



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 445
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Carfagna and K. Smith

Rocky Hernandez, Attorney

Reid J. Fleeson, Research Analyst

Kathleen A. Luikart, Research Analyst

SUMMARY

9-1-1 Steering Committee

- Renames the “Emergency Services Internet Protocol Network Steering Committee” to the “9-1-1 Steering Committee” (Steering Committee) and does the following:
 - Requires the Steering Committee to advise and recommend policies or procedures to effectively govern a statewide next generation 9-1-1 (NG 9-1-1) system.
 - Requires each entity operating a public safety answering point (PSAP) must cooperate with the Steering Committee and provide them with certain data.
 - Requires the Steering Committee to meet at least once a quarter instead of once a month as current law requires.

Subcommittees

- Allows for the Steering Committee’s subcommittees to meet either in person or utilize telecommunication-conferencing technology.
- Establishes that a majority of the voting members of a subcommittee constitutes a quorum.
- Requires the PSAP Operations subcommittee to include one member representing the Division of Emergency Medical Services of the Department of Public Safety.

Rules and guidelines

- Requires all PSAPs that answer 9-1-1 calls for service to be subject to the PSAP operation rules, with a two-year compliance window for PSAPs not originally subject to the rules to become compliant.

- Requires the Steering Committee to establish guidelines for the Tax Commissioner regarding disbursing and using funds from the 9-1-1 Government Assistance Fund and the NG 9-1-1 fund.
- Requires the Steering Committee to periodically review and adjust the guidelines, and to report the changes to the Department of Taxation six months before they take effect.

Countywide 9-1-1 system

- Requires a countywide 9-1-1 system to include all of the territory of the townships and municipal corporations, including portions that extend into an adjacent county with no exception.
- Allows a countywide 9-1-1 system to be either an enhanced or NG 9-1-1 system, or some combination of the two, and must be designed to provide access to emergency services from all connected communications sources.
- Allows for a countywide 9-1-1 system to be provided directly by the county, by a regional council of governments (RCOG), or by connecting directly to the statewide NG 9-1-1 system for call routing and core services.
- Requires each county to appoint a county 9-1-1 coordinator to serve as the administrative coordinator for all PSAPs participating in a countywide 9-1-1 system, and to serve as liaison with other county coordinators and the 9-1-1 Program Office.

County 9-1-1 Program Review Committee

- Requires each county to maintain a county 9-1-1 Program Review Committee consisting of six voting members.
- Changes the provisions governing who may be members of the Review Committee.
- Requires the Review Committee to consist of five members in counties with five or less townships and a population in excess of 750,000.
- Requires each Review Committee to maintain and amend a final plan for implementing and operating a countywide 9-1-1 system.
- Requires each Review Committee must convene at least once annually for the purposes of maintaining or amending a final plan and requires any amendment to the final plan to receive a two-thirds vote of the Committee.
- Requires, not later than March 1 each year, each Review Committee to submit a report to the political subdivisions within the county and to the 9-1-1 Program Office detailing the sources and amounts of revenue expended to support, and all costs incurred to operate, the countywide 9-1-1 system.

Countywide final plan

- Makes various changes regarding countywide final plan, including the following changes to what should be specified in the final plan:

- Specifies how the PSAPs will be connected to a county's preferred NG 9-1-1 system, rather than a company's telephone network as in current law;
- Requires either enhanced 9-1-1 or NG 9-1-1 service, repealing the ability to allow basic 9-1-1 service to be provided.
- Details how originating service providers must connect to the core 9-1-1 system identified by the final plan, and what methods will be used by the providers to communicate with the system;
- Describes the capability of transferring or otherwise relaying information to the entity that directly dispatches emergency services should a PSAP not properly dispatch the needed services;
- Explaining how each emergency service provider (ESP) will respond to a misdirected call or a false caller location, or if the call fails to meet FCC or other accepted national standards.
- Requires, not later than six months after the bill's effective date, each county Review Committee to file a copy of its current final plan with the 9-1-1 Program Office and requires any revisions or amendments to be filed no later than 90 days after adoption.
- Requires an amended final plan whenever there is an upgrade to the countywide 9-1-1 system, and whenever there is a change or removal of a 9-1-1 system service provider as a participant in the countywide 9-1-1 system.
- Repeals the requirement that an entity wishing to be added as a participant in a 9-1-1 system to file a letter of intent to the board of county commissioners.

NG 9-1-1 core services & Ohio 9-1-1 Program Office

- Requires the 9-1-1 Program Office to coordinate and manage a statewide NG 9-1-1 core services system, which must be capable of providing service for the entire state.
- Requires, not later than six months after the bill's effective date, the Program Office to draft, submit, or update an Ohio 9-1-1 plan to the Steering Committee, which must include the following:
 - A plan to address amendments made by the bill;
 - Specify details regarding interoperability among counties, the states bordering Ohio, and Canada;
 - A progression plan for the system for sustainability within the funding method provided by the bill.
- Requires the Steering Committee to make a determination on approval of the plan within six months after it was submitted.

State 9-1-1 Program Office powers

- Allows the 9-1-1 Program Office to do the following:

- Expend funds from the 9-1-1 Program Fund for 9-1-1 public education purposes;
 - Ensure an effective statewide interconnected 9-1-1 system through proper coordination, adoption, and communication of all necessary standards and requirements;
 - Collect and distribute data from, and to, PSAPs, service providers, and ESPs regarding both the status and operation of the statewide 9-1-1 system, and certain location information;
 - Ensure that data collection and distribution meets legal privacy and confidentiality requirements;
 - With advice from the 9-1-1 Steering Committee, enter into various contracts to implement statewide 9-1-1 services.
- Protects all data described above in accordance with relevant Ohio law and grants the Steering Committee jurisdiction over the use of that data for purposes of 9-1-1.
 - Allows for data and information that contributes to more effective 9-1-1 services to be accessed and shared amongst 9-1-1 and emergency response functions.

Telecommunication service providers

- Requires every telecommunication service provider able to generate 9-1-1 traffic to do the following:
 - Register with the 9-1-1 Program Office and provide the Program Office a single point of contact who has authority related to 9-1-1 location data;
 - Provide accurate and valid location data for all 9-1-1 traffic to ensure proper routing to the most appropriate PSAP or local NG 9-1-1 system.
- Requires service providers to correct any discrepancy in location data during the next business day if notified by the Program Office.
- Subjects all the data described above to all applicable privacy laws and exempts it from being a public record under the state public record laws.

Multiline telephone systems

- Requires each operator of a multiline telephone system (MTS) that was installed or substantially renovated on or after the bill's effective date to do the following:
 - Provide the end user the same level of 9-1-1 service that is provided to other in-state end users of 9-1-1 which includes the provision of certain services and data;
 - Provide an emergency-response-location identifier as part of the location transmission to the PSAP using certain technologies;
 - Identify the caller's location using an emergency response location that includes the public street address of the building from which the call originated and other location data.

- Permits all locations provided to be either master-street-address-guide valid or next-generation-9-1-1-location-validation-function valid.

Business service user

- Requires, not later than one year after the bill's effective date, a business service user (BSU) that provides residential or business facilities, owns or controls a MTS or voice over internet protocol system (VOIP) in those facilities, and provides outbound dialing capacity from those facilities, to ensure the following:
 - For a MTS that can initiate a 9-1-1 call, that the system is connected so a caller using 9-1-1 is connected to the PSAP without requiring the user to dial any additional digit or code;
 - The system is configured to provide notification of any 9-1-1 call made through it to a centralized location on the same site as the system and the BSU is not required to have a person available at the location to receive a notification.
- Exempts, for two years after the bill's effective date, a BSU from the requirements described above if all of the following apply:
 - The requirements would be unduly and unreasonably burdensome;
 - The MTS or VOIP needs to be reprogrammed or replaced;
 - The BSU made a good-faith attempt to reprogram or replace the system;
 - The BSU agrees to place an instructional sticker next to the telephones that explain how to access 9-1-1 and other information.
- Requires the BSU to submit an affidavit affirming that the conditions described above apply to the BSU and must include the manufacturer and model number of the system.

County participation in statewide 9-1-1 operation

- Requires the following regarding participation in statewide 9-1-1:
 - Counties must provide a single point of contact to the 9-1-1 Program Office that can assist in location-data discrepancies, 9-1-1 traffic misroutes, and boundary disputes between PSAPs;
 - Requires, not later than five years after the bill's effective date, each county, or RCOG, if applicable, to provide NG 9-1-1 service for all areas to be covered as set forth in the county's final plan or the RCOG's agreement.
- Requires a service provider operating within a county, or an area served by a RCOG, that is participating in the statewide NG 9-1-1 core services system to deliver the 9-1-1 traffic that originates in that geographic area to the NG 9-1-1 core for that area.
- Requires such service providers and counties to adhere to the standards of the 9-1-1 Program Office.

