

I_135_0422-1

135th General Assembly
Regular Session
2023-2024

. B. No.

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, 128.416, 18
128.417, 128.418, 128.421, 128.422, and 128.43; 19
and to repeal sections 128.04, 128.09, 128.15, 20
128.571, 4742.01, 4742.02, 4742.03, 4742.04, 21
4742.05, 4742.06, and 4742.07 of the Revised 22



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Code to make changes to the law governing 9-1-1 23
service and to repeal program requirements for 24
emergency-service-telecommunicator training. 25

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

Section 1. That sections 128.01, 128.02, 128.021, 128.022, 26
128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 27
128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 28
128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 29
128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052, 30
5733.55, and 5751.01 be amended; sections 128.18 (128.33), 31
128.22 (128.35), 128.25 (128.37), 128.26 (128.38), 128.27 32
(128.39), 128.32 (128.96), 128.34 (128.98), 128.40 (128.20), 33
128.42 (128.40), and 128.45 (128.451) be amended for the purpose 34
of adopting new section numbers as indicated in parentheses; and 35
new sections 128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 36
and sections 128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 37
128.24, 128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 38
128.412, 128.413, 128.414, 128.416, 128.417, 128.418, 128.421, 39
128.422, and 128.43 of the Revised Code be enacted to read as 40
follows: 41

Sec. 128.01. As used in this chapter: 42

(A) "9-1-1 system" means a system through which 43
individuals can request emergency service using the ~~telephone~~ 44
access number 9-1-1. 45

(B) "Basic 9-1-1" means ~~a 9-1-1~~ an emergency telephone 46
system in to which all of the following apply: 47

(1) The system automatically connects a caller provides 48
information on the nature of and the location of an emergency, 49
and the personnel receiving the call must determine the 50
appropriate emergency service provider to respond at that 51
location to a designated public safety answering point. 52

(2) Call routing is determined by a central office only. 53

(3) Automatic number identification and automatic location 54
information may or may not be supported. 55

(C) "Enhanced 9-1-1" means a 9-1-1 an emergency telephone 56
system capable of providing both enhanced wireline 9-1-1 and 57
wireless enhanced 9-1-1 that includes both of the following: 58

(1) Network switching; 59

(2) Database- and public-safety-answering-point premise 60
elements capable of providing automatic location identification 61
data, selective routing, selective transfer, fixed transfer, and 62
a call back number. 63

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in 64
which the wireline telephone network, in providing wireline 9-1- 65
1, does either of the following: 66

(1) Automatically routes the call to emergency service 67
providers that serve the location from which the call is made 68
and immediately provides to personnel answering the 9-1-1 call 69
information on the location and the telephone number from which 70
the call is being made; 71

(2) Receives, develops, collects, or processes requests 72
for emergency assistance and relays, transfers, operates, 73
maintains, or provides emergency notification services or system 74
capabilities. 75

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 76
in providing wireless 9-1-1, has the capabilities of phase I 77
and, to the extent available, phase II enhanced 9-1-1 services 78
as described in 47 C.F.R. 20.18 (d) to (h). 79

(F) (1) "Wireless service" means federally licensed 80
commercial mobile service as defined in 47 U.S.C. 332(d) and 81
further defined as commercial mobile radio service in 47 C.F.R. 82
20.3, and includes services for communicating voice, text, data, 83
and video and service provided by any wireless, two-way 84
communications device, including a radio-telephone 85
communications line used in cellular telephone service or 86
personal communications service, a network radio access line, or 87
any functional or competitive equivalent of such a radio- 88
telephone communications or network radio access line. 89

(2) Nothing in this chapter applies to paging or any 90
service that cannot be used to call 9-1-1. 91

(G) "Wireless service provider" means ~~a facilities-based-~~ 92
~~provider of any of the following that provides~~ wireless service 93
to one or more end users in this state. 94

(1) A facilities-based provider; 95

(2) A mobile virtual network operator; 96

(3) A virtual network operator; 97

(4) A mobile other licensed operator. 98

(H) "Wireless 9-1-1" means the emergency calling service 99
provided by a 9-1-1 system pursuant to a call originating in the 100
network of a wireless service provider. 101

(I) "Wireline 9-1-1" means the emergency calling service 102
provided by a 9-1-1 system pursuant to a call originating in the 103

network of a wireline service provider. 104

(J) "Wireline service provider" means a facilities-based 105
provider of wireline service to one or more ~~end users~~ end users 106
in this state. 107

(K) "Wireline service" means basic local exchange service, 108
as defined in section 4927.01 of the Revised Code, that is 109
transmitted by means of interconnected wires or cables by a 110
wireline service provider authorized by the public utilities 111
commission. 112

(L) "Wireline telephone network" means the selective 113
router and data base processing systems, trunking and data 114
wiring cross connection points at the public safety answering 115
point, and all other voice and data components of the 9-1-1 116
system. 117

(M) "Subdivision" means a county, municipal corporation, 118
township, township fire district, joint fire district, township 119
police district, joint police district, joint ambulance 120
district, or joint emergency medical services district that 121
provides emergency service within its territory, or that 122
contracts with another municipal corporation, township, or 123
district or with a private entity to provide such service; and a 124
state college or university, port authority, or park district of 125
any kind that employs law enforcement officers that act as the 126
primary police force on the grounds of the college or university 127
or port authority or in the parks operated by the district. 128

(N) "Emergency service" means emergency law enforcement, 129
firefighting, ambulance, rescue, and medical service. 130

(O) "Emergency service provider" means the state highway 131
patrol and an emergency service department or unit of a 132

subdivision or that provides emergency service to a subdivision 133
under contract with the subdivision. 134

(P) "Public safety answering point" means ~~a facility to~~ 135
~~which an entity responsible for receiving requests for emergency~~ 136
~~services sent by dialing 9-1-1 system calls for within a~~ 137
~~specific specified territory are initially routed for response~~ 138
~~and where personnel respond to specific and processing those~~ 139
requests for emergency ~~service by~~ services according to a 140
specific operational policy that includes directly dispatching 141
the appropriate emergency service provider, relaying a message 142
to the appropriate emergency service provider, or transferring 143
the ~~call request for emergency services~~ to the appropriate 144
emergency service provider. A public safety answering point may 145
be either of the following: 146

(1) Located in a specific facility; 147

(2) Virtual, if telecommunicators are geographically 148
dispersed and do not work from the same facility. The virtual 149
workplace may be a logical combination of physical facilities, 150
an alternate work environment such as a satellite facility, or a 151
combination of the two. Workers may be connected and 152
interoperate via internet-protocol connectivity. 153

(Q) "Customer premises equipment" means telecommunications 154
equipment, including telephone instruments, on the premises of a 155
public safety answering point that is used in answering and 156
responding to 9-1-1 system calls. 157

(R) "Municipal corporation in the county" includes any 158
municipal corporation that is wholly contained in the county and 159
each municipal corporation located in more than one county that 160
has a greater proportion of its territory in the county to which 161

the term refers than in any other county. 162

(S) "Board of county commissioners" includes the 163
legislative authority of a county established under Section 3 of 164
Article X, Ohio Constitution, or Chapter 302. of the Revised 165
Code. 166

(T) "Final plan" means a final plan adopted under division 167
(B) of section 128.08 of the Revised Code and, except as 168
otherwise expressly provided, an amended final plan adopted 169
under section 128.12 of the Revised Code. 170

(U) "Subdivision served by a public safety answering 171
point" means a subdivision that provides emergency service for 172
any part of its territory that is located within the territory 173
of a public safety answering point whether the subdivision 174
provides the emergency service with its own employees or 175
pursuant to a contract. 176

(V) A township's population includes only population of 177
the unincorporated portion of the township. 178

(W) "Telephone company" means a company engaged in the 179
business of providing local exchange telephone service by making 180
available or furnishing access and a dial tone to persons within 181
a local calling area for use in originating and receiving voice 182
grade communications over a switched network operated by the 183
provider of the service within the area and gaining access to 184
other telecommunications services. Unless otherwise specified, 185
"telephone company" includes a wireline service provider, a 186
wireless service provider, and any entity that is a covered 9-1- 187
1 service provider under 47 C.F.R. 12.4. For purposes of 188
sections ~~128.25-128.37~~ and ~~128.26-128.38~~ of the Revised Code, 189
"telephone company" means a wireline service provider. 190

(X) "Prepaid wireless calling service" has the same 191
meaning as in division (AA) (5) of section 5739.01 of the Revised 192
Code. 193

(Y) "Provider of a prepaid wireless calling service" means 194
a wireless service provider that provides a prepaid wireless 195
calling service. 196

(Z) "Retail sale" has the same meaning as in section 197
5739.01 of the Revised Code. 198

(AA) "Seller" means a person that sells a prepaid wireless 199
calling service to another person by retail sale. 200

(BB) "Consumer" means the person for whom the prepaid 201
wireless calling service is provided, to whom the transfer 202
effected or license given by a sale is or is to be made or 203
given, to whom the prepaid wireless calling service is charged, 204
or to whom the admission is granted. 205

(CC) "Reseller" means a nonfacilities-based provider of 206
wireless service that provides wireless service under its own 207
name to one or more end users in this state using the network of 208
a wireless service provider. 209

(DD) "Steering committee" means the statewide ~~emergency-~~ 210
~~services internet protocol network 9-1-1~~ steering committee 211
established by division (A) (1) of section 128.02 of the Revised 212
Code. 213

(EE) "Communications device or service" includes wired or 214
wireless telecommunications, voice over internet protocol 215
service, multiline telephone systems, nonvoice messaging 216
devices, devices such as sensors that generate data-only 217
messages such as photos or videos, and other similar services or 218
devices, regardless of whether those services or devices existed 219

on the effective date of the amendments to this section by this 220
act. 221

(FF) "Device" means any communication tool that is capable 222
of directly contacting a 9-1-1 system, or by connecting through 223
an ancillary connection service that has the ability to 224
communicate directly with the 9-1-1 system. 225

(GG) "Ancillary connection service" means a communication 226
connection service that allows devices, not otherwise able to 227
connect directly with a 9-1-1 system, to communicate with a 9-1- 228
1 system. 229

(HH) "Next generation 9-1-1" means an internet-protocol- 230
based system comprised of managed emergency services internet 231
protocol networks, functional elements, and databases that 232
replicate traditional enhanced 9-1-1 features and functions and 233
provide additional capabilities. 234

(II) "Emergency services internet-protocol network" means 235
a managed internet-protocol network that is used for emergency 236
services communications and provides the internet-protocol 237
transport infrastructure upon which independent application 238
platforms and core services can be deployed, including those 239
necessary for providing next generation 9-1-1 services. The term 240
designates the network and not the services that ride on the 241
network. 242

(JJ) "9-1-1 system service provider" means a company or 243
entity engaged in the business of providing all or part of the 244
emergency services internet-protocol network, software 245
applications, hardware, databases, customer premises equipment 246
components and operations, and management procedures required to 247
support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, 248

wireless enhanced 9-1-1, or next generation 9-1-1 systems. 249

(KK) "Voice over internet protocol" means technologies for 250
the delivery of voice communications and multimedia sessions 251
over internet-protocol networks, including private networks or 252
the internet. 253

(LL) "Multiline telephone system" means a system to which 254
both of the following apply: 255

(1) The system consists of common control units, telephone 256
sets, control hardware and software, and adjunct systems, 257
including network and premises-based systems. 258

(2) The system is designed to aggregate more than one 259
incoming voice communication channel for use by more than one 260
telephone. 261

(MM) "Business service user" means a user of business 262
service that provides telecommunications service, including 9-1- 263
1 service, to end users through a publicly or privately owned or 264
controlled telephone switch. 265

