personally 2792

identifying information of a preneed funeral contract, that is 2793
contained in a report submitted by or for a funeral home to the 2794
board of embalmers and funeral directors under division (C) of 2795
section 4717.13, division (J) of section 4717.31, or section 2796
4717.41 of the Revised Code. 2797

(oo) Telephone numbers for a party to a motor vehicle 2798
accident subject to the requirements of section 5502.11 of the 2799
Revised Code that are listed on any law enforcement record or 2800
report, except that the telephone numbers described in this 2801
division are not excluded from the definition of "public record" 2802
under this division on and after the thirtieth day after the 2803
occurrence of the motor vehicle accident. 2804

(pp) Records pertaining to individuals who complete 2805
training under section 5502.703 of the Revised Code to be 2806
permitted by a school district board of education or governing 2807
body of a community school established under Chapter 3314. of 2808
the Revised Code, a STEM school established under Chapter 3326. 2809
of the Revised Code, or a chartered nonpublic school to convey 2810
deadly weapons or dangerous ordnance into a school safety zone. 2811

A record that is not a public record under division (A) (1) 2812
of this section and that, under law, is permanently retained 2813
becomes a public record on the day that is seventy-five years 2814
after the day on which the record was created, except for any 2815
record protected by the attorney-client privilege, a trial 2816
preparation record as defined in this section, a statement 2817
prohibiting the release of identifying information signed under 2818
section 3107.083 of the Revised Code, a denial of release form 2819
filed pursuant to section 3107.46 of the Revised Code, or any 2820
record that is exempt from release or disclosure under section 2821
149.433 of the Revised Code. If the record is a birth 2822

certificate and a biological parent's name redaction request 2823
form has been accepted under section 3107.391 of the Revised 2824
Code, the name of that parent shall be redacted from the birth 2825
certificate before it is released under this paragraph. If any 2826
other section of the Revised Code establishes a time period for 2827
disclosure of a record that conflicts with the time period 2828
specified in this section, the time period in the other section 2829
prevails. 2830

(2) "Confidential law enforcement investigatory record" 2831
means any record that pertains to a law enforcement matter of a 2832
criminal, quasi-criminal, civil, or administrative nature, but 2833
only to the extent that the release of the record would create a 2834
high probability of disclosure of any of the following: 2835

(a) The identity of a suspect who has not been charged 2836
with the offense to which the record pertains, or of an 2837
information source or witness to whom confidentiality has been 2838
reasonably promised; 2839

(b) Information provided by an information source or 2840
witness to whom confidentiality has been reasonably promised, 2841
which information would reasonably tend to disclose the source's 2842
or witness's identity; 2843

(c) Specific confidential investigatory techniques or 2844
procedures or specific investigatory work product; 2845

(d) Information that would endanger the life or physical 2846
safety of law enforcement personnel, a crime victim, a witness, 2847
or a confidential information source. 2848

(3) "Medical record" means any document or combination of 2849
documents, except births, deaths, and the fact of admission to 2850
or discharge from a hospital, that pertains to the medical 2851

history, diagnosis, prognosis, or medical condition of a patient 2852
and that is generated and maintained in the process of medical 2853
treatment. 2854

(4) "Trial preparation record" means any record that 2855
contains information that is specifically compiled in reasonable 2856
anticipation of, or in defense of, a civil or criminal action or 2857
proceeding, including the independent thought processes and 2858
personal trial preparation of an attorney. 2859

(5) "Intellectual property record" means a record, other 2860
than a financial or administrative record, that is produced or 2861
collected by or for faculty or staff of a state institution of 2862
higher learning in the conduct of or as a result of study or 2863
research on an educational, commercial, scientific, artistic, 2864
technical, or scholarly issue, regardless of whether the study 2865
or research was sponsored by the institution alone or in 2866
conjunction with a governmental body or private concern, and 2867
that has not been publicly released, published, or patented. 2868

(6) "Donor profile record" means all records about donors 2869
or potential donors to a public institution of higher education 2870
except the names and reported addresses of the actual donors and 2871
the date, amount, and conditions of the actual donation. 2872

(7) "Designated public service worker" means a peace 2873
officer, parole officer, probation officer, bailiff, prosecuting 2874
attorney, assistant prosecuting attorney, correctional employee, 2875
county or multicounty corrections officer, community-based 2876
correctional facility employee, designated Ohio national guard 2877
member, protective services worker, youth services employee, 2878
firefighter, EMT, medical director or member of a cooperating 2879
physician advisory board of an emergency medical service 2880
organization, state board of pharmacy employee, investigator of 2881

the bureau of criminal identification and investigation, 2882
emergency service telecommunicator, forensic mental health 2883
provider, mental health evaluation provider, regional 2884
psychiatric hospital employee, judge, magistrate, or federal law 2885
enforcement officer. 2886

(8) "Designated public service worker residential and 2887
familial information" means any information that discloses any 2888
of the following about a designated public service worker: 2889

(a) The address of the actual personal residence of a 2890
designated public service worker, except for the following 2891
information: 2892

(i) The address of the actual personal residence of a 2893
prosecuting attorney or judge; and 2894

(ii) The state or political subdivision in which a 2895
designated public service worker resides. 2896

(b) Information compiled from referral to or participation 2897
in an employee assistance program; 2898

(c) The social security number, the residential telephone 2899
number, any bank account, debit card, charge card, or credit 2900
card number, or the emergency telephone number of, or any 2901
medical information pertaining to, a designated public service 2902
worker; 2903

(d) The name of any beneficiary of employment benefits, 2904
including, but not limited to, life insurance benefits, provided 2905
to a designated public service worker by the designated public 2906
service worker's employer; 2907

(e) The identity and amount of any charitable or 2908
employment benefit deduction made by the designated public 2909

service worker's employer from the designated public service 2910
worker's compensation, unless the amount of the deduction is 2911
required by state or federal law; 2912

(f) The name, the residential address, the name of the 2913
employer, the address of the employer, the social security 2914
number, the residential telephone number, any bank account, 2915
debit card, charge card, or credit card number, or the emergency 2916
telephone number of the spouse, a former spouse, or any child of 2917
a designated public service worker; 2918

(g) A photograph of a peace officer who holds a position 2919
or has an assignment that may include undercover or plain 2920
clothes positions or assignments as determined by the peace 2921
officer's appointing authority. 2922

(9) As used in divisions (A) (7) and (15) to (17) of this 2923
section: 2924

"Peace officer" has the meaning defined in section 109.71 2925
of the Revised Code and also includes the superintendent and 2926
troopers of the state highway patrol; it does not include the 2927
sheriff of a county or a supervisory employee who, in the 2928
absence of the sheriff, is authorized to stand in for, exercise 2929
the authority of, and perform the duties of the sheriff. 2930

"Correctional employee" means any employee of the 2931
department of rehabilitation and correction who in the course of 2932
performing the employee's job duties has or has had contact with 2933
inmates and persons under supervision. 2934

"County or multicounty corrections officer" means any 2935
corrections officer employed by any county or multicounty 2936
correctional facility. 2937

"Designated Ohio national guard member" means a member of 2938

the Ohio national guard who is participating in duties related 2939
to remotely piloted aircraft, including, but not limited to, 2940
pilots, sensor operators, and mission intelligence personnel, 2941
duties related to special forces operations, or duties related 2942
to cybersecurity, and is designated by the adjutant general as a 2943
designated public service worker for those purposes. 2944

"Protective services worker" means any employee of a 2945
county agency who is responsible for child protective services, 2946
child support services, or adult protective services. 2947

"Youth services employee" means any employee of the 2948
department of youth services who in the course of performing the 2949
employee's job duties has or has had contact with children 2950
committed to the custody of the department of youth services. 2951

"Firefighter" means any regular, paid or volunteer, member 2952
of a lawfully constituted fire department of a municipal 2953
corporation, township, fire district, or village. 2954