Monthly charges

Charges for county 9-1-1

- Extends the monthly charge boards of county commissioners may impose on telephone access lines to communication devices or services that meet certain requirements.

Wireless 9-1-1 charges

- Terminates, three months after the bill's effective date, the wireless 9-1-1 charges imposed on both wireless service subscribers and customers for the retail sale of prepaid wireless calling services under current law.
- Exempts subscribers of wireless lifeline service and providers of such service from these charges.

NG 9-1-1 access fee

- Replaces the wireless 9-1-1 charge with a NG 9-1-1 access fee that is imposed on certain communications devices or services as follows:
 - For a two-year period, a \$0.25 fee per device/service per month;
 - For a subsequent five-year period, \$0.25 fee per device/service per month, or an alternate amount determined by the Steering Committee not exceeding \$0.30 and not more than \$0.02 higher than the previous year;
 - After the five-year period and beyond, \$0.25 fee per device/service per month.
- Allows the Steering Committee to raise the NG 9-1-1 access fee only if there are outstanding transitional costs associated with the NG 9-1-1 system and requires any action to increase the fee to be reported to the General Assembly.
- Imposes the NG 9-1-1 access fee on each communications device or service for which a subscriber is billed.
- Requires, for MTS, the fee must be paid with a separate fee per line, and for VOIP, the subscriber must pay a separate fee for each call path available to the system.
- Exempts the following from the NG 9-1-1 access fee:
 - A subscriber of wireless lifeline service;
 - Wholesale transactions between telecommunications service providers where the service is a component of a service provided to an end user, as well as network access and interconnection charges paid to a local exchange carrier.
- Requires service providers and resellers to collect the NG 9-1-1 access fee as an expressly designated specific line item on each subscriber's monthly bill or point of sale invoice.
- Requires, if the NG 9-1-1 access fee exceeds \$0.25 per month, for the excess amount collected that is attributable to the difference between the actual amount and \$0.25 to be deposited into the 9-1-1 Government Assistance Fund.

- Requires, not later than one year after the effective date of this section, the Steering Committee to submit a report to the General Assembly on the effectiveness of the NG 9-1-1 access fee.
- Requires the Steering Committee to also submit a report to the General Assembly regarding a future amount for the access fee once the five-year period described above is expired.
- Requires, not later than 24 months after the bill's effective date, the Steering Committee, in conjunction with the Tax Commissioner, to deliver a report to the General Assembly detailing recommendations concerning the collection and use of the NG 9-1-1 access fees.
- Requires, for one year after the installation and operation of the statewide NG 9-1-1 system, the Steering Committee to monitor the accounts where the funds are generated for the NG 9-1-1 access fee.
- Permits the Steering Committee to reduce the NG 9-1-1 access fee if it determines that the obligations of the funds can still be met to avoid over-collection of fees.
- Provides that, if the NG 9-1-1 access fee is reduced, the Steering Committee may increase the fee to a maximum of \$0.30 to ensure adequate funding exists to meet the obligations of the funds.
- Requires the Steering Committee to notify the Tax Commissioner of any intent to adjust the fee not later than six months before the adjustment takes effect.

NG 9-1-1 access fee for prepaid wireless services

- Imposes a separate NG 9-1-1 access fee of .005% of the sale price of a prepaid wireless calling service for retail sales that occur in Ohio.
- Requires the seller of the prepaid calling service to collect the NG 9-1-1 access fee from the customer, and disclose the amount of the fee at the time of the retail sale.
- Provides that the NG 9-1-1 access fee generally applies to the entire nonitemized price when a prepaid calling service is sold alongside other products or services for a single, nonitemized price.
- Exempts the NG 9-1-1 access fee from state and local taxation.

Administration of charges or fees

- Directs the Tax Commissioner to provide notice of increases or decreases in the NG 9-1-1 access fee to all known wireless service providers, resellers, and sellers of prepaid wireless calling services.
- Instructs each entity required to collect the wireless 9-1-1 charge or NG 9-1-1 access fee to keep complete and accurate records relating to sales with respect to the charges and fees.

- Requires all records kept by entities regarding wireless 9-1-1 charges and NG 9-1-1 access fees be open to inspection by the Tax Commissioner during business hours, and generally retained for four years.

Collection of charges or fees

- Provides that NG 9-1-1 access fees are subject to the same collection processes and are subject to the same procedures as wireless 9-1-1 charges under current law.
- Permits the Tax Commissioner to allow covered entities to file wireless 9-1-1 charges or NG 9-1-1 access fee returns and payments other than monthly.
- Removes the option of filing the required return using the Ohio telefile system for the wireless 9-1-1 charges or NG 9-1-1 access fee.
- Changes the name of the loose-leaf book that an appropriate court of common pleas clerk may enter judgement in following a final assessment against an entity regarding 9-1-1 charges and fees.

9-1-1 funds and distribution of wireless 9-1-1 charges

- Removes “wireless” from the names of three of the four funds established to receive and distribute the charges imposed on sellers of wireless service to be the 9-1-1 Government Assistance Fund, 9-1-1 Administrative Fund, and the 9-1-1 Program Fund.
- Changes deposits into the 9-1-1 Government Assistance Fund to be 47% of the 9-1-1 charges and fees instead of the current 97%.
- Changes deposits into the NG 9-1-1 Fund to be (1) 50% of the 9-1-1 charges and fees, (2) interest earned on the 9-1-1 Administrative Fund, and (3) if the Steering Committee allows, any excess remaining in the 9-1-1 Government Assistance Fund.

Disbursements from the 9-1-1 funds

- Specifies that disbursements from the 9-1-1 Government Assistance Fund to each county treasurer must be made not later than the tenth day of the month succeeding the month in which the 9-1-1 charges and fees are imposed.
- Requires the Department of Administrative Services to administer the NG 9-1-1 Fund, which fund must be used exclusively to pay costs of installing, maintaining, and operating the call routing and core services statewide NG 9-1-1 system.

Allowable uses of disbursements

- Extends existing allowable costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for PSAPs of the 9-1-1 system to the allowable costs for the provision of NG 9-1-1.
- Adds, as allowable costs, the costs for processing 9-1-1 emergency calls from point of origin to include expenses for interoperable bidirectional computer aided dispatch data transfers and law enforcement, fire, and emergency medical service data transfers via

wireless or internet connections from PSAPs or emergency services organizations to all applicable emergency responders.

- Repeals certain current law limitations on allowable costs for wireless enhanced 9-1-1 and repeals the requirement that a RCOG operating a PSAP must consider the technical and operational standards before incurring the designing, upgrading, purchasing, leasing, and other costs listed in ongoing law.

NG 9-1-1 access fees and countywide 9-1-1 systems

- Requires, for counties receiving a disbursement as described above, that the amount collected from the NG 9-1-1 access fee that is above \$0.25 per month must be used exclusively for the transitional costs of NG 9-1-1 or the costs of connecting to the statewide ESINET.
- Requires all funds from the NG 9-1-1 access fee to be used only for 9-1-1 related expenses.
- Specifies that, beginning three months after the bill's effective date, sellers of a prepaid wireless access calling service that collect a NG 9-1-1 access fee are subject to the state sales tax, as those provisions apply to the audit, assessment, appeals, enforcement, liability, and penalty provisions of the sales tax law.

Tax Refund Fund

- Includes NG 9-1-1 access fees among the fees and charges that may be refunded from the state's Tax Refund Fund if illegally or erroneously assessed, collected, or overpaid.

Commercial Activity Tax

- Specifies that receipts from NG 9-1-1 access fees imposed under the 9-1-1 provisions are not included as "gross receipts" under the commercial activity tax law.

Civil liability

- Extends protection from civil liability, with some exception, to 9-1-1 system service providers and their officers, directors, employees, agents, and suppliers for damages resulting from their 9-1-1 systems work, or compliance with emergency-related information requests from state or local government officials.

Penalties regarding MTSs

- Imposes penalties ranging from \$1,000 to \$5,000 for a violation of, or a failure to meet, certain requirements regarding a MTS unless preempted or in conflict with federal law.

Laws repealed by the bill

- Repeals provisions of law, including the law that:
 - Allows a municipal corporation or township that contains at least 30% of the county's population, or a group of contiguous municipal corporations or townships,

- to establish, within their boundaries, a 9-1-1 system and to enter into an agreement with one or more telephone companies and repeals related provisions.
- Requires wireline service providers designated in a final 9-1-1 plan to install the wireline telephone network portion of the system within three years from the date the initial final plan and repeals the provisions regarding the placement, maintenance, and design of county 9-1-1 system highway and road signs.
 - With one exception, limits to three the number of PSAPs within a 9-1-1 system that may use disbursements from the Wireless 9-1-1 Government Assistance Fund.
 - Requires the amounts of the wireless 9-1-1 charges to be prescribed by the General Assembly.
 - Establishes provisions governing emergency service telecommunicators (ESTs), the training program, curriculum, certification process, and continuing education requirements for ESTs and certain training for ESTs, who are PSAP employees, when someone calls 9-1-1 about an apparent drug overdose.