(NN) "Emergency response location" means an additional 266
location identification that provides a specific location. It 267
may include information regarding a specific location within a 268
building, structure, complex, or campus, including a building 269
name, floor number, wing name or number, unit name or number, 270
room name or number, or office or cubicle name or number. 271

(OO) "Operator of a multiline telephone system" means an 272
entity to which both of the following apply: 273

(1) The entity manages or operates a multiline telephone 274
system through which an end user may initiate communication 275
using the 9-1-1 system. 276

(2) The entity owns, leases, or rents a multiline 277
telephone system through which an end user may initiate 278
communication using the 9-1-1 system. 279

(PP) "Core services" means the base set of services needed 280
to process a 9-1-1 call on an emergency services internet- 281
protocol network. It includes all of the following: 282

(1) Emergency services routing proxy; 283

(2) Emergency call routing function; 284

(3) Location validation function; 285

(4) Border control function; 286

(5) Bridge, policy-store, and logging services; 287

(6) Typical internet-protocol services such as domain name 288
system and dynamic host configuration protocol. 289

The term includes the services and not the network on 290
which they operate. 291

(QQ) "Bill and keep arrangements" has the same meaning as 292
in 47 C.F.R. 51.713. 293

Sec. 128.02. (A) (1) There is hereby created the statewide 294
~~emergency services internet protocol network 9-1-1~~ steering 295
committee, consisting of the following ten members: 296

(a) The state chief information officer or the officer's 297
designee; 298

(b) Two members of the house of representatives appointed 299
by the speaker, one from the majority party and one from the 300
minority party; 301

(c) Two members of the senate appointed by the president, 302

one from the majority party and one from the minority party; 303

(d) Five members appointed by the governor. 304

(2) In appointing the five members under division (A) (1) 305
(d) of this section, the governor shall appoint two 306
representatives of the county commissioners' association of Ohio 307
or a successor organization, two representatives of the Ohio 308
municipal league or a successor organization, and one 309
representative of the Ohio township association or a successor 310
organization. For each of these appointments, the governor shall 311
consider a nominee proposed by the association or successor 312
organization. The governor may reject any of the nominees and 313
may request that a nominating entity submit alternative 314
nominees. 315

~~(3) Initial appointments shall be made not later than ten-~~ 316
~~days after September 28, 2012.~~ 317

(B) (1) The state chief information officer or the 318
officer's designee shall serve as the chairperson of the 319
steering committee and shall be a nonvoting member. All other 320
members shall be voting members. 321

(2) A member of the steering committee appointed from the 322
membership of the senate or the house of representatives shall 323
serve during the member's term as a member of the general 324
assembly and until a successor is appointed and qualified, 325
notwithstanding adjournment of the general assembly or the 326
expiration of the member's term as a member of the general 327
assembly. 328

(3) The initial terms of one of the representatives of the 329
county commissioners' association of Ohio, one of the 330
representatives of the Ohio municipal league, and the 331

representative of the Ohio township association shall all expire 332
on December 31, 2016. The initial terms of the other 333
representatives of the county commissioners' association of Ohio 334
and the Ohio municipal league shall expire on December 31, 2014. 335
Thereafter, terms of the members appointed by the governor shall 336
be for four years, with each term ending on the same day of the 337
same month as the term it succeeds. Each member appointed by the 338
governor shall hold office from the date of the member's 339
appointment until the end of the term for which the member was 340
appointed, and may be reappointed. A member appointed by the 341
governor shall continue in office after the expiration date of 342
the member's term until the member's successor takes office or 343
until a period of sixty days has elapsed, whichever occurs 344
first. Members appointed by the governor shall serve without 345
compensation and shall not be reimbursed for expenses. 346

(4) A vacancy in the position of any member of the 347
steering committee shall be filled for the unexpired term in the 348
same manner as the original appointment. 349

(C) The steering committee shall generally advise the 350
state on the implementation, operation, and maintenance of a 351
statewide emergency services internet protocol network ~~that~~ 352
~~would support state and local government,~~ a statewide next- 353
generation 9-1-1 core-services system, and the dispatch of 354
emergency service providers. The steering committee shall do all 355
of the following: 356

(1) ~~On or before May 15, 2013, deliver an initial report~~ 357
~~to the speaker of the house of representatives, the president of~~ 358
~~the senate, and the governor providing recommendations for the~~ 359
~~state to address the development of a statewide emergency~~ 360
~~services internet protocol network, which recommendations shall~~ 361

~~include a review of the current funding model for this state's~~ 362
~~9-1-1 systems and may include a recommendation for a reduction~~ 363
~~in wireless 9-1-1 charges;~~ 364

~~(2)~~ Examine the readiness of the state's current 365
technology infrastructure for a statewide emergency services 366
internet protocol network; 367

~~(3)~~ (2) Research legislative authority with regard to 368
governance and funding of a statewide emergency services 369
internet protocol network, and provide recommendations on best 370
practices to limit duplicative efforts to ensure an effective 371
transition to ~~next generation~~ next generation 9-1-1; 372

~~(4)~~ ~~Make recommendations for consolidation of public~~ 373
~~safety answering point operations in this state, including~~ 374
~~recommendations for accelerating the consolidation schedule~~ 375
~~established in section 128.571 of the Revised Code, to~~ 376
~~accommodate next generation 9-1-1 technology and to facilitate a~~ 377
~~more efficient and effective emergency services system;~~ 378

~~(5)~~ (3) Recommend policies, procedures, and statutory or 379
regulatory authority to effectively govern a statewide ~~emergency~~ 380
~~services internet protocol network~~ next generation 9-1-1 system; 381

~~(6)~~ (4) Designate a ~~next generation~~ next generation 9-1-1 382
statewide coordinator to serve as the primary point of contact 383
for federal initiatives; 384

~~(7)~~ (5) Coordinate with statewide initiatives and 385
associations such as the state interoperable executive 386
committee, the Ohio geographically referenced information 387
program council, the Ohio multi-agency radio communications 388
system steering committee, and other interested parties; 389

~~(8)~~ (6) Serve as the entity responsible for the 390

administration of Chapter 128. of the Revised Code. 391

(D) (1) A 9-1-1 service provider shall provide to the 392
steering committee: 393

(a) The aggregate number of access lines that the provider 394
maintains within the state of Ohio; 395

(b) The aggregate amount of costs and cost recovery 396
associated with providing 9-1-1 service, including coverage 397
under tariffs and bill and keep arrangements within this state; 398

(c) Any other information requested by the steering 399
committee deemed necessary to support the transition to next 400
generation 9-1-1. 401

(2) Any ~~political subdivision or governmental~~ entity 402
operating a public safety answering point shall provide to the 403
steering committee: 404

(a) The geographic location and population of the area for 405
which the ~~planning committee entity~~ is responsible; 406

(b) Statistics detailing the number of 9-1-1 calls 407
received; 408

(c) A report of expenditures made from disbursements for 409
9-1-1; 410

(d) An inventory of and the technical specifications for 411
the current 9-1-1 network and equipment; 412

(e) Any other information requested by the steering 413
committee that is deemed necessary to support the transition to 414
next generation 9-1-1. 415

(3) The information requested under divisions (D) (1) and 416
(2) of this section shall be provided by the 9-1-1 service 417

provider, political subdivision, or governmental entity within 418
forty-five days of the request of the steering committee. 419

(E) ~~The steering committee shall hold its inaugural~~ 420
~~meeting not later than thirty days after September 28, 2012.~~ 421
~~Thereafter, the~~ steering committee shall meet at least once a 422
~~month~~ quarter, either in person or utilizing telecommunication- 423
conferencing technology. A majority of the voting members shall 424
constitute a quorum. 425

(F) (1) The steering committee shall have a permanent 426
technical-standards subcommittee and a permanent public-safety- 427
answering-point-operations subcommittee, and may, from time to 428
time, establish additional subcommittees, to advise and assist 429
the steering committee based upon the subcommittees' areas of 430
expertise. The subcommittees may meet either in person or 431
utilizing telecommunication-conferencing technology. A majority 432
of the voting members shall constitute a quorum. 433

(2) The membership of subcommittees shall be determined by 434
the steering committee. 435

(a) The technical-standards subcommittee shall include one 436
member representing a wireline or wireless service provider that 437
participates in the state's 9-1-1 system, one representative of 438
the Ohio academic resources network, one representative of the 439
Ohio multi-agency radio communications system steering 440
committee, one representative of the Ohio geographically 441
referenced information program, and one member representing each 442
of the following associations selected by the steering committee 443
from nominations received from that association: 444

(i) The Ohio telephone association; 445

(ii) The Ohio chapter of the association of public-safety 446

communications officials; 447

(iii) The Ohio chapter of the national emergency number 448
association. 449

(b) The public-safety-answering-point-operations 450
subcommittee shall include one member representing the division 451
of emergency management of the department of public safety, one 452
member representing the state highway patrol, one member 453
representing the division of emergency medical services of the 454
department of public safety, two members recommended by the 455
county commissioners' association of Ohio who are managers of 456
public safety answering points, two members recommended by the 457
Ohio municipal league who are managers of public safety 458
answering points, and one member from each of the following 459
associations selected by the steering committee from nominations 460
received from that association: 461

(i) The buckeye state sheriffs' association; 462

(ii) The Ohio association of chiefs of police; 463

(iii) The Ohio ~~association of fire chiefs~~ association; 464

(iv) The Ohio chapter of the association of public-safety 465
communications officials; 466

(v) The Ohio chapter of the national emergency number 467
association. 468

(G) The committee is not an agency, as defined in section 469
101.82 of the Revised Code, for purposes of sections 101.82 to 470
101.87 of the Revised Code. 471

~~(H) As used in this section, "9-1-1 system," "wireless~~ 472
~~service provider," "wireline service provider," "emergency~~ 473
~~service provider," and "public safety answering point" have the~~ 474

~~same meanings as in section 128.01 of the Revised Code.~~ 475

~~(I) As used in this section, "bill and keep arrangements" 476
has the same meaning as in 47 C.F.R. 51.713. 477~~

Sec. 128.021. (A) Not later than January 1, 2014, and in 478
accordance with Chapter 119. of the Revised Code, the steering 479
committee shall adopt rules that establish technical and 480
operational standards for public safety answering points 481
eligible to receive disbursements under section 128.55 of the 482
Revised Code. The rules shall incorporate industry standards and 483
best practices for ~~wireless~~ 9-1-1 services. Public safety 484
answering points shall comply with the standards not later than 485
two years after the effective date of the rules adopting the 486
standards. A public safety answering point may be deemed 487
compliant with rules for minimum staffing standards, if it can 488
demonstrate compliance with all other rules for operational 489
standards. 490

(B) Not later than one year after September 29, 2015, and 491
in accordance with Chapter 119. of the Revised Code, the 492
steering committee shall conduct an assessment of the 493
operational standards for public safety answering points 494
developed under division (A) of this section and revise the 495
standards as necessary to ensure that the operational standards 496
contain the following: 497

(1) Policies to ensure that public safety answering point 498
personnel prioritize life-saving questions in responding to each 499
call to a 9-1-1 system established under this chapter; 500

(2) A requirement that all public safety answering point 501
personnel complete proper training or provide proof of prior 502
training to give instructions regarding emergency situations. 503

(C) Upon the effective date of the amendments to this 504
section by this act, all public safety answering points that 505
answer 9-1-1 calls for service from communications devices and 506
services shall be subject to the public safety answering point 507
operations rules. Public safety answering points not originally 508
required to be compliant shall comply with the standards not 509
later than two years after the effective date of the amendments 510
to this section by this act. 511