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2955
provide emergency medical services for a public emergency 2956
medical service organization. "Emergency medical service 2957
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2958
meanings defined in section 4765.01 of the Revised Code. 2959

"Investigator of the bureau of criminal identification and 2960
investigation" has the meaning defined in section 2903.11 of the 2961
Revised Code. 2962

"Emergency service telecommunicator" ~~has the meaning~~ means 2963
an individual employed by an emergency service provider as 2964
defined in under section 4742.01-128.01 of the Revised Code, 2965
whose primary responsibility is to be an operator for the 2966
receipt or processing of calls for emergency services made by 2967

telephone, radio, or other electronic means. 2968

"Forensic mental health provider" means any employee of a 2969
community mental health service provider or local alcohol, drug 2970
addiction, and mental health services board who, in the course 2971
of the employee's duties, has contact with persons committed to 2972
a local alcohol, drug addiction, and mental health services 2973
board by a court order pursuant to section 2945.38, 2945.39, 2974
2945.40, or 2945.402 of the Revised Code. 2975

"Mental health evaluation provider" means an individual 2976
who, under Chapter 5122. of the Revised Code, examines a 2977
respondent who is alleged to be a mentally ill person subject to 2978
court order, as defined in section 5122.01 of the Revised Code, 2979
and reports to the probate court the respondent's mental 2980
condition. 2981

"Regional psychiatric hospital employee" means any 2982
employee of the department of mental health and addiction 2983
services who, in the course of performing the employee's duties, 2984
has contact with patients committed to the department of mental 2985
health and addiction services by a court order pursuant to 2986
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2987
Code. 2988

"Federal law enforcement officer" has the meaning defined 2989
in section 9.88 of the Revised Code. 2990

(10) "Information pertaining to the recreational 2991
activities of a person under the age of eighteen" means 2992
information that is kept in the ordinary course of business by a 2993
public office, that pertains to the recreational activities of a 2994
person under the age of eighteen years, and that discloses any 2995
of the following: 2996

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	2997 2998 2999 3000
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	3001 3002
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	3003 3004
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	3005 3006 3007 3008 3009 3010
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	3011 3012
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	3013 3014
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	3015 3016 3017 3018
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	3019 3020
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	3021 3022 3023 3024

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

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

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

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

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

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to

division (H) (1) of this section, the consent of the injured 3054
person or the injured person's guardian has been obtained; 3055

(f) Grievous bodily harm to a peace officer, firefighter, 3056
paramedic, or other first responder, occurring while the injured 3057
person was engaged in the performance of official duties, 3058
unless, subject to division (H) (1) of this section, the consent 3059
of the injured person or the injured person's guardian has been 3060
obtained; 3061

(g) An act of severe violence resulting in serious 3062
physical harm against a peace officer, firefighter, paramedic, 3063
or other first responder, occurring while the injured person was 3064
engaged in the performance of official duties, unless, subject 3065
to division (H) (1) of this section, the consent of the injured 3066
person or the injured person's guardian has been obtained; 3067

(h) A person's nude body, unless, subject to division (H) 3068
(1) of this section, the person's consent has been obtained; 3069

(i) Protected health information, the identity of a person 3070
in a health care facility who is not the subject of a law 3071
enforcement encounter, or any other information in a health care 3072
facility that could identify a person who is not the subject of 3073
a law enforcement encounter; 3074

(j) Information that could identify the alleged victim of 3075
a sex offense, menacing by stalking, or domestic violence; 3076

(k) Information, that does not constitute a confidential 3077
law enforcement investigatory record, that could identify a 3078
person who provides sensitive or confidential information to a 3079
law enforcement agency when the disclosure of the person's 3080
identity or the information provided could reasonably be 3081
expected to threaten or endanger the safety or property of the 3082

person or another person;	3083
(1) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	3084 3085
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	3086 3087 3088
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	3089 3090 3091
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	3092 3093
(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;	3094 3095 3096
(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.	3097 3098 3099
As used in division (A) (17) of this section:	3100
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	3101 3102
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	3103 3104
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	3105 3106
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	3107 3108
"Personal information" means any government-issued	3109

identification number, date of birth, address, financial 3110
information, or criminal justice information from the law 3111
enforcement automated data system or similar databases. 3112

"Sex offense" has the same meaning as in section 2907.10 3113
of the Revised Code. 3114

"Firefighter," "paramedic," and "first responder" have the 3115
same meanings as in section 4765.01 of the Revised Code. 3116

(B) (1) Upon request by any person and subject to division 3117
(B) (8) of this section, all public records responsive to the 3118
request shall be promptly prepared and made available for 3119
inspection to the requester at all reasonable times during 3120
regular business hours. Subject to division (B) (8) of this 3121
section, upon request by any person, a public office or person 3122
responsible for public records shall make copies of the 3123
requested public record available to the requester at cost and 3124
within a reasonable period of time. If a public record contains 3125
information that is exempt from the duty to permit public 3126
inspection or to copy the public record, the public office or 3127
the person responsible for the public record shall make 3128
available all of the information within the public record that 3129
is not exempt. When making that public record available for 3130
public inspection or copying that public record, the public 3131
office or the person responsible for the public record shall 3132
notify the requester of any redaction or make the redaction 3133
plainly visible. A redaction shall be deemed a denial of a 3134
request to inspect or copy the redacted information, except if 3135
federal or state law authorizes or requires a public office to 3136
make the redaction. 3137

(2) To facilitate broader access to public records, a 3138
public office or the person responsible for public records shall 3139

organize and maintain public records in a manner that they can 3140
be made available for inspection or copying in accordance with 3141
division (B) of this section. A public office also shall have 3142
available a copy of its current records retention schedule at a 3143
location readily available to the public. If a requester makes 3144
an ambiguous or overly broad request or has difficulty in making 3145
a request for copies or inspection of public records under this 3146
section such that the public office or the person responsible 3147
for the requested public record cannot reasonably identify what 3148
public records are being requested, the public office or the 3149
person responsible for the requested public record may deny the 3150
request but shall provide the requester with an opportunity to 3151
revise the request by informing the requester of the manner in 3152
which records are maintained by the public office and accessed 3153
in the ordinary course of the public office's or person's 3154
duties. 3155

(3) If a request is ultimately denied, in part or in 3156
whole, the public office or the person responsible for the 3157
requested public record shall provide the requester with an 3158
explanation, including legal authority, setting forth why the 3159
request was denied. If the initial request was provided in 3160
writing, the explanation also shall be provided to the requester 3161
in writing. The explanation shall not preclude the public office 3162
or the person responsible for the requested public record from 3163
relying upon additional reasons or legal authority in defending 3164
an action commenced under division (C) of this section. 3165

(4) Unless specifically required or authorized by state or 3166
federal law or in accordance with division (B) of this section, 3167
no public office or person responsible for public records may 3168
limit or condition the availability of public records by 3169
requiring disclosure of the requester's identity or the intended 3170

use of the requested public record. Any requirement that the 3171
requester disclose the requester's identity or the intended use 3172
of the requested public record constitutes a denial of the 3173
request. 3174

(5) A public office or person responsible for public 3175
records may ask a requester to make the request in writing, may 3176
ask for the requester's identity, and may inquire about the 3177
intended use of the information requested, but may do so only 3178
after disclosing to the requester that a written request is not 3179
mandatory, that the requester may decline to reveal the 3180
requester's identity or the intended use, and when a written 3181
request or disclosure of the identity or intended use would 3182
benefit the requester by enhancing the ability of the public 3183
office or person responsible for public records to identify, 3184
locate, or deliver the public records sought by the requester. 3185