TABLE OF CONTENTS

Overview	12
Changes to current law definitions.....	13
9-1-1 Steering Committee.....	14
Duties.....	14
Advising the state	14
PSAP consolidation and operation recommendations.....	15
Steering Committee meetings	15
Subcommittees.....	15
PSAPs subject to operating rules.....	16
Guidelines for distribution of funds	16
Countywide 9-1-1 systems.....	16
Repeal of territorial exclusion	16
Enhanced, NG 9-1-1, or combination system	17
Providing the system	17
County 9-1-1 coordinator	17
Geographic location and population.....	17
County 9-1-1 Program Review Committee	17
Review Committee composition – generally	18
Review Committee composition for large counties.....	18
Final plan for countywide 9-1-1	19
County 9-1-1 Technical Advisory Committee terminated.....	19

Final plan specifics.....	19
Amending the final plan	20
Statewide NG 9-1-1 core services system.....	21
Ohio 9-1-1 plan.....	21
Letter of coordination	22
9-1-1 Program Office powers.....	22
Protection of data	23
Telecommunication service providers	23
MTS requirements.....	24
Exemption.....	24
Business service user.....	24
Exemption.....	25
Preemption.....	25
Other requirements for 9-1-1 operation.....	25
Monthly charges	26
County charges.....	26
Wireless 9-1-1 charge.....	27
Subscriber charge amount	27
Retail sale of prepaid wireless calling service	27
Exemption.....	27
NG 9-1-1 access fee.....	28
Initial 2-year period	28
Subsequent five-year period and beyond	28
Designation of alternative amount	28
Separate fees.....	28
Exemptions from the fee.....	29
Collection of NG 9-1-1 access fee.....	29
Excess NG 9-1-1 access fee amounts collected	29
Reporting requirements	29
Altering the NG 9-1-1 access fee	30
NG 9-1-1 access fee for prepaid wireless retail sales.....	30
Collection of the fee	30
Sale of prepaid calling service with other products	31
Tax exemption	31
Administration of charges and fees.....	31
Notice	31

Recordkeeping.....	31
Collection of charges or fees.....	32
Filing returns.....	32
Electronic filing.....	32
Liability.....	32
Filing judgment.....	32
Miscellaneous changes.....	32
NG 9-1-1 access fees subject to sales tax.....	33
9-1-1 funds and distribution of wireless 9-1-1 charges.....	33
Disbursements from the 9-1-1 funds.....	34
Allowable uses of disbursements.....	34
Excess NG 9-1-1 access fee.....	35
Information for Steering Committee and Tax Commissioner.....	35
Tax Refund Fund.....	36
Commercial Activity Tax (CAT).....	36
Civil liability.....	36
MTS penalties.....	37
Failure to provide ANI and ALI.....	37
Failure to ensure 9-1-1.....	37
Federal law preemption or conflict.....	37
Laws repealed by the bill.....	37
Municipal or township 9-1-1 systems.....	37
9-1-1 system installation deadline and 9-1-1 signs.....	37
Limitation on PSAPs using disbursements.....	38
Wireless 9-1-1 charges prescribed by the General Assembly.....	38
Emergency service telecommunicator law.....	38
Requirements for providing drug offense immunity information.....	39

DETAILED ANALYSIS

Overview

The bill makes a variety of changes to Ohio’s Emergency Telephone Number System Law. The main objective of the bill is upgrading the 9-1-1 infrastructure at both the county and state level to “Next Generation 9-1-1” systems. Along with the required upgrades, there are various changes made to the composition and operation of county- and state- level agencies to support this endeavor. There are also changes to monthly fees imposed on customers in the state which expand the types of devices and services that are to be billed. Because the bill is so far reaching there are many nonsubstantive changes to continuing law such as the removal of

cross references to provisions of law the bill repeals, the re-numbering of sections of law to better accommodate new provisions the bill adds, and the repeal of inoperative and obsolete provisions of the law that reference dates and deadlines that have already passed or situations that no longer apply. Regarding the inoperative and obsolete provisions, this analysis will not point them out in detail.

Changes to current law definitions

The bill makes a number of changes to existing definitions governing emergency service communications. These changes are as follows:¹

- “Basic 9-1-1” is defined to mean an emergency telephone system to which all of the following apply: (1) it automatically connects to a designated public safety answering point, (2) call routing is determined by a central office only, and (3) automatic number identification (ANI) and automatic location information (ALI) does not need to be supported.
 - Current law defines “basic 9-1-1” to mean a 9-1-1 system [which is a system permitting individuals to request emergency service by dialing 9-1-1] in which a caller provides the nature and location of an emergency and the personnel receiving the call determines the appropriate emergency service provider to respond.
- “Enhanced 9-1-1” is defined to mean an emergency telephone system that includes both (1) network switching, and (2) database- and public-safety-answering-point premise elements capable of providing ALI data, selective routing, selective transfer, fixed transfer, and a call back number.
- Under current law, “enhanced 9-1-1” is defined to mean a 9-1-1 system capable of providing both enhanced wireline 9-1-1 and wireless enhanced 9-1-1.
- “[S]ervices for communicating voice, text, data, and video” are included in the definition of “wireless service.”
- “Wireless service provider” is defined to mean any of the following that provides wireless service to one or more end users in Ohio: a facilities-based provider or a virtual network, mobile virtual network, or mobile other licensed operator.
 - Under current law, a wireless service provider is only a facilities-based provider of wireless service to one or more end users in the state.
- “Public safety answering point” (PSAP) is defined to mean an entity responsible for receiving requests for emergency services sent by dialing 9-1-1 within a specified territory and processing those requests for emergency services according to a specific operational policy that includes directly dispatching the appropriate emergency service provider, relaying a message to the appropriate emergency service provider, or

¹ R.C. 128.01(A), (B), (C), (F), (G), and (P).

transferring the request for emergency services to the appropriate emergency services provider. Under the definition, a PSAP may be either of the following: (1) located in a specific facility, or (2) virtual, if telecommunicators are geographically dispersed and do not work from the same facility. The virtual workplace may be a logical combination of physical facilities, an alternate work environment such as a satellite facility, or a combination of the two. Workers may be connected and interoperate via internet-protocol connectivity.

- Current law defines a PSAP as a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.

9-1-1 Steering Committee

The bill renames the “Emergency Services Internet Protocol Network Steering Committee” to the “9-1-1 Steering Committee” (Steering Committee) and makes various other changes to the operation of the Committee as follows.²

Duties

The bill makes a variety of technical changes to remove dates and deadlines that have passed, as well as changes to the Steering Committee’s duties.

Advising the state

The bill requires the Steering Committee to generally advise the state on the implementation, operation, and maintenance of (1) a statewide emergency services internet protocol network (ESINET), (2) a statewide Next Generation 9-1-1 core-services system, and (3) the dispatch of emergency services providers. Current law simply requires the Steering Committee to generally advise the state regarding implementation, operation, and maintenance of a statewide ESINET that would support state and local government NG 9-1-1 and the dispatch of emergency service providers.³

The bill defines “ESINET” to mean 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. “Next generation 9-1-1 (NG 9-1-1)” is defined by the bill as 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.

² R.C. 128.01(DD) and 128.02(A)(1).

³ R.C. 128.02(C).

“Core services” means the base set of services needed to process a 9-1-1 call on an emergency services internetprotocol network. It includes all of the following: (1) emergency services routing proxy, (2) emergency call routing function, (3) location validation function, (4) border control function, (5) bridge, policy-store, and logging services, and (6) typical internet-protocol services such as domain name system and dynamic host configuration protocol. The term includes the services and not the network on which they operate.⁴

Although the bill creates definitions for “NG 9-1-1” and “core services,” it does not define what is an “NG 9-1-1 core services system,” about which the bill requires the Steering Committee to advise the state.

PSAP consolidation and operation recommendations

The bill repeals the requirement for the Steering Committee to make recommendations for consolidation of PSAPs to accommodate NG 9-1-1 technology and to facilitate a more efficient and effective emergency services system.⁵ The bill also requires the Steering Committee to recommend policies, procedures, and statutory or regulatory authority to effectively govern a statewide NG 9-1-1 system, instead of a statewide ESINET, as required in current law.⁶

Steering Committee meetings

The bill requires the Steering Committee to meet at least once a quarter. Current law requires they meet at least once a month.⁷

Subcommittees

The bill makes changes to the operation and composition of the Steering Committee’s subcommittees as follows:

- Requires the permanent Technical-Standards Subcommittee and Public-Safety-Answering-Point-Operations Subcommittee to meet either in person or utilizing telecommunication-conferencing technology.
- Requires a majority of the voting members to be present to constitute a quorum.
- Adds an additional member to the Public-Safety-Answering-Point-Operations Subcommittee who represents the Division of Emergency Medical Services of the Department of Public Safety.⁸

⁴ R.C. 128.01(FF), (GG), and (NN).