Sec. 128.022. (A) The steering committee shall establish 512
guidelines for the tax commissioner to use when disbursing money 513
from the ~~next generation~~ 9-1-1 government assistance fund to 514
countywide 9-1-1 systems in the state, as well as guidelines for 515
the use of funds from the next generation 9-1-1 fund. The 516
guidelines shall be consistent with the standards adopted in 517
section 128.021 of the Revised Code and shall specify that 518
disbursements may be used for costs associated with the 519
operation of and equipment for phase II wireless systems and for 520
costs associated with a county's migration to next generation 9- 521
1-1 systems and technology. The committee shall periodically 522
review the guidelines described in this division and adjust them 523
as needed. 524

(B) The committee shall report any adjustments to the 525
guidelines described in division (A) of this section to the 526
department of taxation. The adjustments shall take effect six 527
months from the date the department is notified of the 528
adjustments. 529

Sec. 128.03. (A) ~~(1)~~ A countywide 9-1-1 system shall 530
include all of the territory of the townships and municipal 531
corporations in the county and any portion of such a municipal 532
corporation that extends into an adjacent county. 533

~~(2) The system shall exclude any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of the countywide system for that territory. The system shall exclude from enhanced 9-1-1 any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of enhanced 9-1-1 for that territory. If a 9-1-1 planning committee and a wireline service provider do not agree on whether the provider is so capable, the 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 564
connecting directly to the statewide next generation 9-1-1 565
system for call routing and core services. 566

(D) (1) Each public safety answering point shall be 567
operated by a subdivision or a regional council of governments 568
and shall be operated constantly. 569

(2) A subdivision or a regional council of governments 570
that operates a public safety answering point shall pay all of 571
the costs associated with establishing, equipping, furnishing, 572
operating, and maintaining that facility and shall allocate 573
those costs among itself and the subdivisions served by the 574
answering point based on the allocation formula in a final plan. 575
The wireline service provider or other entity that provides or 576
maintains the customer premises equipment shall bill the 577
operating subdivision or the operating regional council of 578
governments for the cost of providing such equipment, or its 579
maintenance. A wireless service provider and a subdivision or 580
regional council of governments operating a public safety 581
answering point may enter into a service agreement for providing 582
wireless enhanced 9-1-1 pursuant to a final plan adopted under 583
this chapter. 584

(E) Except to the extent provided in a final plan that 585
provides for funding of a 9-1-1 system in part through charges 586
imposed under section ~~128.22-128.35~~ of the Revised Code, each 587
subdivision served by a public safety answering point shall pay 588
the subdivision or regional council of governments that operates 589
the answering point the amount computed in accordance with the 590
allocation formula set forth in the final plan. 591

(F) Notwithstanding any other provision of law, the 592
purchase or other acquisition, installation, and maintenance of 593

the telephone network for a 9-1-1 system and the purchase or 594
other acquisition, installation, and maintenance of customer 595
premises equipment at a public safety answering point made in 596
compliance with a final plan ~~or an agreement under section~~ 597
~~128.09 of the Revised Code~~, including customer premises 598
equipment used to provide wireless enhanced 9-1-1, are not 599
subject to any requirement of competitive bidding. 600

(G) Each emergency service provider participating in a 601
countywide 9-1-1 system shall maintain a telephone number in 602
addition to 9-1-1. 603

~~(H) Whenever a final plan provides for the implementation~~ 604
~~of basic 9-1-1, the planning committee shall so notify the~~ 605
~~steering committee, which shall determine whether the wireline~~ 606
~~service providers serving the territory covered by the plan are~~ 607
~~capable of reasonably meeting the technical and economic~~ 608
~~requirements of providing the wireline telephone network portion~~ 609
~~of an enhanced 9-1-1 system. The determination shall be made~~ 610
~~solely for purposes of division (C) (2) of section 128.18 of the~~ 611
~~Revised Code.~~ 612

~~(I)~~ If the public safety answering point personnel 613
reasonably determine that a 9-1-1 call is not an emergency, the 614
personnel shall provide the caller with the telephone number of 615
an appropriate subdivision agency as applicable. 616

~~(J)~~ (I) A final plan adopted under this chapter, ~~or an~~ 617
~~agreement under section 128.09 of the Revised Code~~, may provide 618
that, by further agreement included in the plan ~~or agreement~~, 619
the state highway patrol or one or more public safety answering 620
points of another 9-1-1 system is the public safety answering 621
point or points for the provision of wireline or wireless 9-1-1 622
for all or part of the territory of the 9-1-1 system established 623

under the plan ~~or agreement~~. In that event, the subdivision for 624
which the wireline or wireless 9-1-1 is provided as named in the 625
agreement shall be deemed the subdivision operating the public 626
safety answering point or points for purposes of this chapter, 627
except that, for the purpose of division (D)(2) of this section, 628
that subdivision shall pay only so much of the costs of 629
establishing, equipping, furnishing, operating, or maintaining 630
any such public safety answering point as are specified in the 631
agreement with the patrol or other system. 632

~~(K)~~ (J) A final plan for the provision of wireless 633
enhanced 9-1-1 shall provide that any wireless 9-1-1 calls 634
routed to a state highway patrol-operated public safety 635
answering point by default, due to a wireless service provider 636
so routing all such calls of its subscribers without prior 637
permission, are instead to be routed as provided under the plan. 638
Upon the implementation of countywide wireless enhanced 9-1-1 639
pursuant to a final plan, the state highway patrol shall cease 640
any functioning as a public safety answering point providing 641
wireless 9-1-1 within the territory covered by the countywide 9- 642
1-1 system so established, unless the patrol functions as a 643
public safety answering point providing wireless enhanced 9-1-1 644
pursuant to an agreement included in the plan as authorized 645
under division ~~(J)~~ (I) of this section. 646

Sec. 128.05. Each county shall appoint a county 9-1-1 647
coordinator to serve as the administrative coordinator for all 648
public safety answering points participating in the countywide 649
9-1-1 final plan described in section 128.03 of the Revised Code 650
and shall also serve as a liaison with other county coordinators 651
and the 9-1-1 program office. 652

Sec. 128.06. (A) ~~A board of~~ Except as provided in division 653

~~(B) of this section, every county commissioners or the~~
~~legislative authority of any municipal corporation in the county~~
~~that contains at least thirty per cent of the county's~~
~~population may adopt a resolution to convene shall maintain a~~
county 9-1-1 planning program review committee, which shall
serve without compensation and shall consist of ~~three~~ six voting
members as follows:

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

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

(3) ~~From the more populous of the following, either the~~
~~chief executive officer of the second most populous municipal~~
~~corporation in the county or 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 of trustees.

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

(4) 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, ~~and the chief executive~~
~~officer;~~

(5) A member of the legislative authority 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;

(6) An elected official from within the county appointed

by the board of county commissioners.

683

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

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(B) In counties with fewer than five townships and a
population in excess of seven hundred fifty thousand, the
composition of the 9-1-1 program review committee shall consist
of five members as follows:

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

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

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

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697

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

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

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(4) 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;

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(5) 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.

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~~(C) Within thirty days after the adoption of a resolution~~ 710
~~to convene the Each committee under division (A) of this~~ 711
~~section, the committee shall convene for the sole purpose of~~ 712
~~developing maintain and amend a final plan for implementing and~~ 713
~~operating a countywide 9-1-1 system. The Any amendment to the~~ 714
~~final plan shall require a two-thirds vote of the committee.~~ 715
~~Each committee shall convene at least once annually for the~~ 716
~~purposes of maintaining or amending a final plan described in~~ 717
~~this section.~~ 718

~~(D) Each committee shall, not later than the first day of~~ 719
~~March of each year, submit a report to the political~~ 720
~~subdivisions within the county and to the 9-1-1 program office~~ 721
~~detailing the sources and amounts of revenue expended to support~~ 722
~~and all costs incurred to operate the countywide 9-1-1 system~~ 723
~~and the public safety answering points that are a part of that~~ 724
~~system for the previous calendar year. A county shall provide~~ 725
~~the county's committee with any clerical, legal, and other staff~~ 726
~~assistance necessary to develop the final plan and shall pay for~~ 727
~~copying, mailing, and any other such expenses incurred by the~~ 728
~~committee in developing the final plan and in meeting the~~ 729
~~requirements imposed by sections 128.06 to 128.08 of the Revised~~ 730
~~Code.~~ 731

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 732
~~technical advisory committee to assist it in planning the~~ 733
~~countywide 9-1-1 system. The advisory committee shall include at~~ 734
~~least one fire chief and one police chief serving in the county,~~ 735
~~the county sheriff, a representative of the state highway patrol~~ 736
~~selected by the patrol, one representative of each telephone~~ 737
~~company in each case selected by the telephone company~~ 738
~~represented, the director/coordinator of emergency management~~ 739
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 740

~~Revised Code, as appropriate, and a member of a board of~~ 741
~~township trustees of a township in the county selected by a~~ 742
~~majority of boards of township trustees in the county pursuant~~ 743
~~to resolutions they adopt.~~ 744

Sec. 128.07. (A) ~~The 9-1-1 planning committee shall~~ 745
~~prepare a proposal on the implementation of a countywide 9-1-1~~ 746
~~system and shall hold a public meeting on the proposal to~~ 747
~~explain the system to and receive comments from public~~ 748
~~officials. At least thirty but not more than sixty days before~~ 749
~~the meeting, the committee shall send a copy of the~~ 750
~~implementation proposal and written notice of the meeting:~~ 751

~~(1) To the board of county commissioners, the legislative~~ 752
~~authority of each municipal corporation in the county, and to~~ 753
~~the board of trustees of each township in the county, either by~~ 754
~~certified mail or, if the committee has record of an internet~~ 755
~~identifier of record associated with the board or legislative~~ 756
~~authority, by ordinary mail and by that internet identifier of~~ 757
~~record; and~~ 758

~~(2) To the board of trustees, directors, or park~~ 759
~~commissioners of each subdivision that will be served by a~~ 760
~~public safety answering point under the plan.~~ 761

~~(B) The proposal and the final plan adopted by the~~ 762
~~committee required under section 128.06 of the Revised Code~~ 763
~~shall specify:~~ 764

(1) Which telephone companies serving customers in the 765
county and, as authorized in division (A)~~(1)~~ of section 128.03 766
of the Revised Code, in an adjacent county will participate in 767
the 9-1-1 system; 768

(2) The location and number of public safety answering 769

points; how ~~they~~ the public safety answering points will be 770
connected to a ~~company's telephone network~~ county's preferred 771
next generation 9-1-1 system; from what geographic territory 772
each public safety answering point will receive 9-1-1 calls; 773
whether ~~basic or~~ enhanced 9-1-1 or next generation 9-1-1 service 774
will be provided within such territory; what subdivisions will 775
be served by the public safety answering point; and whether ~~an~~ a 776
public safety answering point will respond to calls by directly 777
dispatching an emergency service provider, by relaying a message 778
to the appropriate emergency service provider, or by 779
transferring the call to the appropriate emergency service 780
provider; 781

(3) How originating service providers must connect to the 782
core 9-1-1 system identified by the final plan and what methods 783
will be utilized by the originating service providers to provide 784
9-1-1 voice, text, other forms of messaging media, and caller 785
location to the core 9-1-1 system; 786

(4) That in instances where a public safety answering 787
point, even if capable, does not directly dispatch all entities 788
that provide the emergency services potentially needed for an 789
incident, without significant delay, that request shall be 790
transferred or the information electronically relayed to the 791
entity that directly dispatches the potentially needed emergency 792
services; 793

(5) Which subdivision or regional council of governments 794
will establish, equip, furnish, operate, and maintain a 795
particular public safety answering point; 796