(6) If any person requests a copy of a public record in 3186
accordance with division (B) of this section, the public office 3187
or person responsible for the public record may require the 3188
requester to pay in advance the cost involved in providing the 3189
copy of the public record in accordance with the choice made by 3190
the requester under this division. The public office or the 3191
person responsible for the public record shall permit the 3192
requester to choose to have the public record duplicated upon 3193
paper, upon the same medium upon which the public office or 3194
person responsible for the public record keeps it, or upon any 3195
other medium upon which the public office or person responsible 3196
for the public record determines that it reasonably can be 3197
duplicated as an integral part of the normal operations of the 3198
public office or person responsible for the public record. When 3199
the requester makes a choice under this division, the public 3200
office or person responsible for the public record shall provide 3201

a copy of it in accordance with the choice made by the 3202
requester. Nothing in this section requires a public office or 3203
person responsible for the public record to allow the requester 3204
of a copy of the public record to make the copies of the public 3205
record. 3206

(7) (a) Upon a request made in accordance with division (B) 3207
of this section and subject to division (B) (6) of this section, 3208
a public office or person responsible for public records shall 3209
transmit a copy of a public record to any person by United 3210
States mail or by any other means of delivery or transmission 3211
within a reasonable period of time after receiving the request 3212
for the copy. The public office or person responsible for the 3213
public record may require the person making the request to pay 3214
in advance the cost of postage if the copy is transmitted by 3215
United States mail or the cost of delivery if the copy is 3216
transmitted other than by United States mail, and to pay in 3217
advance the costs incurred for other supplies used in the 3218
mailing, delivery, or transmission. 3219

(b) Any public office may adopt a policy and procedures 3220
that it will follow in transmitting, within a reasonable period 3221
of time after receiving a request, copies of public records by 3222
United States mail or by any other means of delivery or 3223
transmission pursuant to division (B) (7) of this section. A 3224
public office that adopts a policy and procedures under division 3225
(B) (7) of this section shall comply with them in performing its 3226
duties under that division. 3227

(c) In any policy and procedures adopted under division 3228
(B) (7) of this section: 3229

(i) A public office may limit the number of records 3230
requested by a person that the office will physically deliver by 3231

United States mail or by another delivery service to ten per 3232
month, unless the person certifies to the office in writing that 3233
the person does not intend to use or forward the requested 3234
records, or the information contained in them, for commercial 3235
purposes; 3236

(ii) A public office that chooses to provide some or all 3237
of its public records on a web site that is fully accessible to 3238
and searchable by members of the public at all times, other than 3239
during acts of God outside the public office's control or 3240
maintenance, and that charges no fee to search, access, 3241
download, or otherwise receive records provided on the web site, 3242
may limit to ten per month the number of records requested by a 3243
person that the office will deliver in a digital format, unless 3244
the requested records are not provided on the web site and 3245
unless the person certifies to the office in writing that the 3246
person does not intend to use or forward the requested records, 3247
or the information contained in them, for commercial purposes. 3248

(iii) For purposes of division (B) (7) of this section, 3249
"commercial" shall be narrowly construed and does not include 3250
reporting or gathering news, reporting or gathering information 3251
to assist citizen oversight or understanding of the operation or 3252
activities of government, or nonprofit educational research. 3253

(8) A public office or person responsible for public 3254
records is not required to permit a person who is incarcerated 3255
pursuant to a criminal conviction or a juvenile adjudication to 3256
inspect or to obtain a copy of any public record concerning a 3257
criminal investigation or prosecution or concerning what would 3258
be a criminal investigation or prosecution if the subject of the 3259
investigation or prosecution were an adult, unless the request 3260
to inspect or to obtain a copy of the record is for the purpose 3261

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, 3292
"journalist" means a person engaged in, connected with, or 3293
employed by any news medium, including a newspaper, magazine, 3294
press association, news agency, or wire service, a radio or 3295
television station, or a similar medium, for the purpose of 3296
gathering, processing, transmitting, compiling, editing, or 3297
disseminating information for the general public. 3298

(10) Upon a request made by a victim, victim's attorney, 3299
or victim's representative, as that term is used in section 3300
2930.02 of the Revised Code, a public office or person 3301
responsible for public records shall transmit a copy of a 3302
depiction of the victim as described in division (A) (1) (ii) of 3303
this section to the victim, victim's attorney, or victim's 3304
representative. 3305

(C) (1) If a person allegedly is aggrieved by the failure 3306
of a public office or the person responsible for public records 3307
to promptly prepare a public record and to make it available to 3308
the person for inspection in accordance with division (B) of 3309
this section or by any other failure of a public office or the 3310
person responsible for public records to comply with an 3311
obligation in accordance with division (B) of this section, the 3312
person allegedly aggrieved may do only one of the following, and 3313
not both: 3314

(a) File a complaint with the clerk of the court of claims 3315
or the clerk of the court of common pleas under section 2743.75 3316
of the Revised Code; 3317

(b) Commence a mandamus action to obtain a judgment that 3318
orders the public office or the person responsible for the 3319
public record to comply with division (B) of this section, that 3320
awards court costs and reasonable attorney's fees to the person 3321

that instituted the mandamus action, and, if applicable, that 3322
includes an order fixing statutory damages under division (C) (2) 3323
of this section. The mandamus action may be commenced in the 3324
court of common pleas of the county in which division (B) of 3325
this section allegedly was not complied with, in the supreme 3326
court pursuant to its original jurisdiction under Section 2 of 3327
Article IV, Ohio Constitution, or in the court of appeals for 3328
the appellate district in which division (B) of this section 3329
allegedly was not complied with pursuant to its original 3330
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3331

(2) If a requester transmits a written request by hand 3332
delivery, electronic submission, or certified mail to inspect or 3333
receive copies of any public record in a manner that fairly 3334
describes the public record or class of public records to the 3335
public office or person responsible for the requested public 3336
records, except as otherwise provided in this section, the 3337
requester shall be entitled to recover the amount of statutory 3338
damages set forth in this division if a court determines that 3339
the public office or the person responsible for public records 3340
failed to comply with an obligation in accordance with division 3341
(B) of this section. 3342

The amount of statutory damages shall be fixed at one 3343
hundred dollars for each business day during which the public 3344
office or person responsible for the requested public records 3345
failed to comply with an obligation in accordance with division 3346
(B) of this section, beginning with the day on which the 3347
requester files a mandamus action to recover statutory damages, 3348
up to a maximum of one thousand dollars. The award of statutory 3349
damages shall not be construed as a penalty, but as compensation 3350
for injury arising from lost use of the requested information. 3351
The existence of this injury shall be conclusively presumed. The 3352

award of statutory damages shall be in addition to all other 3353
remedies authorized by this section. 3354

The court may reduce an award of statutory damages or not 3355
award statutory damages if the court determines both of the 3356
following: 3357

(a) That, based on the ordinary application of statutory 3358
law and case law as it existed at the time of the conduct or 3359
threatened conduct of the public office or person responsible 3360
for the requested public records that allegedly constitutes a 3361
failure to comply with an obligation in accordance with division 3362
(B) of this section and that was the basis of the mandamus 3363
action, a well-informed public office or person responsible for 3364
the requested public records reasonably would believe that the 3365
conduct or threatened conduct of the public office or person 3366
responsible for the requested public records did not constitute 3367
a failure to comply with an obligation in accordance with 3368
division (B) of this section; 3369

(b) That a well-informed public office or person 3370
responsible for the requested public records reasonably would 3371
believe that the conduct or threatened conduct of the public 3372
office or person responsible for the requested public records 3373
would serve the public policy that underlies the authority that 3374
is asserted as permitting that conduct or threatened conduct. 3375

(3) In a mandamus action filed under division (C) (1) of 3376
this section, the following apply: 3377

(a) (i) If the court orders the public office or the person 3378
responsible for the public record to comply with division (B) of 3379
this section, the court shall determine and award to the relator 3380
all court costs, which shall be construed as remedial and not 3381

punitive. 3382

(ii) If the court makes a determination described in 3383
division (C) (3) (b) (iii) of this section, the court shall 3384
determine and award to the relator all court costs, which shall 3385
be construed as remedial and not punitive. 3386

(b) If the court renders a judgment that orders the public 3387
office or the person responsible for the public record to comply 3388
with division (B) of this section or if the court determines any 3389
of the following, the court may award reasonable attorney's fees 3390
to the relator, subject to division (C) (4) of this section: 3391