⁵ R.C. 128.02(C)(4), repealed.

⁶ R.C. 128.02(C)(3).

⁷ R.C. 128.02(E).

⁸ R.C. 128.02(F)(1) and (2).

PSAPs subject to operating rules

The bill requires all PSAPs that answer 9-1-1 calls for service from communications devices and services to be subject to the PSAP Operation Rules developed by the Steering Committee under continuing law. Under the bill, PSAPs that were not originally required to be compliant must comply with the standards not later than two years after the bill's effective date.⁹

The bill defines "communications device or service" to include wired or wireless telecommunications, voice over internet protocol service (VOIP), multiline telephone systems (MTS), 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 bill's effective date.¹⁰ "VOIP" is defined to mean technologies for the delivery of voice communications and multimedia sessions over internet-protocol networks, including private networks or the internet.¹¹ "MTS" is a system that (1) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises-based systems, and (2) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone.¹²

Guidelines for distribution of funds

The bill requires the Steering Committee to develop guidelines for the Tax Commissioner to use when distributing money from the 9-1-1 Government Assistance Fund. Current law only requires the Steering Committee to develop guidelines for the distribution of money from the NG 9-1-1 fund.

Under the bill, the Steering Committee must also periodically review and adjust those guidelines, as well as similar guidelines established as required under continuing law for the NG 9-1-1 Fund, as needed. The bill further requires the Steering Committee to report any adjustments to the guidelines to the Department of Taxation. The adjustments take effect six months from the date the Department is notified of the adjustments.¹³

Countywide 9-1-1 systems

The bill makes a number of changes to current law regarding countywide 9-1-1 systems.

Repeal of territorial exclusion

The bill repeals all of the current law provisions that require exclusion of territory served by a wireline service provider (which is a facilities-based provider of Basic Local Exchange

⁹ R.C. 128.021(C).

¹⁰ R.C. 128.01(EE).

¹¹ R.C. 128.01(II).

¹² R.C. 128.01(JJ).

¹³ R.C. 128.022.

Service transmitted by interconnected wires or cables) that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of the countywide system or enhanced 9-1-1 for that territory. As a result of these repeals, a countywide 9-1-1 system must include all of the territory of the townships and municipal corporations in the county and any portion of such a municipal corporation that extends into an adjacent county.¹⁴

Enhanced, NG 9-1-1, or combination system

The bill allows a countywide 9-1-1 system to be either an enhanced or NG 9-1-1 system, or some combination of the two, and must be designed to provide access to emergency services from all connected communications sources. Basic 9-1-1 may not be utilized in the countywide system. Current law allows for either basic or enhanced 9-1-1, or a combination of the two, to provide both wireline 9-1-1 and wireless 9-1-1.¹⁵

Providing the system

The bill allows a countywide 9-1-1 system to be provided directly by the county, a regional council of governments (RCOG), or by connecting directly to the statewide NG 9-1-1 system for call routing and core services.¹⁶

County 9-1-1 coordinator

The bill requires each county to appoint a county 9-1-1 coordinator to serve as the administrative coordinator for all PSAPs participating in the countywide 9-1-1 final plan. The coordinator must also serve as a liaison with other county coordinators and the 9-1-1 Program Office.¹⁷

Geographic location and population

The bill requires the entity operating a PSAP to provide the Steering Committee the geographic location and population of the area for which the entity is responsible. Current law applies this requirement to a political subdivision or governmental entity operating a PSAP regarding the area for which the planning committee is responsible (which maybe refers to county 9-1-1 planning committees).¹⁸

County 9-1-1 Program Review Committee

The bill requires, with some exceptions detailed below, every county to maintain a county 9-1-1 Program Review Committee. Current law allows, but does not require, a board of county commissioners or the legislative authority of any municipal corporation in the county

¹⁴ R.C. 128.03(A).

¹⁵ R.C. 128.03(B).

¹⁶ R.C. 128.03(C)(2).

¹⁷ R.C. 128.05.

¹⁸ R.C. 128.02(D)(2)(a).

that contains at least 30% of the county's population to adopt a resolution to convene a 9-1-1 *Planning Committee*.

Review Committee composition – generally

Under the bill, the Review Committee must be composed of six voting members (rather than three voting members under current law) as follows:

- A member of the board of county commissioners (current law requires the president or other presiding officer of the board);
- The CEO of the most populous municipal corporation in the county (unchanged from current law);
- A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board. (Current law, being eliminated by the bill, provides the option for the CEO of the second most populous municipal corporation in the county, whichever is most populous, to be selected instead of the township trustee member. In addition, counties with a population of 175,000 or more had to have two more voting members than the primary three – a township trustee and municipal chief executive officer.);
- A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt;
- A member of the legislative authority of a municipal corporation in the county selected by a majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;
- An elected official from within the county appointed by the board of county commissioners.¹⁹

Review Committee composition for large counties

The bill requires counties with fewer than five townships, and a population in excess of 750,000, to have five members for their Review Committee composed of the following:

- A member of the board of county commissioners to serve as chairperson;
- The chief executive officer of the most populous municipal corporation in the county (population residing outside the county is excluded from the count);
- A member from one of the following, whichever is more populous:
 - The chief executive officer of the second most populous municipal corporation in the county;

¹⁹ R.C. 128.06(A).

- A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board;
- The chief executive officer of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;
- A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to a resolution.

Final plan for countywide 9-1-1

The bill requires each Review Committee to maintain and amend a final plan for implementing and operating a countywide 9-1-1 system. Any amendment to the final plan requires a two-thirds vote of the Review Committee, and each Review Committee must meet at least once annually.

The bill further requires each Review Committee, not later than March 1 of each year, to submit a report to the political subdivisions within the county and to the 9-1-1 Program Office detailing the sources and amounts of revenue expended to support, and all costs to operate, the countywide 9-1-1 system and the PSAPs that are a part of that system for the previous calendar year. The bill also requires each county to provide its Review Committee with any clerical, legal, and other necessary staff. Current law requires the county to provide such support to just develop the final plan, as well as paying for copying, mailing, and any other such expenses incurred in developing the final plan.²⁰

County 9-1-1 Technical Advisory Committee terminated

The bill repeals in its entirety the requirements for each county to have a 9-1-1 technical advisory committee. Under current law, the advisory committee assists the 9-1-1 Planning Committee in planning the countywide 9-1-1 system.²¹

Final plan specifics

The bill makes several technical and substantive changes to what the final plan for each countywide system must include. The bill makes substantive changes regarding what must be specified in the final plan as follows:

- Does not permit the plan to use “basic 9-1-1” since the bill does not allow countywide 9-1-1 systems to include that type of service;
- Specifies how PSAPs will be connected to the county’s preferred NG 9-1-1 system;
- Details how originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by such providers to

²⁰ R.C. 128.06(C) and (D).

²¹ R.C. 128.06(C), repealed.

provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system;

- Requires, in instances where a PSAP does not properly dispatch the appropriate emergency service, how that request will be transferred, or the information electronically relayed, to the entity that directly dispatches the potentially needed emergency services.
- Describe how emergency service providers (ESPs, which is the Ohio Highway Patrol and an emergency service department or unit of a subdivision) will respond to a misdirected call or the provision of a caller location that is either misrepresented, or does not meet federal requirements or accepted national standards.²²

The bill further requires each county Review Committee to file a copy of its current final plan with the 9-1-1 Program Office not later than six months after the bill's effective date. Any revisions or amendments are to be filed not later than 90 days after adoption.²³

Amending the final plan

The bill alters some of the scenarios in which an amended final plan is required under continuing law. Under the bill, upgrading any part or all of the countywide 9-1-1 system requires an amendment. Current law requires this only if there is an upgrade from basic to enhanced wireline 9-1-1. Additionally, adding, changing or removing a 9-1-1 system service provider as a participant in the countywide 9-1-1 system would require an amendment. Under the bill, "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.²⁴ Current law does not require an amendment for changing or removing a provider – only if a telephone company is added as a system participant.²⁵

The bill further repeals the requirement for an entity wishing to participate in a 9-1-1 system to file a written letter of intent with the board of county commissioners.²⁶

²² R.C. 128.07(A)(1) to (8).

²³ R.C. 128.07(B)(2).

²⁴ R.C. 128.01(HH).

²⁵ R.C. 128.12(A)(2) and (7).

²⁶ R.C. 128.12(B)(1).

Statewide NG 9-1-1 core services system

The bill requires the state 9-1-1 Program Office to coordinate and manage a statewide NG 9-1-1 core services system,²⁷ which must interoperate with Canada and the states bordering Ohio. The Office must also manage the vendors supplying the equipment and services for the system to the Department of Administrative Services (DAS).