~~(4)~~ (6) A projection of the initial cost of establishing, 797
equipping, and furnishing and of the annual cost of the first 798
five years of operating and maintaining each public safety 799

answering point; 800

~~(5)~~ (7) Whether the cost of establishing, equipping,
furnishing, operating, or maintaining each public safety
answering point should be funded through charges imposed under
section ~~128.22~~ 128.35 of the Revised Code or will be allocated
among the subdivisions served by the answering point and, if any
such cost is to be allocated, the formula for so allocating it; 801
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~~(6)~~ (8) How each emergency service provider will respond
to a misdirected call or the provision of a caller location that
is either misrepresentative of the actual location or does not
meet requirements of the federal communications commission or
other accepted national standards as they exist on the date of
the call origination. 807
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~~(C) Following the meeting required by this section, the 9-1-1~~
~~planning committee may modify the implementation proposal~~
~~and, no later than nine months after the resolution authorized~~
~~by section 128.06 of the Revised Code is adopted, may adopt, by~~
~~majority vote, a final plan for implementing a countywide 9-1-1~~
~~system. If a planning committee and wireline service provider do~~
~~not agree on whether the wireline service provider is capable of~~
~~providing the wireline telephone network as described under~~
~~division (A) of section 128.03 of the Revised Code and the~~
~~planning committee refers that question to the steering~~
~~committee, the steering committee may extend the nine month~~
~~deadline established by this division to twelve months.~~
~~Immediately on completion of the plan, the planning~~ (B) (1) The
9-1-1 program review committee shall send a copy of the final
plan: 813
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~~(1)~~ (a) To the board of county commissioners of the
county, to the legislative authority of each municipal 828
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corporation in the county, and to the board of township trustees 830
of each township in the county either by certified mail or, if 831
the committee has record of an internet identifier of record 832
associated with the board or legislative authority, by ordinary 833
mail and by that internet identifier of record; and 834

~~(2)~~ (b) To the board of trustees, directors, or park 835
commissioners of each subdivision that will be served by a 836
public safety answering point under the plan. 837

~~(D)~~ (2) The 9-1-1 program review committee shall file a 838
copy of its current final plan with the Ohio 9-1-1 program 839
office not later than six months after the effective date of 840
this amendment. Any revisions or amendments shall be filed not 841
later than ninety days after adoption. 842

(C) As used in this section, "internet identifier of 843
record" has the same meaning as in section 9.312 of the Revised 844
Code. 845

Sec. 128.08. (A) Within sixty days after receipt of the 846
final plan pursuant to division ~~(C)~~ (B) (1) of section 128.07 of 847
the Revised Code, the board of county commissioners of the 848
county and the legislative authority of each municipal 849
corporation in the county and of each township whose territory 850
is proposed to be included in a countywide 9-1-1 system shall 851
act by resolution to approve or disapprove the plan, except 852
that, with respect to a final plan that provides for funding of 853
the 9-1-1 system in part through charges imposed under section 854
~~128.22-128.35~~ of the Revised Code, the board of county 855
commissioners shall not act by resolution to approve or 856
disapprove the plan until after a resolution adopted under 857
section ~~128.22-128.35~~ of the Revised Code has become effective 858
as provided in division (D) of that section. ~~A municipal~~ 859

~~corporation or township whose territory is proposed to be~~ 860
~~included in the system includes any municipal corporation or~~ 861
~~township in which a part of its territory is excluded pursuant~~ 862
~~to division (A) (2) of section 128.03 of the Revised Code. Each~~ 863
such authority immediately shall notify the board of county 864
commissioners in writing of its approval or disapproval of the 865
final plan. Failure by a board or legislative authority to 866
notify the board of county commissioners of approval or 867
disapproval within such sixty-day period shall be deemed 868
disapproval by the board or authority. 869

(B) As used in this division, "county's population" 870
excludes the population of any municipal corporation or township 871
that, under the plan, is completely excluded from 9-1-1 service 872
in the county's final plan. A countywide plan is effective if 873
all of the following entities approve the plan in accordance 874
with this section: 875

(1) The board of county commissioners; 876

(2) The legislative authority of a municipal corporation 877
that contains at least thirty per cent of the county's 878
population, if any; 879

(3) The legislative authorities of municipal corporations 880
and townships that contain at least sixty per cent of the 881
county's population or, if the plan has been approved by a 882
municipal corporation that contains at least sixty per cent of 883
the county's population, by the legislative authorities of 884
municipal corporations and townships that contain at least 885
seventy-five per cent of the county's population. 886

(C) After a countywide plan approved in accordance with 887
this section is adopted, all of the telephone companies, 888

subdivisions, and regional councils of governments included in 889
the plan are subject to the specific requirements of the plan 890
and to this chapter. 891

Sec. 128.12. (A) An amended final plan is required for any 892
of the following purposes: 893

(1) Expanding the territory included in the countywide 9- 894
1-1 system; 895

(2) Upgrading any part or all of ~~a the countywide 9-1-1~~ 896
~~system from basic to enhanced wireline 9-1-1;~~ 897

(3) Adjusting the territory served by a public safety 898
answering point; 899

(4) Permitting a regional council of governments to 900
operate a public safety answering point; 901

(5) Represcribing the funding of public safety answering 902
points as between the alternatives set forth in division ~~(B) (5)~~ 903
(A) (7) of section 128.07 of the Revised Code; 904

(6) Providing for wireless enhanced 9-1-1; 905

(7) Adding, changing, or removing a telephone company 9-1- 906
1 system service provider as a participant in a the countywide 907
~~9-1-1 system after the implementation of wireline 9-1-1 or~~ 908
~~wireless enhanced 9-1-1;~~ 909

(8) Providing that the state highway patrol or one or more 910
public safety answering points of another 9-1-1 system function 911
as a public safety answering point or points for the provision 912
of wireline or wireless 9-1-1 for all or part of the territory 913
of the system established under the final plan, as contemplated 914
under division ~~(J)~~ (I) of section 128.03 of the Revised Code; 915

(9) Making any other necessary adjustments to the plan. 916

~~(B) (1) To amend a final plan for the purpose described in~~ 917
~~division (A) (7) of this section, an entity that wishes to be~~ 918
~~added as a participant in a 9-1-1 system shall file a written~~ 919
~~letter of that intent with the board of county commissioners of~~ 920
~~the county that approved the final plan. The final plan is~~ 921
~~deemed amended upon the filing of that letter. The entity that~~ 922
~~files the letter shall send written notice of that filing to all~~ 923
~~subdivisions, regional councils of governments, and telephone~~ 924
~~companies participating in the system.~~ 925

~~(2)~~ An amendment to a final plan for any other purpose set 926
forth in division (A) of this section may be made by an addendum 927
approved by a majority of the 9-1-1 planning program review 928
committee. The board of county commissioners shall call a 929
meeting of the 9-1-1 planning program review committee for the 930
purpose of considering an addendum pursuant to this division. 931

~~(3)~~ ~~(2)~~ Adoption of any resolution under section ~~128.22~~ 932
128.35 of the Revised Code pursuant to a final plan that both 933
has been adopted and provides for funding through charges 934
imposed under that section is not an amendment of a final plan 935
for the purpose of this division. 936

(C) When a final plan is amended for a purpose described 937
in division (A) (1), (2), or (7) of this section, sections ~~128.18~~ 938
128.33 and 5733.55 of the Revised Code apply with respect to the 939
receipt of the nonrecurring and recurring rates and charges for 940
the wireline telephone network portion of the 9-1-1 system. 941

Sec. ~~128.40~~ 128.20. There is hereby created within the 942
department of administrative services the 9-1-1 program office, 943
headed by an administrator in the unclassified civil service 944

pursuant to division (A) (9) of section 124.11 of the Revised 945
Code. The administrator shall be appointed by and serve at the 946
pleasure of the director of administrative services and shall 947
report directly to the state chief information officer. The 948
program office shall oversee administration of the ~~wireless~~-9-1- 949
1 government assistance fund, the ~~wireless~~-9-1-1 program fund, 950
and the next generation 9-1-1 fund. 951

Sec. 128.21. (A) The 9-1-1 program office shall coordinate 952
and manage a statewide next generation 9-1-1 core services 953
system. The office shall interoperate the system with Canada and 954
the states that border this state. The office shall also manage 955
the vendors supplying the equipment and services for the system 956
to the department of administrative services. 957

(B) (1) The statewide next generation 9-1-1 core services 958
system shall be capable of providing 9-1-1 core services for all 959
of the territory of all the counties within this state, over 960
both land and water. The system shall route all 9-1-1 traffic 961
using location and policy-based routing to legacy enhanced 9-1-1 962
public safety answering points, next generation 9-1-1 public 963
safety answering points, and local next generation 9-1-1 964
systems. The system shall be designed to provide access to 965
emergency services from all connected communications sources and 966
provide multimedia data capabilities for public safety answering 967
points and other emergency service organizations. 968

(2) The emergency services internet protocol network that 969
supports the statewide next generation 9-1-1 core services 970
system shall be capable of being shared by all public safety 971
agencies. It may be constructed from a mix of dedicated and 972
shared facilities. It may be interconnected at local, regional, 973
state, federal, national, and international levels to form an 974

internet-protocol-based inter-network, or network of networks. 975

Sec. 128.211. (A) Not later than six months after the 976
effective date of this section, the 9-1-1 program office shall 977
draft, submit, or update a state of Ohio 9-1-1 plan to the 978
steering committee. The plan shall include all of the following: 979

(1) A specific plan to address the amendments to this 980
chapter by this act; 981

(2) Specific system details describing interoperability 982
among counties, the states bordering this state, and Canada; 983

(3) A progression plan for the system and sustainability 984
within the funding method encompassed by sections 128.41 to 985
128.422 of the Revised Code. 986

(B) Not later than six months after the plan is submitted 987
under division (A) of this section, the steering committee shall 988
review and may approve the plan. 989

Sec. 128.212. (A) Any entity in this state that operates a 990
9-1-1 system, emergency services internet-protocol network, or 991
public safety answering point and that pursues a 9-1-1 grant 992
from the state or federal government shall present a letter of 993
coordination from the 9-1-1 program office. 994

(B) The letter of coordination shall state all of the 995
following: 996

(1) The entity described in division (A) of this section; 997

(2) The specific grantor identification; 998

(3) The dollar amount of the grant; 999

(4) The intended use of the grant; 1000

(5) The system, equipment, software, or any component to 1001

be procured with the grant and the purpose of the grant do not 1002
inhibit, conflict, or reduce interoperability with the statewide 1003
next generation 9-1-1 core services system and emergency 1004
services internet-protocol network and is consistent with the 1005
state of Ohio 9-1-1 plan. 1006

Sec. 128.22. The 9-1-1 program office may do all of the 1007
following: 1008

(A) Expend funds from the 9-1-1 program fund for the 1009
purposes of 9-1-1 public education; 1010

(B) Coordinate, adopt, and communicate all necessary 1011
technical and operational standards and requirements to ensure 1012
an effective model for a statewide interconnected 9-1-1 system; 1013

(C) Collect and distribute data from and to public safety 1014
answering points, service providers, and emergency service 1015
providers regarding both of the following: 1016

(1) The status and operation of the components of the 1017
statewide 9-1-1 system, including all of the following: 1018

(a) The aggregate number of access lines that the provider 1019
maintains within this state; 1020

(b) The aggregate amount of costs and cost recovery 1021
associated with providing 9-1-1 service, including coverage 1022
under tariffs and bill and keep arrangements within this state; 1023

(c) Any other information requested by the steering 1024
committee and deemed necessary to support the transition to next 1025
generation 9-1-1. 1026

(2) Location information necessary for the reconciliation 1027
and synchronization of next generation 9-1-1 location 1028
information, including all of the following: 1029