(i) The public office or the person responsible for the 3392
public records failed to respond affirmatively or negatively to 3393
the public records request in accordance with the time allowed 3394
under division (B) of this section. 3395

(ii) The public office or the person responsible for the 3396
public records promised to permit the relator to inspect or 3397
receive copies of the public records requested within a 3398
specified period of time but failed to fulfill that promise 3399
within that specified period of time. 3400

(iii) The public office or the person responsible for the 3401
public records acted in bad faith when the office or person 3402
voluntarily made the public records available to the relator for 3403
the first time after the relator commenced the mandamus action, 3404
but before the court issued any order concluding whether or not 3405
the public office or person was required to comply with division 3406
(B) of this section. No discovery may be conducted on the issue 3407
of the alleged bad faith of the public office or person 3408
responsible for the public records. This division shall not be 3409
construed as creating a presumption that the public office or 3410

the person responsible for the public records acted in bad faith 3411
when the office or person voluntarily made the public records 3412
available to the relator for the first time after the relator 3413
commenced the mandamus action, but before the court issued any 3414
order described in this division. 3415

(c) The court shall not award attorney's fees to the 3416
relator if the court determines both of the following: 3417

(i) That, based on the ordinary application of statutory 3418
law and case law as it existed at the time of the conduct or 3419
threatened conduct of the public office or person responsible 3420
for the requested public records that allegedly constitutes a 3421
failure to comply with an obligation in accordance with division 3422
(B) of this section and that was the basis of the mandamus 3423
action, a well-informed public office or person responsible for 3424
the requested public records reasonably would believe that the 3425
conduct or threatened conduct of the public office or person 3426
responsible for the requested public records did not constitute 3427
a failure to comply with an obligation in accordance with 3428
division (B) of this section; 3429

(ii) That a well-informed public office or person 3430
responsible for the requested public records reasonably would 3431
believe that the conduct or threatened conduct of the public 3432
office or person responsible for the requested public records 3433
would serve the public policy that underlies the authority that 3434
is asserted as permitting that conduct or threatened conduct. 3435

(4) All of the following apply to any award of reasonable 3436
attorney's fees awarded under division (C) (3) (b) of this 3437
section: 3438

(a) The fees shall be construed as remedial and not 3439

punitive. 3440

(b) The fees awarded shall not exceed the total of the 3441
reasonable attorney's fees incurred before the public record was 3442
made available to the relator and the fees described in division 3443
(C) (4) (c) of this section. 3444

(c) Reasonable attorney's fees shall include reasonable 3445
fees incurred to produce proof of the reasonableness and amount 3446
of the fees and to otherwise litigate entitlement to the fees. 3447

(d) The court may reduce the amount of fees awarded if the 3448
court determines that, given the factual circumstances involved 3449
with the specific public records request, an alternative means 3450
should have been pursued to more effectively and efficiently 3451
resolve the dispute that was subject to the mandamus action 3452
filed under division (C) (1) of this section. 3453

(5) If the court does not issue a writ of mandamus under 3454
division (C) of this section and the court determines at that 3455
time that the bringing of the mandamus action was frivolous 3456
conduct as defined in division (A) of section 2323.51 of the 3457
Revised Code, the court may award to the public office all court 3458
costs, expenses, and reasonable attorney's fees, as determined 3459
by the court. 3460

(D) Chapter 1347. of the Revised Code does not limit the 3461
provisions of this section. 3462

(E) (1) To ensure that all employees of public offices are 3463
appropriately educated about a public office's obligations under 3464
division (B) of this section, all elected officials or their 3465
appropriate designees shall attend training approved by the 3466
attorney general as provided in section 109.43 of the Revised 3467
Code. A future official may satisfy the requirements of this 3468

division by attending the training before taking office, 3469
provided that the future official may not send a designee in the 3470
future official's place. 3471

(2) All public offices shall adopt a public records policy 3472
in compliance with this section for responding to public records 3473
requests. In adopting a public records policy under this 3474
division, a public office may obtain guidance from the model 3475
public records policy developed and provided to the public 3476
office by the attorney general under section 109.43 of the 3477
Revised Code. Except as otherwise provided in this section, the 3478
policy may not limit the number of public records that the 3479
public office will make available to a single person, may not 3480
limit the number of public records that it will make available 3481
during a fixed period of time, and may not establish a fixed 3482
period of time before it will respond to a request for 3483
inspection or copying of public records, unless that period is 3484
less than eight hours. 3485

The public office shall distribute the public records 3486
policy adopted by the public office under this division to the 3487
employee of the public office who is the records custodian or 3488
records manager or otherwise has custody of the records of that 3489
office. The public office shall require that employee to 3490
acknowledge receipt of the copy of the public records policy. 3491
The public office shall create a poster that describes its 3492
public records policy and shall post the poster in a conspicuous 3493
place in the public office and in all locations where the public 3494
office has branch offices. The public office may post its public 3495
records policy on the internet web site of the public office if 3496
the public office maintains an internet web site. A public 3497
office that has established a manual or handbook of its general 3498
policies and procedures for all employees of the public office 3499

shall include the public records policy of the public office in 3500
the manual or handbook. 3501

(F) (1) The bureau of motor vehicles may adopt rules 3502
pursuant to Chapter 119. of the Revised Code to reasonably limit 3503
the number of bulk commercial special extraction requests made 3504
by a person for the same records or for updated records during a 3505
calendar year. The rules may include provisions for charges to 3506
be made for bulk commercial special extraction requests for the 3507
actual cost of the bureau, plus special extraction costs, plus 3508
ten per cent. The bureau may charge for expenses for redacting 3509
information, the release of which is prohibited by law. 3510

(2) As used in division (F) (1) of this section: 3511

(a) "Actual cost" means the cost of depleted supplies, 3512
records storage media costs, actual mailing and alternative 3513
delivery costs, or other transmitting costs, and any direct 3514
equipment operating and maintenance costs, including actual 3515
costs paid to private contractors for copying services. 3516

(b) "Bulk commercial special extraction request" means a 3517
request for copies of a record for information in a format other 3518
than the format already available, or information that cannot be 3519
extracted without examination of all items in a records series, 3520
class of records, or database by a person who intends to use or 3521
forward the copies for surveys, marketing, solicitation, or 3522
resale for commercial purposes. "Bulk commercial special 3523
extraction request" does not include a request by a person who 3524
gives assurance to the bureau that the person making the request 3525
does not intend to use or forward the requested copies for 3526
surveys, marketing, solicitation, or resale for commercial 3527
purposes. 3528

(c) "Commercial" means profit-seeking production, buying, 3529
or selling of any good, service, or other product. 3530

(d) "Special extraction costs" means the cost of the time 3531
spent by the lowest paid employee competent to perform the task, 3532
the actual amount paid to outside private contractors employed 3533
by the bureau, or the actual cost incurred to create computer 3534
programs to make the special extraction. "Special extraction 3535
costs" include any charges paid to a public agency for computer 3536
or records services. 3537

(3) For purposes of divisions (F) (1) and (2) of this 3538
section, "surveys, marketing, solicitation, or resale for 3539
commercial purposes" shall be narrowly construed and does not 3540
include reporting or gathering news, reporting or gathering 3541
information to assist citizen oversight or understanding of the 3542
operation or activities of government, or nonprofit educational 3543
research. 3544

(G) A request by a defendant, counsel of a defendant, or 3545
any agent of a defendant in a criminal action that public 3546
records related to that action be made available under this 3547
section shall be considered a demand for discovery pursuant to 3548
the Criminal Rules, except to the extent that the Criminal Rules 3549
plainly indicate a contrary intent. The defendant, counsel of 3550
the defendant, or agent of the defendant making a request under 3551
this division shall serve a copy of the request on the 3552
prosecuting attorney, director of law, or other chief legal 3553
officer responsible for prosecuting the action. 3554