Under the bill, the NG 9-1-1 core services system must be capable of the following:

- Providing 9-1-1 core services for all Ohio counties, over land and water;
- Routing all 9-1-1 traffic using location and policy-based routing to legacy enhanced 9-1-1, NG 9-1-1, and local NG 9-1-1 PSAPs;
- Providing access to emergency services from all connected communications sources and provide multimedia data capabilities for PSAPs and other emergency service organizations.

The bill further requires the ESINET that supports the statewide NG 9-1-1 core services system to be capable of being shared by all public safety agencies. The ESINET may be constructed from a mix of dedicated and shared facilities, and may be interconnected with a local, regional, state, federal, or international system to form an internet-protocol-based inter-network, or network of networks.²⁸

Ohio 9-1-1 plan

The bill requires, not later than six months after the bill's effective date, the 9-1-1 Program Office to draft, submit, or update an Ohio 9-1-1 plan to the Steering Committee, which must include the following:

- A plan to address amendments made by the bill regarding Ohio's Emergency Telephone Number System Law;
- Specific system details describing interoperability amongst counties, the states bordering Ohio, and Canada;
- A progression plan for the system and sustainability within the funding method encompassed by the bill described below ("**Monthly Charges**").

The bill requires the Steering Committee to review and permits it to make a decision on approval within six months of the plan's submission.²⁹

²⁷ The bill defines "NG 9-1-1" and "core services" but not "NG 9-1-1 core services system." See, R.C. 128.01.

²⁸ R.C. 128.21.

²⁹ R.C. 128.211.

Letter of coordination

The bill requires any Ohio entity operating a 9-1-1 system, ESINET, or PSAP and that pursues a state or federal 9-1-1 grant to present a letter of coordination from the 9-1-1 Program Office, which must state all of the following:

- Who the entity is based on the type of system it operates (described above);
- The specific grantor identification;
- The dollar amount of the grant;
- The intended use of the grant;
- The system, equipment, software, or any component to be procured with the grant;
- Ensuring the purpose of the grant does not inhibit, conflict, or reduce interoperability with the NG 9-1-1 core services system and ESINET and is consistent with the Ohio 9-1-1 plan.³⁰

9-1-1 Program Office powers

The bill allows the Program Office to do the following:

- Expend funds from the 9-1-1 Program Fund for the purposes of 9-1-1 public education;
- Coordinate, adopt, and communicate all necessary technical and operational standards and requirements to ensure an effective model for a statewide interconnected 9-1-1 system;
- Collect and distribute data from, and to, PSAPs, service providers, and ESPs for both:
 - The status and operation of the components of the statewide 9-1-1 system, including all of the following: the aggregate number of access lines the provider³¹ maintains in the state, aggregate amount of costs and cost recovery associated with providing 9-1-1 service, and any other information the Steering Committee requests and deemed necessary (presumably deemed by the Committee) to support NG 9-1-1 transition.
 - Location information necessary for the reconciliation and synchronization of NG 9-1-1 location information, including all of the following: address location information, master street address guide, service order inputs, geographic information system files, street center lines, response boundaries, administrative boundaries, and address points.

³⁰ R.C. 128.212.

³¹ It is not clear who or what is a provider for this requirement.

- Require, coordinate, oversee, and limit data collection and distribution to ensure that legal privacy and confidentiality requirements are met;
- Enter into interlocal, interstate, intrastate, and federal contracts to implement statewide 9-1-1 services, with advice from the Steering Committee.³²

Protection of data

The bill provides that all data described above is protected by all applicable provisions of Ohio law. Charges, terms, and conditions for the disclosure or use of that data provided by PSAPs, service providers, and ESPs for the purpose of 9-1-1 are subject to the Steering Committee's jurisdiction.

The bill does allow, notwithstanding the above data protection limitation, data and information that contributes to more 9-1-1 services and emergency response to be accessed and shared amongst 9-1-1 and emergency response functions to ensure effective emergency response, while also ensuring the overall privacy and confidentiality of the data and information involved.³³

Telecommunication service providers

The bill requires telecommunication service providers³⁴ able to generate 9-1-1 traffic within the state to do the following:

- Register with the 9-1-1 Program Office;
- Provide a single point of contact to the Program Office who has the authority to assist in location-data discrepancies, including 9-1-1 traffic misroutes and no-record-found errors;
- Provide location data for all 9-1-1 traffic with the accuracy and validity necessary to ensure proper routing to the most appropriate PSAP or local NG 9-1-1 system, which may include:
 - Preprovisioning of location data into a state-operated database utilizing industry standard protocols;
 - Providing a routable location with the 9-1-1 traffic at call time, and utilizing approved standards for both legacy and NG 9-1-1.
- Correct any location discrepancies during the next business day, after notification by the Program Office.

³² R.C. 128.22.

³³ R.C. 128.221.

³⁴ The bill does not define who or what is a telecommunication service provider, other than to state it be "able to generate 9-1-1 traffic" in Ohio. See, R.C. 128.23(A).

The bill further subjects all data described above to all applicable privacy laws and excludes it from being a public record under Ohio's Public Records Law.³⁵

MTS requirements

The bill requires each operator of a MTS that was installed, or substantially renovated, on or after the bill's effective date, to provide the end user the same level of 9-1-1 service that is provided to other in-state end users of 9-1-1. The bill defines an "operator of a MTS" as an entity to which both of the following apply: (1) the entity manages or operates a MTS through which an end user may initiate 9-1-1 system communication; and (2) the entity owns, leases, or rents a MTS through which an end user may initiate 9-1-1 system communication.³⁶

The service described above must include the following:

- Either legacy ANI and ALI, or NG 9-1-1 location data;
- An emergency-response-location identifier as part of the location transmission to the PSAP, using either legacy private-switch ALI or NG 9-1-1 methodologies;
- Identify the specific location of a caller using an emergency response location that includes the public street address of the building where the call originated, a suite or room number, the building floor, and a building identifier, if applicable. The bill also defines "emergency response location" to mean an additional location identification that provides a specific location that may include information regarding a specific location within a building, structure, complex, or campus, including a building name, floor number, wing name or number, unit name or number, room name or number, or office or cubicle name or number.³⁷
- The provision of locations that are either master-street-address-guide valid or NG 9-1-1-location-validation-function valid.

Exemption

The bill exempts any MTS in a workplace of less than 7,000 square feet in a single building, on a single level of a structure, and having a single public street address from the requirements stated above.³⁸

Business service user

The bill requires, not later than one year after the bill's effective date, a business service user (BSU) that: (1) provides residential or business facilities, (2) owns or controls a MTS or

³⁵ R.C. 128.23.

³⁶ R.C. 128.01(MM).

³⁷ R.C. 128.01(LL).

³⁸ R.C. 128.24.

VOIP system in those facilities, and (3) provides outbound dialing capacity from those facilities to ensure the following:

- For a MTS that can initiate a 9-1-1 call, the system is connected to the public switched telephone network so that an individual using the system can dial 9-1-1, and the call connects to the PSAP without requiring the user to dial any additional digit or code;
- The system is configured to provide notification of any 9-1-1 call made through the system to a centralized location on the same site as the system. The BSU does not have to have a person available at the location to receive a notification.³⁹

Under the bill, a BSU is user of a business service that provides telecommunications service, including 9-1-1 service, to end users through a publicly or privately owned or controlled telephone switch.⁴⁰

Exemption

The bill exempts a BSU from the requirements described above, for two years after the bill's effective date, if all of the following apply:

- The requirements would be unduly and unreasonably burdensome;
- The MTS or VOIP system needs to be reprogrammed or replaced;
- The BSU made a good-faith attempt to reprogram or replace the system;
- The business service agrees to place an instructional sticker next to the telephone that explains how to access 9-1-1, provides the specific location where the device is installed, and reminds the caller to give the location information to the 9-1-1 call taker. Such instructions must be printed in at least 16-point boldface type in a contrasting color using an easily readable font;
- The BSU affirms in an affidavit that the above conditions apply. Such an affidavit must include the manufacturer and model number of the system the BSU uses.⁴¹

Preemption

The bill specifies that the provisions described above ("**MTS requirements**" and "**Business service user**") do not to apply if they are preempted by, or in conflict with, federal law.⁴²

Other requirements for 9-1-1 operation

The bill requires the following:

³⁹ R.C. 128.241.

⁴⁰ R.C. 128.01(KK).

⁴¹ R.C. 128.242.

⁴² R.C. 128.243.

- Counties must provide a single point of contact to the 9-1-1 Program Office who has the authority to assist in location-data discrepancies, 9-1-1 traffic misroutes, and boundary disputes between PSAPs;
- Requires counties and RCOGs, if applicable, not later than five years after the statewide NG 9-1-1 core services system is operationally available to all counties in the state, to provide NG 9-1-1 service for all areas to be covered in the county's final plan or the RCOG's agreement.
- Requires service providers operating within a county that participates in the statewide NG 9-1-1 core services system or within the area served by a RCOG that participates in that system to deliver the 9-1-1 traffic that originates in that geographic area to the NG 9-1-1 core for that geographic area;
- Adherence to the standards of the 9-1-1 Program Office, including standards created by the National Emergency Number Association and the Internet Engineering Task Force, if the service provider or county participates in the statewide NG 9-1-1 core services system.⁴³

Monthly charges

The bill alters current law, as well as adds new provisions, regarding monthly charges for telephone customers and 9-1-1 service as described in the following discussion.