<u>(a) Address location information;</u>	1030
<u>(b) Master street address guide;</u>	1031
<u>(c) Service order inputs;</u>	1032
<u>(d) Geographic information system files;</u>	1033
<u>(e) Street center lines;</u>	1034
<u>(f) Response boundaries;</u>	1035
<u>(g) Administrative boundaries;</u>	1036
<u>(h) Address points.</u>	1037
<u>(D) Require, coordinate, oversee, and limit data</u>	1038
<u>collection and distribution to ensure that data collection and</u>	1039
<u>distribution meets legal privacy and confidentiality</u>	1040
<u>requirements;</u>	1041
<u>(E) With advice from the 9-1-1 steering committee, enter</u>	1042
<u>into interlocal contracts, interstate contracts, intrastate</u>	1043
<u>contracts, and federal contracts for the purpose of implementing</u>	1044
<u>statewide 9-1-1 services.</u>	1045
<u>Sec. 128.221. (A) The data described in section 128.22 of</u>	1046
<u>the Revised Code shall be protected in accordance with</u>	1047
<u>applicable provisions of the Revised Code. Charges, terms, and</u>	1048
<u>conditions for the disclosure or use of that data provided by</u>	1049
<u>public safety answering points, service providers, and emergency</u>	1050
<u>service providers for the purpose of 9-1-1 shall be subject to</u>	1051
<u>the jurisdiction of the steering committee.</u>	1052
<u>(B) Data and information that contribute to more effective</u>	1053
<u>9-1-1 services and emergency response may be accessed and shared</u>	1054
<u>among 9-1-1 and emergency response functions specifically for</u>	1055
<u>the purposes of effective emergency response, while ensuring the</u>	1056

overall privacy and confidentiality of the data and information 1057
involved. 1058

Sec. 128.23. (A) Every telecommunication service provider 1059
able to generate 9-1-1 traffic within the state shall do all of 1060
the following: 1061

(1) Register with the 9-1-1 program office; 1062

(2) Provide a single point of contact to the 9-1-1 program 1063
office who has the authority to assist in location-data 1064
discrepancies, including 9-1-1 traffic misroutes and no-record- 1065
found errors; 1066

(3) Provide location data for all 9-1-1 traffic with the 1067
accuracy and validity necessary to ensure proper routing to the 1068
most appropriate public safety answering point or local next 1069
generation 9-1-1 system. Provision of this location data may 1070
include both of the following: 1071

(a) Preprovisioning of location data into a state-operated 1072
database utilizing industry standard protocols; 1073

(b) Providing a routable location with the 9-1-1 traffic 1074
at call time, utilizing approved standards for both legacy and 1075
next generation 9-1-1. 1076

(B) If a service provider subject to division (A) of this 1077
section is notified by the 9-1-1 program office of a discrepancy 1078
in location data, the service provider shall correct the 1079
discrepancy during the next business day. 1080

(C) All data provided under this section is private and 1081
subject to applicable privacy laws and shall not be considered a 1082
"public record" for purposes of section 149.43 of the Revised 1083
Code. 1084

Sec. 128.24. (A) Except as provided in division (C) of 1085
this section: 1086

(1) Each operator of a multiline telephone system that was 1087
installed or substantially renovated on or after the effective 1088
date of this section, shall provide to the end user the same 1089
level of 9-1-1 service that is provided to other end users of 9- 1090
1-1 within the state. That service shall include the provision 1091
of either of the following, which shall satisfy the requirements 1092
of division (A) (3) of this section: 1093

(a) Legacy automatic number identification and automatic 1094
location identification; 1095

(b) Next generation 9-1-1 location data. 1096

(2) Each operator of a multiline telephone system that was 1097
installed or substantially renovated on or after the effective 1098
date of this section, shall provide an emergency-response- 1099
location identifier as part of the location transmission to the 1100
public safety answering point, using either legacy private- 1101
switch automatic location identification or next generation 9-1- 1102
1 methodologies. 1103

(3) Each operator of a multiline telephone system that was 1104
installed or substantially renovated on or after the effective 1105
date of this section, shall identify the specific location of 1106
the caller using an emergency response location that includes 1107
the public street address of the building from which the call 1108
originated, a suite or room number, the building floor, and a 1109
building identifier, if applicable. 1110

(B) All locations provided under this section shall be 1111
either master-street-address-guide or next-generation-9-1-1- 1112
location-validation-function valid. 1113

(C) The requirements of divisions (A) (1), (2), and (3) of 1114
this section do not apply to a multiline telephone system in a 1115
workspace of less than seven thousand square feet in a single 1116
building, on a single level of a structure, having a single 1117
public street address. 1118

Sec. 128.241. Beginning not later than one year after the 1119
effective date of this section and except as provided in 1120
sections 128.242 and 128.243 of the Revised Code, a business 1121
service user that provides residential or business facilities, 1122
owns or controls a multiline telephone system or voice over 1123
internet protocol system in those facilities, and provides 1124
outbound dialing capacity from those facilities shall ensure 1125
both of the following: 1126

(A) In the case of a multiline telephone system that is 1127
capable of initiating a 9-1-1 call, the system is connected to 1128
the public switched telephone network in such a way that when an 1129
individual using the system dials 9-1-1, the call connects to 1130
the public safety answering point without requiring the user to 1131
dial any additional digit or code. 1132

(B) The system is configured to provide notification of 1133
any 9-1-1 call made through the system to a centralized location 1134
on the same site as the system. The business service user is not 1135
required to have a person available at the location to receive a 1136
notification. 1137

Sec. 128.242. Except as provided in section 128.243 of the 1138
Revised Code, a business service user to which all of the 1139
following apply is exempt from the requirements of section 1140
128.241 of the Revised Code until two years after the effective 1141
date of this section: 1142

(A) The requirements would be unduly and unreasonably 1143
burdensome. 1144

(B) The multiline telephone system or voice over internet 1145
protocol system needs to be reprogrammed or replaced. 1146

(C) The business service user made a good-faith attempt to 1147
reprogram or replace the system. 1148

(D) The business service user agrees to place an 1149
instructional sticker next to the telephones that explains how 1150
to access 9-1-1 in case of emergency, provides the specific 1151
location where the device is installed, and reminds the caller 1152
to give the location information to the 9-1-1 call taker. 1153

(E) The instructions described in division (D) of this 1154
section are printed in at least sixteen-point boldface type in a 1155
contrasting color using a font that is easily readable. 1156

(F) The business service user affirms in an affidavit the 1157
conditions specified in divisions (B), (C), (D), and (E) of this 1158
section. 1159

(G) The affidavit described in division (F) of this 1160
section includes the manufacturer and model number of the 1161
system. 1162

Sec. 128.243. Sections 128.241 and 128.242 of the Revised 1163
Code shall not apply if they are preempted by or in conflict 1164
with federal law. 1165

Sec. 128.25. Each county shall provide a single point of 1166
contact to the 9-1-1 program office who has the authority to 1167
assist in location-data discrepancies, 9-1-1 traffic misroutes, 1168
and boundary disputes between public safety answering points. 1169

Sec. 128.26. Not later than five years after the date that 1170

the statewide next generation 9-1-1 core services system is 1171
operationally available to all counties in the state, each 1172
county or, as applicable, each regional council of governments, 1173
shall provide next generation 9-1-1 service for all areas to be 1174
covered as set forth in the county's final plan or the council's 1175
agreement. 1176

Sec. 128.27. A service provider that operates within a 1177
county that participates in the statewide next generation 9-1-1 1178
core services system or within the area served by a regional 1179
council of governments that participates in that system shall 1180
deliver the 9-1-1 traffic that originates in that geographic 1181
area to the next generation 9-1-1 core for that geographic area. 1182

Sec. 128.28. If a service provider or county participates 1183
in the statewide next generation 9-1-1 core services system, the 1184
service provider or county shall adhere to standards of the 9-1- 1185
1 program office, which may include standards created by the 1186
national emergency number association and the internet 1187
engineering task force. 1188

Sec. ~~128.18~~ 128.33. (A) In accordance with this chapter 1189
and Chapters 4901., 4903., 4905., and 4909. of the Revised Code, 1190
the public utilities commission shall determine the just, 1191
reasonable, and compensatory rates, tolls, classifications, 1192
charges, or rentals to be observed and charged for the wireline 1193
telephone network portion of a basic or enhanced 9-1-1 system, 1194
and each telephone company that is a wireline service provider 1195
participating in the system shall be subject to those chapters, 1196
to the extent they apply, as to the service provided by its 1197
portion of the wireline telephone network for the system as 1198
described in the final plan ~~or to be installed pursuant to~~ 1199
~~agreements under section 128.09 of the Revised Code,~~ and as to 1200

the rates, tolls, classifications, charges, or rentals to be 1201
observed and charged for that service. 1202

(B) Only the customers of a participating telephone 1203
company described in division (A) of this section that are 1204
served within the area covered by a 9-1-1 system shall pay the 1205
recurring rates for the maintenance and operation of the 1206
company's portion of the wireline telephone network of the 1207
system. Such rates shall be computed by dividing the total 1208
monthly recurring rates set forth in the company's schedule as 1209
filed in accordance with section 4905.30 of the Revised Code, by 1210
the total number of residential and business customer access 1211
lines, or their equivalent, within the area served. Each 1212
residential and business customer within the area served shall 1213
pay the recurring rates based on the number of its residential 1214
and business customer access lines or their equivalent. No 1215
company shall include such amount on any customer's bill until 1216
the company has completed its portion of the wireline telephone 1217
network in accordance with the terms, conditions, requirements, 1218
and specifications of the final plan ~~or an agreement made under~~ 1219
~~section 128.09 of the Revised Code.~~ 1220

(C) (1) Except as otherwise provided in division (C) (2) of 1221
this section, a participating telephone company described in 1222
division (A) of this section may receive through the credit 1223
authorized by section 5733.55 of the Revised Code the total 1224
nonrecurring charges for its portion of the wireline telephone 1225
network of the system and the total nonrecurring charges for any 1226
updating or modernization of that wireline telephone network in 1227
accordance with the terms, conditions, requirements, and 1228
specifications of the final plan ~~or pursuant to agreements under~~ 1229
~~section 128.09 of the Revised Code,~~ as such charges are set 1230
forth in the schedule filed by the telephone company in 1231

accordance with section 4905.30 of the Revised Code. However, 1232
that portion, updating, or modernization shall not be for or 1233
include the provision of wireless 9-1-1. As applicable, the 1234
receipt of permissible charges shall occur only upon the 1235
completion of the installation of the network or the completion 1236
of the updating or modernization. 1237

(2) The credit shall not be allowed under division (C) (1) 1238
of this section for the upgrading of a system from basic to 1239
enhanced wireline 9-1-1 if both of the following apply: 1240

(a) The telephone company received the credit for the 1241
wireline telephone network portion of the basic 9-1-1 system now 1242
proposed to be upgraded. 1243

(b) At the time the final plan ~~or agreement pursuant to~~ 1244
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 1245
system was agreed to, the telephone company was capable of 1246
reasonably meeting the technical and economic requirements of 1247
providing the wireline telephone network portion of an enhanced 1248
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 1249
~~determined by the steering committee under division (A) or (H)~~ 1250
~~of section 128.03 or division (C) of section 128.09 of the~~ 1251
~~Revised Code.~~ 1252

(3) If the credit is not allowed under division (C) (2) of 1253
this section, the total nonrecurring charges for the wireline 1254
telephone network used in providing 9-1-1 service, as set forth 1255
in the schedule filed by a telephone company in accordance with 1256
section 4905.30 of the Revised Code, on completion of the 1257
installation of the network in accordance with the terms, 1258
conditions, requirements, and specifications of the final plan- 1259
~~or pursuant to section 128.09 of the Revised Code,~~ shall be paid 1260
by the municipal corporations and townships with any territory 1261

in the area in which such upgrade from basic to enhanced 9-1-1 1262
is made. 1263