(H) (1) Any portion of a body-worn camera or dashboard 3555
camera recording described in divisions (A) (17) (b) to (h) of 3556
this section may be released by consent of the subject of the 3557
recording or a representative of that person, as specified in 3558

those divisions, only if either of the following applies: 3559

(a) The recording will not be used in connection with any 3560
probable or pending criminal proceedings; 3561

(b) The recording has been used in connection with a 3562
criminal proceeding that was dismissed or for which a judgment 3563
has been entered pursuant to Rule 32 of the Rules of Criminal 3564
Procedure, and will not be used again in connection with any 3565
probable or pending criminal proceedings. 3566

(2) If a public office denies a request to release a 3567
restricted portion of a body-worn camera or dashboard camera 3568
recording, as defined in division (A)(17) of this section, any 3569
person may file a mandamus action pursuant to this section or a 3570
complaint with the clerk of the court of claims pursuant to 3571
section 2743.75 of the Revised Code, requesting the court to 3572
order the release of all or portions of the recording. If the 3573
court considering the request determines that the filing 3574
articulates by clear and convincing evidence that the public 3575
interest in the recording substantially outweighs privacy 3576
interests and other interests asserted to deny release, the 3577
court shall order the public office to release the recording. 3578

Sec. 4776.20. (A) As used in this section: 3579

(1) "Licensing agency" means, in addition to each board 3580
identified in division (C) of section 4776.01 of the Revised 3581
Code, the board or other government entity authorized to issue a 3582
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 3583
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3584
~~4742.,~~4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 3585
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 3586
"Licensing agency" includes an administrative officer that has 3587

authority to issue a license. 3588

(2) "Licensee" means, in addition to a licensee as 3589
described in division (B) of section 4776.01 of the Revised 3590
Code, the person to whom a license is issued by the board or 3591
other government entity authorized to issue a license under 3592
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 3593
4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.,~~ 4747., 3594
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3595
4766., 4771., 4773., and 4781. of the Revised Code. 3596

(3) "Prosecutor" has the same meaning as in section 3597
2935.01 of the Revised Code. 3598

(B) On a licensee's conviction of, plea of guilty to, 3599
judicial finding of guilt of, or judicial finding of guilt 3600
resulting from a plea of no contest to the offense of 3601
trafficking in persons in violation of section 2905.32 of the 3602
Revised Code, the prosecutor in the case shall promptly notify 3603
the licensing agency of the conviction, plea, or finding and 3604
provide the licensee's name and residential address. On receipt 3605
of this notification, the licensing agency shall immediately 3606
suspend the licensee's license. 3607

(C) If there is a conviction of, plea of guilty to, 3608
judicial finding of guilt of, or judicial finding of guilt 3609
resulting from a plea of no contest to the offense of 3610
trafficking in persons in violation of section 2905.32 of the 3611
Revised Code and all or part of the violation occurred on the 3612
premises of a facility that is licensed by a licensing agency, 3613
the prosecutor in the case shall promptly notify the licensing 3614
agency of the conviction, plea, or finding and provide the 3615
facility's name and address and the offender's name and 3616
residential address. On receipt of this notification, the 3617

licensing agency shall immediately suspend the facility's 3618
license. 3619

(D) Notwithstanding any provision of the Revised Code to 3620
the contrary, the suspension of a license under division (B) or 3621
(C) of this section shall be implemented by a licensing agency 3622
without a prior hearing. After the suspension, the licensing 3623
agency shall give written notice to the subject of the 3624
suspension of the right to request a hearing under Chapter 119. 3625
of the Revised Code. After a hearing is held, the licensing 3626
agency shall either revoke or permanently revoke the license of 3627
the subject of the suspension, unless it determines that the 3628
license holder has not been convicted of, pleaded guilty to, 3629
been found guilty of, or been found guilty based on a plea of no 3630
contest to the offense of trafficking in persons in violation of 3631
section 2905.32 of the Revised Code. 3632

Sec. 5703.052. (A) There is hereby created in the state 3633
treasury the tax refund fund, from which refunds shall be paid 3634
for taxes illegally or erroneously assessed or collected, or for 3635
any other reason overpaid, that are levied by Chapter 4301., 3636
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 3637
5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3638
3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 3639
5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for 3640
fees ~~or levied under sections 3734.90 to 3734.9014 of the~~ 3641
Revised Code, wireless 9-1-1 charges imposed under section 3642
128.40 of the Revised Code, or next generation 9-1-1 access fees 3643
imposed under sections 128.41 and 128.42 of the Revised Code 3644
illegally or erroneously assessed or collected, or for any other 3645
reason overpaid, ~~that are levied by sections 128.42 or 3734.90-~~ 3646
~~to 3734.9014 of the Revised Code~~ also shall be paid from the 3647
fund. Refunds for amounts illegally or erroneously assessed or 3648

collected by the tax commissioner, or for any other reason 3649
overpaid, that are due under section 1509.50 of the Revised Code 3650
shall be paid from the fund. Refunds for amounts illegally or 3651
erroneously assessed or collected by the commissioner, or for 3652
any other reason overpaid to the commissioner, under sections 3653
718.80 to 718.95 of the Revised Code shall be paid from the 3654
fund. However, refunds for taxes levied under section 5739.101 3655
of the Revised Code shall not be paid from the tax refund fund, 3656
but shall be paid as provided in section 5739.104 of the Revised 3657
Code. 3658

(B) (1) Upon certification by the tax commissioner to the 3659
treasurer of state of a tax refund, a wireless 9-1-1 charge 3660
refund, a next generation 9-1-1 access fee refund, or another 3661
amount refunded, or by the superintendent of insurance of a 3662
domestic or foreign insurance tax refund, the treasurer of state 3663
shall place the amount certified to the credit of the fund. The 3664
certified amount transferred shall be derived from the receipts 3665
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3666
1-1 access fee, or other amount from which the refund arose. 3667

(2) When a refund is for a tax, fee, wireless 9-1-1 3668
charge, next generation 9-1-1 access fee, or other amount that 3669
is not levied by the state or that was illegally or erroneously 3670
distributed to a taxing jurisdiction, the tax commissioner shall 3671
recover the amount of that refund from the next distribution of 3672
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3673
access fee, or other amount that otherwise would be made to the 3674
taxing jurisdiction. If the amount to be recovered would exceed 3675
twenty-five per cent of the next distribution of that tax, fee, 3676
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3677
other amount, the commissioner may spread the recovery over more 3678
than one future distribution, taking into account the amount to 3679

be recovered and the amount of the anticipated future 3680
distributions. In no event may the commissioner spread the 3681
recovery over a period to exceed thirty-six months. 3682

Sec. 5733.55. (A) As used in this section: 3683

(1) "9-1-1 system" has the same meaning as in section 3684
128.01 of the Revised Code. 3685

(2) "Nonrecurring 9-1-1 charges" means nonrecurring 3686
charges approved by the public utilities commission for the 3687
telephone network portion of a 9-1-1 system pursuant to section 3688
~~128.18~~128.33 of the Revised Code. 3689

(3) "Eligible nonrecurring 9-1-1 charges" means all 3690
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 3691
following: 3692

(a) Charges for a system that was not established pursuant 3693
to a plan adopted under section 128.08 of the Revised Code ~~or an~~ 3694
~~agreement under section 128.09 of the Revised Code;~~ 3695

(b) Charges for that part of a system established pursuant 3696
to such a plan ~~or agreement~~ that are excluded from the credit by 3697
division (C) (2) of section ~~128.18~~128.33 of the Revised Code. 3698

(4) "Telephone company" has the same meaning as in section 3699
5727.01 of the Revised Code. 3700