County charges

The bill broadens current law regarding a board of county commissioners' ability to adopt a resolution to impose a monthly charge, not to exceed \$.50, related to a countywide 9-1-1 system. The bill eliminates the current law requirement that each residential and business telephone company customer must pay the monthly charge for each of its residential or business customer access lines or their equivalent. Under the bill, the board may impose the monthly charge on either:

- Telephone access lines;
- Each communications device or service to which both of the following apply:
 - The communications device or service is sold in the county, registered to an in-county service address or location, or the subscriber's primary place of using the device or service is in the county;
 - The device or service is capable of initiating a direct connection to 9-1-1.

The bill also provides that if the charge is imposed on communications devices and services as described above, the charge must be paid for each device or service. So, instead of being a charge imposed on wireline services, it may be applied to wireless

⁴³ R.C. 128.25 to 128.28.

telecommunications.⁴⁴ This might cause confusion because telephone companies bill and collect the monthly charge. Those companies, for purposes of the charge are wireline service providers, and not wireless service providers.⁴⁵

Under current law, the monthly charge may be imposed by a board to fund no more than one PSAP, or no more than three PSAPs, depending on the circumstances regarding the status of the county's final plan for a countywide 9-1-1 system. The charge is imposed on each telephone access line, which is, for purposes of the county charge, wireline service involving transmission by wires and cables.⁴⁶

Wireless 9-1-1 charge

The bill terminates, three months after the bill's effective date, the wireless 9-1-1 charge required under current law in favor of the new NG 9-1-1 access charge (discussed below). Under current law, a wireless 9-1-1 charge is imposed on each wireless telephone number of a subscriber (person with a contract for monthly service) whose billing address is in the state, and on each retail sale to a purchaser of prepaid wireless calling service (person who purchases services periodically, such as month-to-month) occurring in state. The charges are imposed under current law as described next.

Subscriber charge amount

For a subscriber's wireless telephone number, a \$0.25 charge per month per number assigned to the subscriber. Each wireless service provider and reseller must collect the charge as a specific line item on the subscribers' monthly bills expressly designated as "State/Local Wireless-E911 Costs (\$0.25/billed number)." Any other charges applied to a subscriber must be placed in separate line items than the state/local line item.

Retail sale of prepaid wireless calling service

For each retail sale of a prepaid wireless calling service, a wireless 9-1-1 charge of 0.005% of the sale price is to be imposed on the consumer. A retail sale occurs if it is effected by the consumer appearing in person at a seller's business, or if the sale is sourced to the state under continuing law.

Exemption

The bill adds an exemption to the wireless 9-1-1 charge for subscribers of a wireless lifeline service and providers of such a service.⁴⁷

⁴⁴ R.C. 128.37(B) and (C), 128.38(B)(1) and (C), and 128.412(A).

⁴⁵ R.C. 128.01(W) and 128.39(A).

⁴⁶ R.C. 128.01(J), (K), and (W), 128.37, and 128.38.

⁴⁷ R.C. 128.40(A) and (E).

NG 9-1-1 access fee

The bill replaces the wireless 9-1-1 charge described above with a NG 9-1-1 access fee. Under the bill, the NG 9-1-1 access fee is imposed on each communications device or service as follows.

Initial 2-year period

For the first two years after the expiration of the wireless 9-1-1 charge, there is a \$0.25 fee per month on each communications device or service to which both of the following apply:

- The device or service is sold in Ohio, registered to service address or location in Ohio, or the subscriber's primary place of using the device or service is in Ohio;
- The device or service is capable of initiating a direct connection to 9-1-1.

Subsequent five-year period and beyond

For a five-year period after the period described immediately above, a NG 9-1-1 access fee of \$0.25 per month for such devices and services or, if the Steering Committee designates an alternate amount as described immediately below, then that alternate amount. After the five-year period, the NG 9-1-1 access fee is \$0.25 per month per communications device or service.⁴⁸

Designation of alternative amount

The bill allows the Steering Committee to, on January 1 of each year, designate an alternate amount for the monthly NG 9-1-1 access fee. This alternate fee amount can be higher than the previous year's fee amount only if there are outstanding transitional costs associated with the NG 9-1-1 system, but must not be:

- More than two cents above the fee amount from the previous year; and
- Higher than \$0.30.

The bill requires the Steering Committee to report to the General Assembly any action to increase the NG 9-1-1 access fee. The report must state the remaining amount of counties' transitional costs of connecting to the statewide ESINET.⁴⁹

Separate fees

The bill requires a subscriber to pay a separate NG 9-1-1 access fee for each communications device or service for which the subscriber is billed. In the case of a MTS, the subscriber must pay a separate fee for each line. For VOIP systems, the subscriber must pay a separate fee for each call path available to the system to make an outside call.⁵⁰

⁴⁸ R.C. 128.41.

⁴⁹ R.C. 128.411.

⁵⁰ R.C. 128.412.

Exemptions from the fee

The bill exempts the following from the NG 9-1-1 access fee:

- A subscriber of wireless lifeline service;
- Wholesale transactions between telecommunication service providers where the service is a component of a service provided to an end user. This exemption also includes network access charges and interconnection charges paid to a local exchange carrier.⁵¹

Collection of NG 9-1-1 access fee

The bill requires each service provider and reseller to collect the NG 9-1-1 access fee as a specific line item on each subscriber's monthly bill or point of sale invoice. The line item must expressly state "Ohio Next Generation 9-1-1 Access Fee ([amount]/device or service/month)." Should a provider bill a subscriber for any other 9-1-1 cost, that charge or amount must not appear in the same line item as the NG 9-1-1 access fee line item. Separate charges must be designated "[Name of Provider] [Description of charge or amount]."⁵²

Excess NG 9-1-1 access fee amounts collected

The bill requires, if the NG 9-1-1 access fee exceeds \$0.25 per month, for the excess amount collected that is attributable to the difference between the actual amount and \$0.25 to be deposited into the 9-1-1 Government Assistance Fund.⁵³

Reporting requirements

The bill requires the Steering Committee to submit three reports to the General Assembly. The Steering Committee must submit a report regarding the effectiveness of the NG 9-1-1 access fee at \$0.25 no later than 12 months after the bill's effective date. After the 5-year period described above, the Committee must submit another report to the General Assembly recommending a future amount for the NG 9-1-1 access fee.⁵⁴

The bill also requires, not later than 24 months after the bill's effective date, the Steering Committee, in conjunction with the Tax Commissioner, to deliver a report to the General Assembly detailing any legislative recommendations concerning the collection and use of the NG 9-1-1 access fees, including auditing carriers and other companies required to collect the fees.⁵⁵

⁵¹ R.C. 128.413.

⁵² R.C. 128.414.

⁵³ R.C. 128.415.

⁵⁴ R.C. 128.416.

⁵⁵ Section 4.

Altering the NG 9-1-1 access fee

The bill provides that, after installation and operation for 12 months of the statewide NG 9-1-1 system, the Steering Committee must monitor the accounts where funds are generated for the NG 9-1-1 access fee. The Steering Committee may reduce the fee if the Steering Committee determines that the obligations of the funds can still be met to avoid over-collection of fees. If the fee is reduced, the Steering Committee may increase the fee to a maximum of \$0.30 to ensure adequate funding exists to meet the obligations of the funds.

The bill further requires the Steering Committee to notify the Tax Commissioner of its intent to adjust the NG 9-1-1 access fee no later than six months before the adjustment is to take effect.⁵⁶

NG 9-1-1 access fee for prepaid wireless retail sales

The bill imposes, three months after the bill's effective date, a NG 9-1-1 Access Fee of .005% of the sale price of a prepaid wireless calling service retail sale that occurs in Ohio. A retail sale occurs in Ohio if one of the following applies in the priority order provided:

1. The sale is effected by the consumer appearing in person at a seller's business location within Ohio;
2. Delivery is made to a location in Ohio designated by the consumer;
3. An Ohio address for the customer found in the vendor's business records maintained in the ordinary course of business and the address is not used in bad faith;
4. An Ohio address for the customer is obtained during the sale, including the address associated with the consumer's payment instrument, if no other address is available, and the address is not used in bad faith;
5. If none of the above apply, then the seller may elect to source the sale to the location associated with the mobile telephone number.⁵⁷

Collection of the fee

Under the bill, the seller of the prepaid calling service must collect the NG 9-1-1 access fee from the customer at the time of each retail sale, and disclose the amount of the fee to the consumer by itemizing the fee on the receipt, invoice, or similar written documentation provided to the consumer. However, if a minimal amount (either ten minutes or less, or five dollars or less) of a prepaid calling service is sold with a prepaid wireless calling device for a single, nonitemized price, then the seller may choose not to collect the fee.⁵⁸

⁵⁶ R.C. 128.417 and 128.418.