(D) If customer premises equipment for a public safety 1264
answering point is supplied by a telephone company that is 1265
required to file a schedule under section 4905.30 of the Revised 1266
Code pertaining to customer premises equipment, the recurring 1267
and nonrecurring rates and charges for the installation and 1268
maintenance of the equipment specified in the schedule shall 1269
apply. 1270

Sec. ~~128.22~~ 128.35. (A) (1) For the purpose of paying the 1271
costs of establishing, equipping, and furnishing one or more 1272
public safety answering points as part of a countywide 9-1-1 1273
system effective under division (B) of section 128.08 of the 1274
Revised Code and paying the expense of administering and 1275
enforcing this section, the board of county commissioners of a 1276
county, in accordance with this section, may fix and impose, on 1277
each lot or parcel of real property in the county that is owned 1278
by a person, municipal corporation, township, or other political 1279
subdivision and is improved, or is in the process of being 1280
improved, reasonable charges to be paid by each such owner. The 1281
charges shall be sufficient to pay only the estimated allowed 1282
costs and shall be equal in amount for all such lots or parcels. 1283

(2) For the purpose of paying the costs of operating and 1284
maintaining the answering points and paying the expense of 1285
administering and enforcing this section, the board, in 1286
accordance with this section, may fix and impose reasonable 1287
charges to be paid by each owner, as provided in division (A) (1) 1288
of this section, that shall be sufficient to pay only the 1289
estimated allowed costs and shall be equal in amount for all 1290
such lots or parcels. The board may fix and impose charges under 1291

this division pursuant to a resolution adopted for the purposes 1292
of both divisions (A) (1) and (2) of this section or pursuant to 1293
a resolution adopted solely for the purpose of division (A) (2) 1294
of this section, and charges imposed under division (A) (2) of 1295
this section may be separately imposed or combined with charges 1296
imposed under division (A) (1) of this section. 1297

(B) Any board adopting a resolution under this section 1298
pursuant to a final plan initiating the establishment of a 9-1-1 1299
system or pursuant to an amendment to a final plan shall adopt 1300
the resolution within sixty days after the board receives the 1301
final plan for the 9-1-1 system pursuant to division ~~(C)~~ (B) (1) 1302
of section 128.07 of the Revised Code. The board by resolution 1303
may change any charge imposed under this section whenever the 1304
board considers it advisable. Any resolution adopted under this 1305
section shall declare whether securities will be issued under 1306
Chapter 133. of the Revised Code in anticipation of the 1307
collection of unpaid special assessments levied under this 1308
section. 1309

(C) The board shall adopt a resolution under this section 1310
at a public meeting held in accordance with section 121.22 of 1311
the Revised Code. Additionally, the board, before adopting any 1312
such resolution, shall hold at least two public hearings on the 1313
proposed charges. Prior to the first hearing, the board shall 1314
publish notice of the hearings once a week for two consecutive 1315
weeks in a newspaper of general circulation in the county or as 1316
provided in section 7.16 of the Revised Code. The notice shall 1317
include a listing of the charges proposed in the resolution and 1318
the date, time, and location of each of the hearings. The board 1319
shall hear any person who wishes to testify on the charges or 1320
the resolution. 1321

(D) No resolution adopted under this section shall be 1322
effective sooner than thirty days following its adoption nor 1323
shall any such resolution be adopted as an emergency measure. 1324
The resolution is subject to a referendum in accordance with 1325
sections 305.31 to 305.41 of the Revised Code unless, in the 1326
resolution, the board of county commissioners directs the board 1327
of elections of the county to submit the question of imposing 1328
the charges to the electors of the county at the next primary or 1329
general election in the county occurring not less than ninety 1330
days after the resolution is certified to the board. No 1331
resolution shall go into effect unless approved by a majority of 1332
those voting upon it in any election allowed under this 1333
division. 1334

(E) To collect charges imposed under division (A) of this 1335
section, the board of county commissioners shall certify them to 1336
the county auditor of the county who then shall place them upon 1337
the real property duplicate against the properties to be 1338
assessed, as provided in division (A) of this section. Each 1339
assessment shall bear interest at the same rate that securities 1340
issued in anticipation of the collection of the assessments 1341
bear, is a lien on the property assessed from the date placed 1342
upon the real property duplicate by the auditor, and shall be 1343
collected in the same manner as other taxes. 1344

(F) All money collected by or on behalf of a county under 1345
this section shall be paid to the county treasurer of the county 1346
and kept in a separate and distinct fund to the credit of the 1347
county. The fund shall be used to pay the costs allowed in 1348
division (A) of this section and specified in the resolution 1349
adopted under that division. In no case shall any surplus so 1350
collected be expended for other than the use and benefit of the 1351
county. 1352

Sec. ~~128.25~~128.37. (A) This section applies only to a 1353
county that meets both of the following conditions: 1354

(1) A final plan for a countywide 9-1-1 system either has 1355
not been approved in the county under section 128.08 of the 1356
Revised Code or has been approved but has not been put into 1357
operation because of a lack of funding; 1358

(2) The board of county commissioners, at least once, has 1359
submitted to the electors of the county the question of raising 1360
funds for a 9-1-1 system under section ~~128.22~~128.35, 5705.19, or 1361
5739.026 of the Revised Code, and a majority of the electors has 1362
disapproved the question each time it was submitted. 1363

(B) (1) A board of county commissioners may adopt a 1364
resolution imposing a monthly charge ~~on telephone access lines~~ 1365
to pay for the equipment costs of establishing and maintaining 1366
no more than three public safety answering points of a 1367
countywide 9-1-1 system, which public safety answering points 1368
shall be only twenty-four-hour dispatching points already 1369
existing in the county. ~~The~~ 1370

(2) The charge may be imposed on either of the following: 1371

(a) Telephone access lines; 1372

(b) Each communications device or service to which both of 1373
the following apply: 1374

(i) The communications device or service is sold in the 1375
county, registered to a service address or location within the 1376
county, or the subscriber's primary place of using the 1377
communications device or service is in the county. 1378

(ii) The communications device or service is capable of 1379
initiating a direct connection to 9-1-1. 1380

(3) If the board imposes the charge on communications 1381
devices and services as described in division (B) (2) (b) of this 1382
section, the charge shall be paid in the same manner as in 1383
section 128.412 of the Revised Code. 1384

(C) The resolution shall state the amount of the charge, 1385
which shall not exceed fifty cents per month, and the month the 1386
charge will first be imposed, which shall be no earlier than 1387
four months after the special election held pursuant to this 1388
section. ~~Each residential and business telephone company~~ 1389
~~customer within the area served by the 9-1-1 system shall pay~~ 1390
~~the monthly charge for each of its residential or business~~ 1391
~~customer access lines or their equivalent.~~ 1392

Before adopting a resolution under this division, the 1393
board of county commissioners shall hold at least two public 1394
hearings on the proposed charge. Before the first hearing, the 1395
board shall publish notice of the hearings once a week for two 1396
consecutive weeks in a newspaper of general circulation in the 1397
county or as provided in section 7.16 of the Revised Code. The 1398
notice shall state the amount of the proposed charge, an 1399
explanation of the necessity for the charge, and the date, time, 1400
and location of each of the hearings. 1401

~~(C)~~ (D) A resolution adopted under division (B) of this 1402
section shall direct the board of elections to submit the 1403
question of imposing the charge to the electors of the county at 1404
a special election on the day of the next primary or general 1405
election in the county. The board of county commissioners shall 1406
certify a copy of the resolution to the board of elections not 1407
less than ninety days before the day of the special election. No 1408
resolution adopted under division (B) of this section shall take 1409
effect unless approved by a majority of the electors voting upon 1410

the resolution at an election held pursuant to this section. 1411

In any year, the board of county commissioners may impose 1412
a lesser charge than the amount originally approved by the 1413
electors. The board may change the amount of the charge no more 1414
than once a year. The board may not impose a charge greater than 1415
the amount approved by the electors without first holding an 1416
election on the question of the greater charge. 1417

~~(D)~~ (E) Money raised from a monthly charge ~~on telephone~~ 1418
~~access lines~~ under this section shall be deposited into a 1419
special fund created in the county treasury by the board of 1420
county commissioners pursuant to section 5705.12 of the Revised 1421
Code, to be used only for the necessary equipment costs of 1422
establishing and maintaining no more than three public safety 1423
answering points of a countywide 9-1-1 system pursuant to a 1424
resolution adopted under division (B) of this section. In 1425
complying with this division, any county may seek the assistance 1426
of the steering committee with regard to operating and 1427
maintaining a 9-1-1 system. 1428

~~(E)~~ (F) Pursuant to the voter approval required by 1429
division ~~(C)~~ (D) of this section, the final plan for a 1430
countywide 9-1-1 system that will be funded through a monthly 1431
charge imposed in accordance with this section shall be amended 1432
by the existing 9-1-1 ~~planning program review~~ committee, and the 1433
amendment of such a final plan is not an amendment of a final 1434
plan for the purpose of division (A) of section 128.12 of the 1435
Revised Code. 1436

Sec. ~~128.26~~ 128.38. (A) This section applies only to a 1437
county that has a final plan for a countywide 9-1-1 system that 1438
either has not been approved in the county under section 128.08 1439
of the Revised Code or has been approved but has not been put 1440

into operation because of a lack of funding. 1441

(B) (1) A board of county commissioners may adopt a 1442
resolution imposing a monthly charge ~~on telephone access lines~~ 1443
to pay for the operating and equipment costs of establishing and 1444
maintaining no more than one public safety answering point of a 1445
countywide 9-1-1 system. ~~The~~ 1446

(2) The charge may be imposed on either of the following: 1447

(a) Telephone access lines; 1448

(b) Each communications device or service to which both of 1449
the following apply: 1450

(i) The communications device or service is sold in the 1451
county, registered to a service address or location within the 1452
county, or the subscriber's primary place of using the 1453
communications device or service is in the county. 1454

(ii) The communications device or service is capable of 1455
initiating a direct connection to 9-1-1. 1456

(3) If the board imposes the charge on communications 1457
devices and services as described in division (B) (2) (b) of this 1458
section, the charge shall be paid in the same manner as in 1459
section 128.412 of the Revised Code. 1460

(C) The resolution shall state the amount of the charge, 1461
which shall not exceed fifty cents per month, and the month the 1462
charge will first be imposed, which shall be no earlier than 1463
four months after the special election held pursuant to this 1464
section. ~~Each residential and business telephone company~~ 1465
~~customer within the area of the county served by the 9-1-1~~ 1466
~~system shall pay the monthly charge for each of its residential~~ 1467
~~or business customer access lines or their equivalent.~~ 1468

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

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

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

~~(D)~~ (E) Money raised from a monthly charge ~~on telephone~~
~~access lines~~ under this section shall be deposited into a
special fund created in the county treasury by the board of
county commissioners pursuant to section 5705.12 of the Revised
Code, to be used only for the necessary operating and equipment

costs of establishing and maintaining no more than one public 1499
safety answering point of a countywide 9-1-1 system pursuant to 1500
a resolution adopted under division (B) of this section. In 1501
complying with this division, any county may seek the assistance 1502
of the steering committee with regard to operating and 1503
maintaining a 9-1-1 system. 1504