(B) Beginning in tax year 2005, a telephone company shall 3701
be allowed a nonrefundable credit against the tax imposed by 3702
section 5733.06 of the Revised Code equal to the amount of its 3703
eligible nonrecurring 9-1-1 charges. The credit shall be claimed 3704
for the company's taxable year that covers the period in which 3705
the 9-1-1 service for which the credit is claimed becomes 3706
available for use. The credit shall be claimed in the order 3707

required by section 5733.98 of the Revised Code. If the credit 3708
exceeds the total taxes due under section 5733.06 of the Revised 3709
Code for the tax year, the tax commissioner shall credit the 3710
excess against taxes due under that section for succeeding tax 3711
years until the full amount of the credit is granted. 3712

(C) After the last day a return, with any extensions, may 3713
be filed by any telephone company that is eligible to claim a 3714
credit under this section, the commissioner shall determine 3715
whether the sum of the credits allowed for prior tax years 3716
commencing with tax year 2005 plus the sum of the credits 3717
claimed for the current tax year exceeds fifteen million 3718
dollars. If it does, the credits allowed under this section for 3719
the current tax year shall be reduced by a uniform percentage 3720
such that the sum of the credits allowed for the current tax 3721
year do not exceed fifteen million dollars claimed by all 3722
telephone companies for all tax years. Thereafter, no credit 3723
shall be granted under this section, except for the remaining 3724
portions of any credits allowed under division (B) of this 3725
section. 3726

(D) A telephone company that is entitled to carry forward 3727
a credit against its public utility excise tax liability under 3728
section 5727.39 of the Revised Code is entitled to carry forward 3729
any amount of that credit remaining after its last public 3730
utility excise tax payment for the period of July 1, 2003, 3731
through June 30, 2004, and claim that amount as a credit against 3732
its corporation franchise tax liability under this section. 3733
Nothing in this section authorizes a telephone company to claim 3734
a credit under this section for any eligible nonrecurring 9-1-1 3735
charges for which it has already claimed a credit under this 3736
section or section 5727.39 of the Revised Code. 3737

Sec. 5751.01. As used in this chapter:	3738
(A) "Person" means, but is not limited to, individuals,	3739
combinations of individuals of any form, receivers, assignees,	3740
trustees in bankruptcy, firms, companies, joint-stock companies,	3741
business trusts, estates, partnerships, limited liability	3742
partnerships, limited liability companies, associations, joint	3743
ventures, clubs, societies, for-profit corporations, S	3744
corporations, qualified subchapter S subsidiaries, qualified	3745
subchapter S trusts, trusts, entities that are disregarded for	3746
federal income tax purposes, and any other entities.	3747
(B) "Consolidated elected taxpayer" means a group of two	3748
or more persons treated as a single taxpayer for purposes of	3749
this chapter as the result of an election made under section	3750
5751.011 of the Revised Code.	3751
(C) "Combined taxpayer" means a group of two or more	3752
persons treated as a single taxpayer for purposes of this	3753
chapter under section 5751.012 of the Revised Code.	3754
(D) "Taxpayer" means any person, or any group of persons	3755
in the case of a consolidated elected taxpayer or combined	3756
taxpayer treated as one taxpayer, required to register or pay	3757
tax under this chapter. "Taxpayer" does not include excluded	3758
persons.	3759
(E) "Excluded person" means any of the following:	3760
(1) Any person with not more than one hundred fifty	3761
thousand dollars of taxable gross receipts during the calendar	3762
year. Division (E)(1) of this section does not apply to a person	3763
that is a member of a consolidated elected taxpayer;	3764
(2) A public utility that paid the excise tax imposed by	3765
section 5727.24 or 5727.30 of the Revised Code based on one or	3766

more measurement periods that include the entire tax period 3767
under this chapter, except that a public utility that is a 3768
combined company is a taxpayer with regard to the following 3769
gross receipts: 3770

(a) Taxable gross receipts directly attributed to a public 3771
utility activity, but not directly attributed to an activity 3772
that is subject to the excise tax imposed by section 5727.24 or 3773
5727.30 of the Revised Code; 3774

(b) Taxable gross receipts that cannot be directly 3775
attributed to any activity, multiplied by a fraction whose 3776
numerator is the taxable gross receipts described in division 3777
(E) (2) (a) of this section and whose denominator is the total 3778
taxable gross receipts that can be directly attributed to any 3779
activity; 3780

(c) Except for any differences resulting from the use of 3781
an accrual basis method of accounting for purposes of 3782
determining gross receipts under this chapter and the use of the 3783
cash basis method of accounting for purposes of determining 3784
gross receipts under section 5727.24 of the Revised Code, the 3785
gross receipts directly attributed to the activity of a natural 3786
gas company shall be determined in a manner consistent with 3787
division (D) of section 5727.03 of the Revised Code. 3788

As used in division (E) (2) of this section, "combined 3789
company" and "public utility" have the same meanings as in 3790
section 5727.01 of the Revised Code. 3791

(3) A financial institution, as defined in section 5726.01 3792
of the Revised Code, that paid the tax imposed by section 3793
5726.02 of the Revised Code based on one or more taxable years 3794
that include the entire tax period under this chapter; 3795

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

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

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

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

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

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized

insurance company whose gross premiums are subject to tax under 3825
section 3905.36 of the Revised Code based on one or more 3826
measurement periods that include the entire tax period under 3827
this chapter; 3828

(6) A person that solely facilitates or services one or 3829
more securitizations of phase-in-recovery property pursuant to a 3830
final financing order as those terms are defined in section 3831
4928.23 of the Revised Code. For purposes of this division, 3832
"securitization" means transferring one or more assets to one or 3833
more persons and then issuing securities backed by the right to 3834
receive payment from the asset or assets so transferred. 3835

(7) Except as otherwise provided in this division, a pre- 3836
income tax trust as defined in section 5747.01 of the Revised 3837
Code and any pass-through entity of which such pre-income tax 3838
trust owns or controls, directly, indirectly, or constructively 3839
through related interests, more than five per cent of the 3840
ownership or equity interests. If the pre-income tax trust has 3841
made a qualifying pre-income tax trust election under division 3842
(EE) of section 5747.01 of the Revised Code, then the trust and 3843
the pass-through entities of which it owns or controls, 3844
directly, indirectly, or constructively through related 3845
interests, more than five per cent of the ownership or equity 3846
interests, shall not be excluded persons for purposes of the tax 3847
imposed under section 5751.02 of the Revised Code. 3848

(8) Nonprofit organizations or the state and its agencies, 3849
instrumentalities, or political subdivisions. 3850

(F) Except as otherwise provided in divisions (F)(2), (3), 3851
and (4) of this section, "gross receipts" means the total amount 3852
realized by a person, without deduction for the cost of goods 3853
sold or other expenses incurred, that contributes to the 3854

production of gross income of the person, including the fair 3855
market value of any property and any services received, and any 3856
debt transferred or forgiven as consideration. 3857

(1) The following are examples of gross receipts: 3858

(a) Amounts realized from the sale, exchange, or other 3859
disposition of the taxpayer's property to or with another; 3860

(b) Amounts realized from the taxpayer's performance of 3861
services for another; 3862

(c) Amounts realized from another's use or possession of 3863
the taxpayer's property or capital; 3864

(d) Any combination of the foregoing amounts. 3865

(2) "Gross receipts" excludes the following amounts: 3866

(a) Interest income except interest on credit sales; 3867

(b) Dividends and distributions from corporations, and 3868
distributive or proportionate shares of receipts and income from 3869
a pass-through entity as defined under section 5733.04 of the 3870
Revised Code; 3871

(c) Receipts from the sale, exchange, or other disposition 3872
of an asset described in section 1221 or 1231 of the Internal 3873
Revenue Code, without regard to the length of time the person 3874
held the asset. Notwithstanding section 1221 of the Internal 3875
Revenue Code, receipts from hedging transactions also are 3876
excluded to the extent the transactions are entered into 3877
primarily to protect a financial position, such as managing the 3878
risk of exposure to (i) foreign currency fluctuations that 3879
affect assets, liabilities, profits, losses, equity, or 3880
investments in foreign operations; (ii) interest rate 3881
fluctuations; or (iii) commodity price fluctuations. As used in 3882

division (F) (2) (c) of this section, "hedging transaction" has 3883
the same meaning as used in section 1221 of the Internal Revenue 3884
Code and also includes transactions accorded hedge accounting 3885
treatment under statement of financial accounting standards 3886
number 133 of the financial accounting standards board. For the 3887
purposes of division (F) (2) (c) of this section, the actual 3888
transfer of title of real or tangible personal property to 3889
another entity is not a hedging transaction. 3890