⁵⁷ R.C. 128.42; R.C. 5739.033 and 5739.034, not in the bill

⁵⁸ R.C. 128.421 and 128.422(B)(3).

Sale of prepaid calling service with other products

The bill provides that, when a prepaid calling service is sold alongside other products or services for a single, nonitemized price, the NG 9-1-1 access fee applies to the entire nonitemized price except:

- If the dollar amount of the service is disclosed to the consumer, the seller can apply the fee to that dollar amount;
- If the seller can identify, through reasonable and verifiable standards from the seller's records, the portion of the nonitemized price that is attributable to the service, the seller can apply the fee to that portion; or
- If a minimal amount of prepaid calling service is sold with a prepaid wireless calling device for a single, nonitemized price, the seller may elect not to collect the fee.⁵⁹

Tax exemption

The bill exempts the NG 9-1-1 access fee imposed under the bill (See "**NG 9-1-1 access fee**" and "**NG 9-1-1 access fee for prepaid wireless retail sales**" above) from both state and local taxation.⁶⁰

Administration of charges and fees

Notice

The bill requires the Tax Commissioner to provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either NG 9-1-1 access fee. Each notice must be provided at least 30 days before the effective date of the increase or decrease. Current law requires this notice only for the wireless 9-1-1 charge ("**Wireless 9-1-1 charge**") which the bill terminates.⁶¹

Recordkeeping

The bill directs each entity required to bill and collect a wireless 9-1-1 charge or NG 9-1-1 access fee, and sellers of prepaid wireless calling services required to do the same, to keep the following:

- Complete and accurate records of bills that include charges or fees, and a record of the money collected;
- All related invoices and other pertinent documents.

Continuing law requires the records described above are to be open to the inspection of the Tax Commissioner during business hours, and are to be retained for four years unless the

⁵⁹ R.C. 128.422.

⁶⁰ R.C. 128.43.

⁶¹ R.C. 128.44.

Tax Commissioner consents to their destruction in writing, or by order, requires that the records be kept for longer.⁶²

Collection of charges or fees

The bill makes several changes throughout the law regarding the filing and remittance of the wireless 9-1-1 charges and NG 9-1-1 access fees.

Filing returns

The bill allows the Tax Commissioner to require returns and payments to be made other than monthly. Continuing law also permits the Tax Commissioner to grant one or more 30-day extension for making and filing returns or remitting the amounts due.⁶³

Electronic filing

The bill repeals the option of filing the return using the Ohio telefile system. Continuing law allows for the return to be filed electronically using the Ohio business gateway, or any other electronic means prescribed by the Tax Commissioner. Nonelectronic means of filing may also be approved by the Tax Commissioner for good cause shown by the entity.⁶⁴

Liability

The bill imposes on an entity required to collect charges or fees liability to the state for any amount that was required to be collected, but was not remitted, regardless of whether the amount was collected. Current law imposes liability for any charge amount not billed or collected or any amount not remitted, regardless of whether it was collected.⁶⁵

Filing judgment

The bill retitles the loose-leaf book used by clerks to enter a judgement for the state against the assessed entity in the amount shown on the final assessment immediately after filing, to “Special Judgements for 9-1-1 Charges and Fees.” Current law names it “Special Judgements for Wireless 9-1-1 Charges and Fees.”⁶⁶

Miscellaneous changes

The bill makes various other changes regarding collections of the charges and fees that include the following:

⁶² R.C. 128.45 and 128.451.

⁶³ R.C. 128.46(A)(2).

⁶⁴ R.C. 128.46(C).

⁶⁵ R.C. 128.46(D)(2).

⁶⁶ R.C. 128.46(E)(5).

- Replaces “Seller of a prepaid wireless calling service, wireless service provider, and reseller” and “Wireless service provider, reseller, or seller,” with “entity” throughout the collection provisions;
- Removes inoperative provisions, such as, for example, law applying only to requirements applicable before January 1, 2014;
- Adds the NG 9-1-1 access fees alongside the wireless 9-1-1 charges in every provision the charge is mentioned, which has the effect of applying all continuing law, including, for example, filing returns and remitting the required amount, consumer liability, refunds, auditing procedures, filing judgements, and accrual of interest to the NG 9-1-1 access fees.⁶⁷

NG 9-1-1 access fees subject to sales tax

As described above (“**NG 9-1-1 access fee for prepaid wireless retail sales**”), the bill requires each seller of a prepaid wireless access calling service to collect NG 9-1-1 access fees equal to 0.005% of the sale price three months after the bill’s effective date. Those sellers are subject to the state sales tax on retail sales, as those provisions apply to audits, assessments, appeals, enforcement, liability, and penalties. Currently, such sellers are required to collect a *wireless 9-1-1 charge* of 0.005% of the sale price and are subject to these sales tax provisions until three months after the effective date of the bill.⁶⁸

9-1-1 funds and distribution of wireless 9-1-1 charges

The bill renames three of the four funds established to receive and distribute the wireless 9-1-1 charges imposed for wireless service and specifies that amounts received from NG 9-1-1 access fees also are to be deposited in these funds as follows:⁶⁹

Fund name and deposit % under H.B. 445, As Introduced		Fund name and deposit % under current law	
Fund name	% of charges and fees to be deposited in fund	Fund name	% of charges to be deposited in fund
9-1-1 Government Assistance Fund	47%	Wireless 9-1-1 Government Assistance Fund	97%

⁶⁷ R.C. 128.46 to 128.47.

⁶⁸ R.C. 128.52.

⁶⁹ R.C. 128.54.

Fund name and deposit % under H.B. 445, As Introduced		Fund name and deposit % under current law	
Fund name	% of charges and fees to be deposited in fund	Fund name	% of charges to be deposited in fund
9-1-1 Administrative Fund	1%	Wireless 9-1-1 Administrative Fund	1%
9-1-1 Program Fund	2%	Wireless 9-1-1 Program Fund	2%
NG 9-1-1 Fund	50%, plus interest earned on the 9-1-1 Administrative Fund and, at the direction of the Steering Committee, any excess remaining in the 9-1-1 Government Assistance Fund after paying administrative costs	NG 9-1-1 Fund	Interest earned on the 9-1-1 Administrative Fund and, at the discretion of the Steering Committee, any excess remaining in the 9-1-1 Government Assistance Fund after paying administrative costs

Disbursements from the 9-1-1 funds

The bill repeals the requirement that the Tax Commissioner disburse moneys and accrued interest from the 9-1-1 Government Assistance Fund (currently the Wireless 9-1-1 Government Assistance Fund) to each county treasurer not later than the last day of each month. Instead the bill specifies that disbursements must be made not later than the tenth day of the month succeeding the month in which the charges or fees are imposed under the bill are remitted.

The bill requires the Department of Administrative Services to administer the NG 9-1-1 Fund and requires it to be used exclusively to pay costs of installing, maintaining, and operating the call routing and core services statewide NG 9-1-1 system.⁷⁰

Allowable uses of disbursements

The bill modifies the types of costs for which disbursements for a countywide wireless enhanced 9-1-1 system may be used. It allows, for the provision of NG 9-1-1 service, the costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining

⁷⁰ R.C. 128.55(A).

the necessary data, hardware, software, and trunking required for PSAPs of the 9-1-1 system. Under current law, these costs are already allowed for wireless enhanced 9-1-1 service.

The bill also adds the following as costs for which disbursements may be expended for a countywide 9-1-1 system:

- Processing 9-1-1 emergency calls from the point of origin to include any expense for interoperable bidirectional computer aided dispatch data transfers with other PSAPs or emergency services organizations;
- Transferring and receiving law enforcement, fire, and emergency medical service data via wireless or internet connections from PSAPs or emergency services organizations to all applicable emergency responders.

The bill repeals the provision that limits the allowable costs for wireless enhanced 9-1-1 to costs that are over and above any 9-1-1 system costs incurred to provide wireline 9-1-1 or to otherwise provide wireless enhanced 9-1-1. It also repeals the provision that permits up to \$25,000 of the disbursements received each year after January 1, 2009 to be applied to data, hardware, and software that automatically alerts personnel receiving a 9-1-1 call that a person at the subscriber's address or telephone number may have a mental or physical disability, of which that personnel must inform the appropriate service provider. It also repeals the requirement that a RCOG operating a PSAP must consider the technical and operational standards before incurring the designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for PSAPs of the 9-1-1 system.⁷¹

Excess NG 9-1-1 access fee

The bill directs a county receiving 9-1-1 funds disbursements, for any amount of the NG 9-1-1 access fee in excess of \$0.25 per month, the amount collected above the \$0.25 per month must be used exclusively for the transitional costs of NG 9-1-1 or costs of connecting to the statewide ESINET. And, the bill requires that all funds generated from the NG 9-1-1 access fee to be used only for 9-1-1 related expenses.⁷²

Information for Steering Committee and Tax Commissioner

Current law requires telephone companies, the State Highway Patrol, and each subdivision or RCOG operating one or more PSAPs for a countywide system providing wireless 9-1-1 to provide the Steering Committee and Tax Commissioner with information that the Steering Committee and Tax Commissioner request to carry out their duties under the Emergency Telephone Number System Law, including duties regarding collection of wireless

⁷¹ R.C. 128.57.