~~(E)~~ (F) Nothing in ~~sections 128.01 to 128.34 of the~~ 1505
~~Revised Code~~ this chapter precludes a final plan adopted in 1506
accordance with those sections from being amended to provide 1507
that, by agreement included in the plan, a public safety 1508
answering point of another countywide 9-1-1 system is the public 1509
safety answering point of a countywide 9-1-1 system funded 1510
through a monthly charge imposed in accordance with this 1511
section. In that event, the county for which the public safety 1512
answering point is provided shall be deemed the subdivision 1513
operating the public safety answering point for purposes of 1514
~~sections 128.01 to 128.34 of the Revised Code~~ this chapter, 1515
except that, for the purpose of division (D) of section 128.03 1516
of the Revised Code, the county shall pay only so much of the 1517
costs associated with establishing, equipping, furnishing, 1518
operating, or maintaining the public safety answering point 1519
specified in the agreement included in the final plan. 1520

~~(F)~~ (G) Pursuant to the voter approval required by 1521
division ~~(C)~~ (D) of this section, the final plan for a 1522
countywide 9-1-1 system that will be funded through a monthly 1523
charge imposed in accordance with this section, or that will be 1524
amended to include an agreement described in division ~~(E)~~ (F) of 1525
this section, shall be amended by the existing 9-1-1 ~~planning-~~ 1526
program review committee, and the amendment of such a final plan 1527
is not an amendment of a final plan for the purpose of division 1528
(A) of section 128.12 of the Revised Code. 1529

Sec. ~~128.27~~ 128.39. (A) As part of its normal monthly 1530
billing process, each telephone company with customers in the 1531
area served by a 9-1-1 system shall bill and collect from those 1532
customers any charge imposed under section ~~128.25~~ 128.37 or 1533
~~128.26~~ 128.38 of the Revised Code. The company may list the 1534
charge as a separate entry on each bill and may indicate on the 1535
bill that the charge is made pursuant to approval of a ballot 1536
issue by county voters. Any customer billed by a company for a 1537
charge imposed under section ~~128.25~~ 128.37 or ~~128.26~~ 128.38 of 1538
the Revised Code is liable to the county for the amount billed. 1539
The company shall apply any partial payment of a customer's bill 1540
first to the amount the customer owes the company. The company 1541
shall keep complete records of charges it bills and collects, 1542
and such records shall be open during business hours for 1543
inspection by the county commissioners or their agents or 1544
employees. If a company fails to bill any customer for the 1545
charge, it is liable to the county for the amount that was not 1546
billed. 1547

(B) A telephone company that collects charges under this 1548
section shall remit the money to the county on a quarterly 1549
basis. The company may retain three per cent of any charge it 1550
collects as compensation for the costs of such collection. If a 1551
company collects charges under this section and fails to remit 1552
the money to the county as prescribed, it is liable to the 1553
county for any amount collected and not remitted. 1554

Sec. ~~128.42~~ 128.40. (A) ~~There~~ Ending three months after 1555
the effective date of this section, there is hereby imposed a 1556
wireless 9-1-1 charge of twenty-five cents per month as follows: 1557

(1) On each wireless telephone number of a wireless 1558
service subscriber who has a billing address in this state. The 1559

subscriber shall pay the wireless 9-1-1 charge for each such 1560
wireless telephone number assigned to the subscriber. Each 1561
wireless service provider and each reseller shall collect the 1562
wireless 9-1-1 charge as a specific line item on each 1563
subscriber's monthly bill. The line item shall be expressly 1564
designated "State/Local Wireless-E911 Costs (\$0.25/billed 1565
number)." If a provider bills a subscriber for any wireless 1566
enhanced 9-1-1 costs that the provider may incur, the charge or 1567
amount is not to appear in the same line item as the state/local 1568
line item. If the charge or amount is to appear in its own, 1569
separate line item on the bill, the charge or amount shall be 1570
expressly designated "[Name of Provider] Federal Wireless-E911 1571
Costs." 1572

~~(2) (a) Prior to January 1, 2014, on each subscriber of 1573
prepaid wireless service. A wireless service provider or 1574
reseller shall collect the wireless 9-1-1 charge in either of 1575
the following manners: 1576~~

~~(i) If the subscriber has a positive account balance on 1577
the last day of the month and has used the service during that 1578
month, by reducing that balance not later than the end of the 1579
first week of the following month by twenty-five cents or an 1580
equivalent number of airtime minutes; 1581~~

~~(ii) By dividing the total earned prepaid wireless 1582
telephone revenue from sales within this state received by the 1583
wireless service provider or reseller during the month by fifty, 1584
multiplying the quotient by twenty-five cents. 1585~~

~~(b) Amounts collected under division (A) (2) of this 1586
section shall be remitted pursuant to division (A) (1) of section 1587
128.46 of the Revised Code. 1588~~

~~The wireless 9-1-1 charges authorized under this section~~ 1589
~~shall not be imposed on a subscriber of wireless lifeline~~ 1590
~~service or a provider of that service.~~ 1591

~~(B) Beginning January 1, 2014:~~ 1592

~~(1) There is hereby imposed, on~~ On each retail sale of a 1593
prepaid wireless calling service occurring in this state, a 1594
wireless 9-1-1 charge of five-tenths of one per cent of the sale 1595
price. 1596

~~(2) (B)~~ For purposes of division (B) (1) (A) (2) of this 1597
section, a retail sale occurs in this state if it is effected by 1598
the consumer appearing in person at a seller's business location 1599
in this state, or if the sale is sourced to this state under 1600
division (E) (3) of section 5739.034 of the Revised Code, except 1601
that under that division, in lieu of sourcing a sale under 1602
division (C) (5) of section 5739.033 of the Revised Code, the 1603
seller, rather than the service provider, may elect to source 1604
the sale to the location associated with the mobile telephone 1605
number. 1606

~~(3) (a) (C) (1)~~ Except as provided in division (B) (4) (e) (D) 1607
(3) of this section, the seller of the prepaid wireless calling 1608
service shall collect the charge imposed under division (A) of 1609
this section from the consumer at the time of each retail sale 1610
and disclose the amount of the charge to the consumer at the 1611
time of the sale by itemizing the charge on the receipt, 1612
invoice, or similar form of written documentation provided to 1613
the consumer. 1614

~~(b) (2)~~ The seller that collects the charge imposed under 1615
division (A) of this section shall comply with the reporting and 1616
remittance requirements under section 128.46 of the Revised 1617

Code. 1618

~~(4)~~ (D) When a prepaid wireless calling service is sold 1619
with one or more other products or services for a single, 1620
nonitemized price, the wireless 9-1-1 charge imposed under 1621
division ~~(B) (1)~~ (A) (2) of this section shall apply to the entire 1622
nonitemized price, except as provided in divisions ~~(B) (4) (a)~~ (D) 1623
(1) to ~~(e)~~ (3) of this section. 1624

~~(a)~~ (1) If the amount of the prepaid wireless calling 1625
service is disclosed to the consumer as a dollar amount, the 1626
seller may elect to apply the charge only to that dollar amount. 1627

~~(b)~~ (2) If the seller can identify the portion of the 1628
nonitemized price that is attributable to the prepaid wireless 1629
calling service, by reasonable and verifiable standards from the 1630
seller's books and records that are kept in the regular course 1631
of business for other purposes, including nontax purposes, the 1632
seller may elect to apply the charge only to that portion. 1633

~~(c)~~ (3) If a minimal amount of a prepaid wireless calling 1634
service is sold with a prepaid wireless calling device for the 1635
single, nonitemized price, the seller may elect not to collect 1636
the charge. As used in this division, "minimal" means either ten 1637
minutes or less or five dollars or less. 1638

~~(C)~~ (E) The wireless 9-1-1 charges authorized under this 1639
section shall not be imposed on a subscriber of wireless 1640
lifeline service or a provider of that service. 1641

(F) The wireless 9-1-1 charges shall be exempt from state 1642
or local taxation. 1643

Sec. 128.41. Except as provided in sections 128.413 and 1644
128.42 of the Revised Code: 1645

(A) For a two-year period after the expiration of the fee 1646
described in section 128.40 of the Revised Code, there is 1647
imposed a next generation 9-1-1 access fee of seventy cents per 1648
month on each communications device or service to which both of 1649
the following apply: 1650

(1) The communications device or service is sold in this 1651
state, registered to a service address or location within this 1652
state, or the subscriber's primary place of using the 1653
communications device or service is in this state. 1654

(2) The communications device or service is capable of 1655
initiating a direct connection to 9-1-1. 1656

(B) For a five-year period after the period described in 1657
division (A) of this section, there is imposed a next generation 1658
9-1-1 access fee on each communications device or service 1659
described in that division. The amount of the fee shall be 1660
seventy cents per month or, if the steering committee designates 1661
an alternate amount under section 128.411 of the Revised Code, 1662
that alternate amount. 1663

(C) After the five-year period described in division (B) 1664
of this section, there is imposed a next generation 9-1-1 access 1665
fee of seventy cents per month on each communications device or 1666
service described in division (A) of this section. 1667

Sec. 128.411. (A) For purposes of division (B) of section 1668
128.41 of the Revised Code, the steering committee may, on the 1669
first day of January of each year and subject to division (B) of 1670
this section, designate an alternate amount for the monthly next 1671
generation 9-1-1 access fee. The alternative amount shall 1672
satisfy both of the following requirements: 1673

(1) It may not be more than two cents above the fee amount 1674

for the previous year. 1675

(2) It may not be higher than seventy cents. 1676

(B) The steering committee may designate a fee amount that 1677
is higher than the previous year's fee amount only if there are 1678
outstanding transitional costs associated with the next 1679
generation 9-1-1 system. 1680

(C) The steering committee shall report to the general 1681
assembly any action to increase the next generation 9-1-1 access 1682
fee. The report shall state the remaining amount of the 1683
counties' transitional costs of connecting to the statewide 1684
emergency services internet protocol network. 1685

Sec. 128.412. (A) Except as provided in division (B) of 1686
this section and division (A) of section 128.413 of the Revised 1687
Code, the subscriber who is billed for a communications device 1688
or service described in division (A) of section 128.41 of the 1689
Revised Code shall pay a separate next generation 9-1-1 access 1690
fee for each such communications device or service for which the 1691
subscriber is billed. 1692

(B) In the case of a multiline telephone system, the 1693
subscriber shall pay a separate fee for each line. 1694

(C) In the case of a voice over internet protocol system, 1695
the subscriber shall pay a separate fee for each voice channel 1696
provided to the subscriber. The number of channels shall be 1697
equal to the number of outbound calls the subscriber can 1698
maintain at the same time using the system, but excludes a 1699
direct inward dialing number that merely routes an inbound call. 1700

Sec. 128.413. The following are exempt from the next 1701
generation 9-1-1 access fee imposed under section 128.41 of the 1702
Revised Code: 1703

(A) A subscriber of wireless lifeline service. 1704

(B) Wholesale transactions between telecommunications 1705
service providers where the service is a component of a service 1706
provided to an end user. This exemption includes network access 1707
charges and interconnection charges paid to a local exchange 1708
carrier. 1709

(C) Devices that solely rely on ancillary connection 1710
services for direct connection to the 9-1-1 system, excluding 1711
any devices capable of both direct and ancillary connection to 1712
the 9-1-1 system. 1713

Sec. 128.414. Each service provider and each reseller 1714
shall collect the next generation 9-1-1 access fee imposed under 1715
section 128.41 of the Revised Code as a specific line item on 1716
each subscriber's monthly bill or point of sale invoice. The 1717
line item shall be expressly designated "Ohio Next Generation 9- 1718
1-1 Access Fee ([amount]/device or service/month)." If a 1719
provider bills a subscriber for any other 9-1-1 costs that the 1720
provider may incur, the charge or amount is not to appear in the 1721
same line item as the next generation 9-1-1 access fee line 1722
item. If the charge or amount is to appear in a separate line 1723
item on the bill, the charge or amount shall be expressly 1724
designated "[Name of Provider] [Description of charge or 1725
amount]." 1726