(d) Proceeds received attributable to the repayment, 3891
maturity, or redemption of the principal of a loan, bond, mutual 3892
fund, certificate of deposit, or marketable instrument; 3893

(e) The principal amount received under a repurchase 3894
agreement or on account of any transaction properly 3895
characterized as a loan to the person; 3896

(f) Contributions received by a trust, plan, or other 3897
arrangement, any of which is described in section 501(a) of the 3898
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 3899
1, Subchapter (D) of the Internal Revenue Code applies; 3900

(g) Compensation, whether current or deferred, and whether 3901
in cash or in kind, received or to be received by an employee, 3902
former employee, or the employee's legal successor for services 3903
rendered to or for an employer, including reimbursements 3904
received by or for an individual for medical or education 3905
expenses, health insurance premiums, or employee expenses, or on 3906
account of a dependent care spending account, legal services 3907
plan, any cafeteria plan described in section 125 of the 3908
Internal Revenue Code, or any similar employee reimbursement; 3909

(h) Proceeds received from the issuance of the taxpayer's 3910
own stock, options, warrants, puts, or calls, or from the sale 3911

of the taxpayer's treasury stock;	3912
(i) Proceeds received on the account of payments from	3913
insurance policies, except those proceeds received for the loss	3914
of business revenue;	3915
(j) Gifts or charitable contributions received; membership	3916
dues received by trade, professional, homeowners', or	3917
condominium associations; and payments received for educational	3918
courses, meetings, meals, or similar payments to a trade,	3919
professional, or other similar association; and fundraising	3920
receipts received by any person when any excess receipts are	3921
donated or used exclusively for charitable purposes;	3922
(k) Damages received as the result of litigation in excess	3923
of amounts that, if received without litigation, would be gross	3924
receipts;	3925
(l) Property, money, and other amounts received or	3926
acquired by an agent on behalf of another in excess of the	3927
agent's commission, fee, or other remuneration;	3928
(m) Tax refunds, other tax benefit recoveries, and	3929
reimbursements for the tax imposed under this chapter made by	3930
entities that are part of the same combined taxpayer or	3931
consolidated elected taxpayer group, and reimbursements made by	3932
entities that are not members of a combined taxpayer or	3933
consolidated elected taxpayer group that are required to be made	3934
for economic parity among multiple owners of an entity whose tax	3935
obligation under this chapter is required to be reported and	3936
paid entirely by one owner, pursuant to the requirements of	3937
sections 5751.011 and 5751.012 of the Revised Code;	3938
(n) Pension reversions;	3939
(o) Contributions to capital;	3940

(p) Sales or use taxes collected as a vendor or an out-of- 3941
state seller on behalf of the taxing jurisdiction from a 3942
consumer or other taxes the taxpayer is required by law to 3943
collect directly from a purchaser and remit to a local, state, 3944
or federal tax authority; 3945

(q) In the case of receipts from the sale of cigarettes, 3946
tobacco products, or vapor products by a wholesale dealer, 3947
retail dealer, distributor, manufacturer, vapor distributor, or 3948
seller, all as defined in section 5743.01 of the Revised Code, 3949
an amount equal to the federal and state excise taxes paid by 3950
any person on or for such cigarettes, tobacco products, or vapor 3951
products under subtitle E of the Internal Revenue Code or 3952
Chapter 5743. of the Revised Code; 3953

(r) In the case of receipts from the sale, transfer, 3954
exchange, or other disposition of motor fuel as "motor fuel" is 3955
defined in section 5736.01 of the Revised Code, an amount equal 3956
to the value of the motor fuel, including federal and state 3957
motor fuel excise taxes and receipts from billing or invoicing 3958
the tax imposed under section 5736.02 of the Revised Code to 3959
another person; 3960

(s) In the case of receipts from the sale of beer or 3961
intoxicating liquor, as defined in section 4301.01 of the 3962
Revised Code, by a person holding a permit issued under Chapter 3963
4301. or 4303. of the Revised Code, an amount equal to federal 3964
and state excise taxes paid by any person on or for such beer or 3965
intoxicating liquor under subtitle E of the Internal Revenue 3966
Code or Chapter 4301. or 4305. of the Revised Code; 3967

(t) Receipts realized by a new motor vehicle dealer or 3968
used motor vehicle dealer, as defined in section 4517.01 of the 3969
Revised Code, from the sale or other transfer of a motor 3970

vehicle, as defined in that section, to another motor vehicle 3971
dealer for the purpose of resale by the transferee motor vehicle 3972
dealer, but only if the sale or other transfer was based upon 3973
the transferee's need to meet a specific customer's preference 3974
for a motor vehicle; 3975

(u) Receipts from a financial institution described in 3976
division (E)(3) of this section for services provided to the 3977
financial institution in connection with the issuance, 3978
processing, servicing, and management of loans or credit 3979
accounts, if such financial institution and the recipient of 3980
such receipts have at least fifty per cent of their ownership 3981
interests owned or controlled, directly or constructively 3982
through related interests, by common owners; 3983

(v) Receipts realized from administering anti-neoplastic 3984
drugs and other cancer chemotherapy, biologicals, therapeutic 3985
agents, and supportive drugs in a physician's office to patients 3986
with cancer; 3987

(w) Funds received or used by a mortgage broker that is 3988
not a dealer in intangibles, other than fees or other 3989
consideration, pursuant to a table-funding mortgage loan or 3990
warehouse-lending mortgage loan. Terms used in division (F)(2) 3991
(w) of this section have the same meanings as in section 1322.01 3992
of the Revised Code, except "mortgage broker" means a person 3993
assisting a buyer in obtaining a mortgage loan for a fee or 3994
other consideration paid by the buyer or a lender, or a person 3995
engaged in table-funding or warehouse-lending mortgage loans 3996
that are first lien mortgage loans. 3997

(x) Property, money, and other amounts received by a 3998
professional employer organization, as defined in section 3999
4125.01 of the Revised Code, or an alternate employer 4000

organization, as defined in section 4133.01 of the Revised Code, 4001
from a client employer, as defined in either of those sections 4002
as applicable, in excess of the administrative fee charged by 4003
the professional employer organization or the alternate employer 4004
organization to the client employer; 4005

(y) In the case of amounts retained as commissions by a 4006
permit holder under Chapter 3769. of the Revised Code, an amount 4007
equal to the amounts specified under that chapter that must be 4008
paid to or collected by the tax commissioner as a tax and the 4009
amounts specified under that chapter to be used as purse money; 4010

(z) Qualifying distribution center receipts as determined 4011
under section 5751.40 of the Revised Code. 4012

(aa) Receipts of an employer from payroll deductions 4013
relating to the reimbursement of the employer for advancing 4014
moneys to an unrelated third party on an employee's behalf; 4015

(bb) Cash discounts allowed and taken; 4016

(cc) Returns and allowances; 4017

(dd) Bad debts from receipts on the basis of which the tax 4018
imposed by this chapter was paid in a prior quarterly tax 4019
payment period. For the purpose of this division, "bad debts" 4020
means any debts that have become worthless or uncollectible 4021
between the preceding and current quarterly tax payment periods, 4022
have been uncollected for at least six months, and that may be 4023
claimed as a deduction under section 166 of the Internal Revenue 4024
Code and the regulations adopted under that section, or that 4025
could be claimed as such if the taxpayer kept its accounts on 4026
the accrual basis. "Bad debts" does not include repossessed 4027
property, uncollectible amounts on property that remains in the 4028
possession of the taxpayer until the full purchase price is 4029

paid, or expenses in attempting to collect any account 4030
receivable or for any portion of the debt recovered; 4031