⁷² R.C. 128.57(F) and (G).

9-1-1 charges. The bill adds to the information that may be requested, information related to their duties regarding the collection of NG 9-1-1 access fees.⁷³

The bill retains the authority for the Tax Commissioner to adopt rules needed to account for the collection fees retained by wireless service providers, resellers, and sellers. Under current law, effective until three months after the bill's effective date, wireless service providers, resellers, and sellers may each retain as a collection fee 3% of the wireless 9-1-1 charges collected.⁷⁴

Tax Refund Fund

The bill includes NG 9-1-1 access fees among the fees and charges that may be refunded if illegally or erroneously assessed, collected, or overpaid. The Tax Refund Fund is the fund within the state treasury from which such refunds are paid. After a wireless 9-1-1 charge refund or, as added by the bill, an NG 9-1-1 access fee refund is certified by the Tax Commissioner, the Treasurer credits the fund in the amount of the refund. The certified amount is derived from 9-1-1 charges and fees. The Tax Commissioner recovers the refund amounts from the next distribution of the charges and fees to the counties.⁷⁵

Commercial Activity Tax (CAT)

The bill specifies that receipts from NG 9-1-1 access fees imposed are not included as "gross receipts" under the commercial activity tax (CAT) law. Under the bill, NG 9-1-1 access fees are imposed beginning three months after the bill's effective date.⁷⁶ The CAT is the tax levied on persons with taxable gross receipts for the privilege of doing business in Ohio to fund state and local government needs.⁷⁷

Civil liability

The bill extends protection from civil liability to 9-1-1 system service providers, except for willful or wanton misconduct. Specifically, it extends protection to a "9-1-1 system service provider and the provider's respective officers, directors, employees, agents, and suppliers." Under the bill they are protected from liability for "any damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from developing, adopting, implementing, maintaining, or operating a 9-1-1 system, or from complying with emergency-related information requests from state or local government officials."⁷⁸

⁷³ R.C. 128.60.

⁷⁴ R.C. 128.40, 128.42, and 128.63.

⁷⁵ R.C. 5703.052.

⁷⁶ R.C. 128.41, 128.42, and 5751.01(F)(2)(qq).

⁷⁷ R.C. 5751.02, not in the bill.

⁷⁸ R.C. 128.96(E).

MTS penalties

Failure to provide ANI and ALI

Under the bill, an operator of a MTS may be assessed a fine of up to \$5,000 per offense, if the operator fails to comply with the MTS location requirements imposed under the bill (See, “**MTS requirements**,” above).⁷⁹

Failure to ensure 9-1-1

The bill also allows the Steering Committee to request the Attorney General to bring an action to recover amounts from \$1,000 to up to \$5,000 for a BSU’s failure to meet specific requirements regarding 9-1-1 calls placed using MTS or VOIP provided by the BSU under the bill. The Steering Committee may request recovery of \$1,000 for an initial failure and up to \$5,000 for each subsequent failure within each continuing six-month period of the business service user’s noncompliance. Funds recovered must be deposited into the NG 9-1-1 Fund.⁸⁰

Federal law preemption or conflict

The bill specifies that no fine may be assessed, or action for recovery may occur, against a BSU, if they are preempted or in conflict with federal law.⁸¹

Laws repealed by the bill

Municipal or township 9-1-1 systems

The bill repeals provisions of law allowing the legislative authority of a municipal corporation or township that contain at least 30% of the county’s population, or a group of contiguous municipal corporations or townships, to establish, within their own boundaries, a 9-1-1 system and may enter into an agreement, and the contiguous municipal corporations or townships may jointly enter into an agreement with one or more telephone companies. The bill also repeals provisions related to such agreements regarding, for example, the use of authorized revenue to provide basic or enhanced 9-1-1.⁸²

9-1-1 system installation deadline and 9-1-1 signs

The bill repeals the law that requires wireline service providers designated in a final 9-1-1 plan to install the wireline telephone network portion of the system within three years from the date the initial final plan becomes effective. Also repealed is the requirement that (1) upon installation of a countywide 9-1-1 system, the board of county commissioners may direct the county engineer to erect and maintain, at county expense, signs indicating the availability of a countywide 9-1-1 system at county boundaries on highways and county roads

⁷⁹ R.C. 128.99(H).

⁸⁰ R.C. 128.99(I)(1) and (2).

⁸¹ R.C. 128.99(I)(3).

⁸² R.C. 128.09, repealed by the bill; conforming changes made in R.C. 128.03(F) and (I), 128.33, 128.55(C), 128.96(A)(1), 128.98, and 5733.55(A)(3).

and (2) the Director of Transportation develop sign specifications for the signs and standards for their erection and specify where signs may not be erected.⁸³

Limitation on PSAPs using disbursements

The bill repeals the law that limits to three the number of PSAPs within a 9-1-1 system that may use disbursements from the Wireless 9-1-1 Government Assistance Fund to pay allowable costs except in the case of a municipal corporation with a population of over 175,000. In this case, the county may use disbursements for a fourth PSAP. Current law progressively limits disbursements as follows:⁸⁴

Years	Maximum number of PSAPs that may use disbursements per calendar year
Before 2016	5
2016 and 2017	4*
2018 and subsequent years	3*

* If there is a municipal corporation with a population over 175,000, that county may use disbursements for one public safety answering point in addition to the maximum permitted for that period.

The bill also repeals the provision requiring that if a county exceeds the maximum number, disbursements to the county from the Wireless 9-1-1 Government Assistance Fund and the NG 9-1-1 Fund must be reduced by 50% until the county complies with the limitations.⁸⁵

Wireless 9-1-1 charges prescribed by the General Assembly

Under the bill, the provision requiring the amounts of the wireless 9-1-1 charges to be prescribed by the General Assembly is repealed.⁸⁶

Emergency service telecommunicator law

The bill repeals provisions regarding emergency service telecommunicators (ESTs). Repealed provisions include, for example, an EST training program and curriculum developed by the State Board of Education in conjunction with emergency service providers; the Emergency Service Telecommunicator Training Fund for the development of the program and the costs of running it; requirements for EST certification and continuing education; and EST certification by the Board, an emergency service provider, or a career school. In a conforming change, the bill repeals the requirement that those entities that certify ESTs (the Board, emergency service

⁸³ R.C. 128.15, repealed by the bill.

⁸⁴ R.C. 128.571(A) and (B), repealed by the bill.

⁸⁵ R.C. 128.571(C), repealed by the bill.

⁸⁶ R.C. 128.63(B), repealed by the bill.

providers, and career schools) must comply with the law regarding the suspensions of certificates upon a conviction of, or plea of guilty to, a trafficking in persons violation.⁸⁷

The bill retains the provision in the public records law that designates an EST as a designated public service worker for whom an address and familial information is not a public record. The bill incorporates without changes the definition of an EST currently in Revised Code Section 4742.01 into the public records law in Revised Code Section 149.43. An EST is “an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.”⁸⁸ An “emergency service provider” is defined as the state highway patrol and an emergency service department or unit of a subdivision or that provides emergency service to a subdivision under contract with the subdivision,” and “emergency service” is “emergency law enforcement, firefighting, ambulance, rescue, and medical service.”⁸⁹

Requirements for providing drug offense immunity information

To conform to the repeal of the EST law, the bill repeals the provision in the 9-1-1 law that requires PSAP personnel who are certified ESTs to receive certain training when someone calls 9-1-1 about an apparent drug overdose. Under current law, such personnel must be trained to inform these callers about the immunity from prosecution for a minor drug possession offense under the controlled substances law.

The bill also repeals the requirement that PSAP personnel who receive a call about an apparent drug overdose to make reasonable efforts, upon the caller’s inquiry, to inform the caller about the law regarding immunity from prosecution for a minor drug possession offense.⁹⁰

HISTORY

Action	Date
Introduced	10-06-21

H0445-I-134/ar

⁸⁷ R.C. 4742.01 to 4742.07, repealed by the bill.

⁸⁸ R.C.149.43; R.C. 4742.01, repealed by the bill.

⁸⁹ R.C. 128.01(N) and (O) and 4742.01.

⁹⁰ R.C. 128.04, repealed by the bill.