(ee) Any amount realized from the sale of an account 4032
receivable to the extent the receipts from the underlying 4033
transaction giving rise to the account receivable were included 4034
in the gross receipts of the taxpayer; 4035

(ff) Any receipts directly attributed to a transfer 4036
agreement or to the enterprise transferred under that agreement 4037
under section 4313.02 of the Revised Code. 4038

(gg) Qualified uranium receipts as determined under 4039
section 5751.41 of the Revised Code. 4040

(hh) In the case of amounts collected by a licensed casino 4041
operator from casino gaming, amounts in excess of the casino 4042
operator's gross casino revenue. In this division, "casino 4043
operator" and "casino gaming" have the meanings defined in 4044
section 3772.01 of the Revised Code, and "gross casino revenue" 4045
has the meaning defined in section 5753.01 of the Revised Code. 4046

(ii) Receipts realized from the sale of agricultural 4047
commodities by an agricultural commodity handler, both as 4048
defined in section 926.01 of the Revised Code, that is licensed 4049
by the director of agriculture to handle agricultural 4050
commodities in this state. 4051

(jj) Qualifying integrated supply chain receipts as 4052
determined under section 5751.42 of the Revised Code. 4053

(kk) In the case of a railroad company described in 4054
division (D) (9) of section 5727.01 of the Revised Code that 4055
purchases dyed diesel fuel directly from a supplier as defined 4056
by section 5736.01 of the Revised Code, an amount equal to the 4057
product of the number of gallons of dyed diesel fuel purchased 4058

directly from such a supplier multiplied by the average 4059
wholesale price for a gallon of diesel fuel as determined under 4060
section 5736.02 of the Revised Code for the period during which 4061
the fuel was purchased multiplied by a fraction, the numerator 4062
of which equals the rate of tax levied by section 5736.02 of the 4063
Revised Code less the rate of tax computed in section 5751.03 of 4064
the Revised Code, and the denominator of which equals the rate 4065
of tax computed in section 5751.03 of the Revised Code. 4066

(ll) Receipts realized by an out-of-state disaster 4067
business from disaster work conducted in this state during a 4068
disaster response period pursuant to a qualifying solicitation 4069
received by the business. Terms used in division (F) (2) (ll) of 4070
this section have the same meanings as in section 5703.94 of the 4071
Revised Code. 4072

(mm) In the case of receipts from the sale or transfer of 4073
a mortgage-backed security or a mortgage loan by a mortgage 4074
lender holding a valid certificate of registration issued under 4075
Chapter 1322. of the Revised Code or by a person that is a 4076
member of the mortgage lender's consolidated elected taxpayer 4077
group, an amount equal to the principal balance of the mortgage 4078
loan. 4079

(nn) Amounts of excess surplus of the state insurance fund 4080
received by the taxpayer from the Ohio bureau of workers' 4081
compensation pursuant to rules adopted under section 4123.321 of 4082
the Revised Code. 4083

(oo) Except as otherwise provided in division (B) of 4084
section 5751.091 of the Revised Code, receipts of a megaproject 4085
supplier from sales of tangible personal property directly to a 4086
megaproject operator in this state, provided the supplier holds 4087
a certificate issued under section 5751.052 of the Revised Code 4088

for the calendar year in which the sales are made, and provided 4089
both the operator and supplier hold a certificate issued under 4090
division (D) (7) of section 122.17 of the Revised Code on the 4091
first day of that calendar year; 4092

(pp) Any receipts for which the tax imposed by this 4093
chapter is prohibited by the constitution or laws of the United 4094
States or the constitution of this state; 4095

(qq) Receipts from fees imposed under sections 128.41 and 4096
128.42 of the Revised Code. 4097

(3) In the case of a taxpayer when acting as a real estate 4098
broker, "gross receipts" includes only the portion of any fee 4099
for the service of a real estate broker, or service of a real 4100
estate salesperson associated with that broker, that is retained 4101
by the broker and not paid to an associated real estate 4102
salesperson or another real estate broker. For the purposes of 4103
this division, "real estate broker" and "real estate 4104
salesperson" have the same meanings as in section 4735.01 of the 4105
Revised Code. 4106

(4) A taxpayer's method of accounting for gross receipts 4107
for a tax period shall be the same as the taxpayer's method of 4108
accounting for federal income tax purposes for the taxpayer's 4109
federal taxable year that includes the tax period. If a 4110
taxpayer's method of accounting for federal income tax purposes 4111
changes, its method of accounting for gross receipts under this 4112
chapter shall be changed accordingly. 4113

(G) "Taxable gross receipts" means gross receipts sitused 4114
to this state under section 5751.033 of the Revised Code. 4115

(H) A person has "substantial nexus with this state" if 4116
any of the following applies. The person: 4117

(1) Owns or uses a part or all of its capital in this state;	4118 4119
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	4120 4121
(3) Has bright-line presence in this state;	4122
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	4123 4124 4125
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	4126 4127 4128
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	4129 4130 4131 4132 4133
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	4134 4135 4136
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	4137 4138
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	4139 4140 4141
(c) Any amount the person pays for services performed in this state on its behalf by another.	4142 4143
(3) Has during the calendar year taxable gross receipts of	4144

at least five hundred thousand dollars. 4145

(4) Has at any time during the calendar year within this 4146
state at least twenty-five per cent of the person's total 4147
property, total payroll, or total gross receipts. 4148

(5) Is domiciled in this state as an individual or for 4149
corporate, commercial, or other business purposes. 4150

(J) "Tangible personal property" has the same meaning as 4151
in section 5739.01 of the Revised Code. 4152

(K) "Internal Revenue Code" means the Internal Revenue 4153
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 4154
used in this chapter that is not otherwise defined has the same 4155
meaning as when used in a comparable context in the laws of the 4156
United States relating to federal income taxes unless a 4157
different meaning is clearly required. Any reference in this 4158
chapter to the Internal Revenue Code includes other laws of the 4159
United States relating to federal income taxes. 4160

(L) "Calendar quarter" means a three-month period ending 4161
on the thirty-first day of March, the thirtieth day of June, the 4162
thirtieth day of September, or the thirty-first day of December. 4163

(M) "Tax period" means the calendar quarter or calendar 4164
year on the basis of which a taxpayer is required to pay the tax 4165
imposed under this chapter. 4166

(N) "Calendar year taxpayer" means a taxpayer for which 4167
the tax period is a calendar year. 4168

(O) "Calendar quarter taxpayer" means a taxpayer for which 4169
the tax period is a calendar quarter. 4170

(P) "Agent" means a person authorized by another person to 4171
act on its behalf to undertake a transaction for the other, 4172

including any of the following:	4173
(1) A person receiving a fee to sell financial instruments;	4174 4175
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	4176 4177 4178
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	4179 4180
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	4181 4182
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	4183 4184
(Q) "Received" includes amounts accrued under the accrual method of accounting.	4185 4186
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	4187 4188 4189 4190 4191 4192 4193
(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.	4194 4195 4196
Section 2. That existing sections 128.01, 128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54,	4197 4198 4199 4200

128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 4201
5703.052, 5733.55, and 5751.01 of the Revised Code are hereby 4202
repealed. 4203

Section 3. That sections 128.04, 128.09, 128.15, 128.571, 4204
4742.01, 4742.02, 4742.03, 4742.04, 4742.05, 4742.06, and 4205
4742.07 of the Revised Code are hereby repealed. 4206

Section 4. Not later than twenty-four months after the 4207
effective date of this section, the 9-1-1 steering committee, in 4208
consultation with the Tax Commissioner, shall deliver a report 4209
to the General Assembly detailing any legislative 4210
recommendations to address issues concerning the collection and 4211
use of the next generation 9-1-1 access fees, including auditing 4212
carriers and other companies subject to collect such fees. 4213