Sec. 128.416. (A) Not later than twelve months after the 1727
effective date of this section, the steering committee shall 1728
submit a report to the general assembly on the effectiveness of 1729
the next generation 9-1-1 access fee at seventy cents per month. 1730

(B) After the five-year period described in division (C) 1731
of section 128.41 of the Revised Code, the steering committee 1732

shall submit a report to the general assembly on a future amount 1733
for the next generation 9-1-1 access fee. 1734

Sec. 128.417. After installation and operation for twelve 1735
months of the statewide next generation 9-1-1 system, the 1736
steering committee shall monitor the accounts where funds are 1737
generated from the next generation 9-1-1 access fee. The 1738
steering committee may reduce the next generation access fee if 1739
it is determined the obligations of the funds can still be met 1740
to avoid over-collection of fees. If the fee is reduced, the 1741
steering committee may increase the fee, not to exceed the 1742
maximum rate of seventy cents, to ensure adequate funding exists 1743
to meet the obligations of the funds. 1744

Sec. 128.418. The steering committee shall notify the tax 1745
commissioner of the committee's intent to adjust the next 1746
generation 9-1-1 access fee not later than six months before the 1747
adjustment takes effect. 1748

Sec. 128.42. (A) Three months after the effective date of 1749
this section, there is imposed, on each retail sale of a prepaid 1750
wireless calling service occurring in this state, a next 1751
generation 9-1-1 access fee of five-tenths of one per cent of 1752
the sale price. 1753

(B) For purposes of division (A) of this section, a retail 1754
sale occurs in this state if it is effected by the consumer 1755
appearing in person at a seller's business location in this 1756
state, or if the sale is sourced to this state under division 1757
(E) (3) of section 5739.034 of the Revised Code, except that 1758
under that division, in lieu of sourcing a sale under division 1759
(C) (5) of section 5739.033 of the Revised Code, the seller, 1760
rather than the service provider, may elect to source the sale 1761
to the location associated with the mobile telephone number. 1762

Sec. 128.421. Except as provided in division (B) (3) of 1763
section 128.422 of the Revised Code, the seller of the prepaid 1764
calling service shall collect the next generation 9-1-1 access 1765
fee imposed under section 128.42 of the Revised Code from the 1766
consumer at the time of each retail sale and disclose the amount 1767
of the fee to the consumer at the time of the sale by itemizing 1768
the fee on the receipt, invoice, or similar form of written 1769
documentation provided to the consumer. 1770

Sec. 128.422. (A) When a prepaid calling service is sold 1771
with one or more other products or services for a single, 1772
nonitemized price, the next generation 9-1-1 access fee imposed 1773
under section 128.42 of the Revised Code shall apply to the 1774
entire nonitemized price, except as provided in divisions (B) (1) 1775
to (3) of this section. 1776

(B) (1) If the amount of the prepaid calling service is 1777
disclosed to the consumer as a dollar amount, the seller may 1778
elect to apply the fee only to that dollar amount. 1779

(2) If the seller can identify the portion of the 1780
nonitemized price that is attributable to the prepaid calling 1781
service, by reasonable and verifiable standards from the 1782
seller's books and records that are kept in the regular course 1783
of business for other purposes, including nontax purposes, the 1784
seller may elect to apply the fee only to that portion. 1785

(3) If a minimal amount of a prepaid calling service is 1786
sold with a prepaid wireless calling device for the single, 1787
nonitemized price, the seller may elect not to collect the fee. 1788
As used in this division, "minimal" means either ten minutes or 1789
less or five dollars or less. 1790

Sec. 128.43. The next generation 9-1-1 access fee imposed 1791

under sections 128.41 and 128.42 of the Revised Code shall be 1792
exempt from state or local taxation. 1793

Sec. 128.44. ~~Beginning January 1, 2014, the~~ The tax 1794
commissioner shall provide notice to all known wireless service 1795
providers, resellers, and sellers of prepaid wireless calling 1796
services of any increase or decrease in either of the ~~wireless-~~ 1797
~~next generation 9-1-1 charges~~ access fee imposed under ~~section-~~ 1798
sections 128.41 and 128.42 of the Revised Code. Each notice 1799
shall be provided not less than thirty days before the effective 1800
date of the increase or decrease. 1801

Sec. 128.45. (A) Each entity required to bill and collect 1802
a wireless 9-1-1 charge under section 128.40 of the Revised Code 1803
or the next generation 9-1-1 access fee under section 128.414 or 1804
128.421 of the Revised Code shall keep complete and accurate 1805
records of bills that include the charges and fees, together 1806
with a record of the charges and fees collected under those 1807
sections. The entities shall keep all related invoices and other 1808
pertinent documents. 1809

(B) Each seller shall keep complete and accurate records 1810
of retail sales of prepaid wireless calling services, together 1811
with a record of the charges and fees collected under sections 1812
128.40 and 128.421 of the Revised Code, and shall keep all 1813
related invoices and other pertinent documents. 1814

Sec. ~~128.45~~ 128.451. ~~Beginning January 1, 2014:~~ 1815

~~(A) Each wireless service provider and reseller shall keep~~ 1816
~~complete and accurate records of bills for wireless service,~~ 1817
~~together with a record of the wireless 9-1-1 charges collected~~ 1818
~~under section 128.42 of the Revised Code, and shall keep all~~ 1819
~~related invoices and other pertinent documents. Each seller~~ 1820

~~shall keep complete and accurate records of retail sales of~~ 1821
~~prepaid wireless calling services, together with a record of the~~ 1822
~~wireless 9-1-1 charges collected under section 128.42 of the~~ 1823
~~Revised Code, and shall keep all related invoices and other~~ 1824
~~pertinent documents.~~ 1825

~~(B)~~ Records, invoices, and documents required to be kept 1826
under ~~this~~ section 128.45 of the Revised Code shall be open 1827
during business hours to the inspection of the tax commissioner. 1828
They shall be preserved for a period of four years unless the 1829
tax commissioner, in writing, consents to their destruction 1830
within that period, or by order requires that they be kept 1831
longer. 1832

Sec. 128.46. (A) ~~Prior to January 1, 2014:~~ 1833

~~(1) A wireless service provider or reseller, not later~~ 1834
~~than the last day of each month, shall remit the full amount of~~ 1835
~~all wireless 9-1-1 charges it collected under division (A) of~~ 1836
~~section 128.42 of the Revised Code for the second preceding~~ 1837
~~calendar month to the administrator, with the exception of~~ 1838
~~charges equivalent to the amount authorized as a billing and~~ 1839
~~collection fee under division (A) (2) of this section. In doing~~ 1840
~~so, the provider or reseller may remit the requisite amount in~~ 1841
~~any reasonable manner consistent with its existing operating or~~ 1842
~~technological capabilities, such as by customer address,~~ 1843
~~location associated with the wireless telephone number, or~~ 1844
~~another allocation method based on comparable, relevant data. If~~ 1845
~~the wireless service provider or reseller receives a partial~~ 1846
~~payment for a bill from a wireless service subscriber, the~~ 1847
~~wireless service provider or reseller shall apply the payment~~ 1848
~~first against the amount the subscriber owes the wireless~~ 1849
~~service provider or reseller and shall remit to the~~ 1850

~~administrator such lesser amount, if any, as results from that~~ 1851
~~invoice.~~ 1852

~~(2) A wireless service provider or reseller may retain as~~ 1853
~~a billing and collection fee two per cent of the total wireless~~ 1854
~~9-1-1 charges it collects in a month and shall account to the~~ 1855
~~administrator for the amount retained.~~ 1856

~~(3) The administrator shall return to, or credit against~~ 1857
~~the next month's remittance of, a wireless service provider or~~ 1858
~~reseller the amount of any remittances the administrator~~ 1859
~~determines were erroneously submitted by the provider or~~ 1860
~~reseller.~~ 1861

~~(B) Beginning January 1, 2014:~~ 1862

~~(1) Each seller of a prepaid wireless calling service,~~ 1863
~~wireless service provider, and reseller~~ An entity required to 1864
collect a wireless 9-1-1 charge under section 128.40 of the 1865
Revised Code or the next generation 9-1-1 access fee under 1866
section 128.414 or 128.421 of the Revised Code shall, on or 1867
before the twenty-third day of each month, except as provided in 1868
divisions ~~(B)~~ (A) (2) and (3) of this section, do both of the 1869
following: 1870

(a) Make and file a return for the preceding month, in the 1871
form prescribed by the tax commissioner, showing the amount of 1872
the ~~wireless 9-1-1 charges or fees due under section 128.42 of~~ 1873
~~the Revised Code~~ for that month; 1874

(b) Remit the full amount due, as shown on the return, 1875
with the exception of charges and fees equivalent to the amount 1876
authorized as a collection fee under division (B) ~~(4)~~ of this 1877
section. 1878

(2) The commissioner may grant one or more thirty-day 1879

extensions for making and filing returns and remitting amounts 1880
due. The commissioner may also require returns and payments to 1881
be made other than monthly. 1882

(3) If a seller is required to collect prepaid wireless 9- 1883
1-1 charges under section 128.40 of the Revised Code or next 1884
generation 9-1-1 access fees under section 128.421 of the 1885
Revised Code in amounts that do not merit monthly returns, the 1886
commissioner may authorize the seller to make and file returns 1887
less frequently. The commissioner shall ascertain whether this 1888
authorization is warranted upon the basis of administrative 1889
costs to the state. 1890

~~(4)-(B)~~ A wireless service provider, reseller, and seller 1891
may each retain as a collection fee three per cent of the total 1892
wireless 9-1-1 charges required to be collected under section 1893
~~128.42-128.40~~ of the Revised Code, and shall account to the tax 1894
commissioner for the amount retained. 1895

~~(5)-(C)~~ The return required under division ~~(B)~~ (A) (1) (a) of 1896
this section shall be filed electronically using the Ohio 1897
business gateway, as defined in section 718.01 of the Revised 1898
Code, ~~the Ohio telefile system,~~ or any other electronic means 1899
prescribed by the tax commissioner. Remittance of the amount due 1900
shall be made electronically in a manner approved by the 1901
commissioner. ~~A wireless service provider, reseller, or seller~~ 1902
An entity required to file the return may apply to the 1903
commissioner on a form prescribed by the commissioner to be 1904
excused from either electronic requirement of this division. For 1905
good cause shown, the commissioner may excuse the ~~provider,~~ 1906
~~reseller, or seller~~ entity from either or both of the 1907
requirements and may permit the ~~provider, reseller, or seller~~ 1908
entity to file returns or make remittances by nonelectronic 1909

means.

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~~(C)(D) (1) Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of section 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 to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a wireless service provider or reseller collects charges under that division and fails to remit the money to the administrator, the wireless service provider or reseller is liable to the state for any amount collected and not remitted.~~

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

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~~(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~~

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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~~

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the amount was collected.

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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.

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

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~~(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 divisions (A) (1) and (C) (1) of this section or has retained more than the amount authorized under division (A) (2) of this section, and after written notice to the provider or reseller, the steering committee may audit the provider or reseller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's or reseller's billings, collections, remittances, or retentions for a representative period, and the steering committee shall make a good faith effort to reach agreement with the provider or reseller in selecting that sample.~~

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

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~~that was due and unpaid on the date notice of the audit was sent~~ 1970
~~by the steering committee to the provider or reseller or, as~~ 1971
~~applicable, in the amount of the excess amount under division~~ 1972
~~(A) (2) of this section retained by the provider or reseller as~~ 1973
~~of that date.~~ 1974

~~(3) The portion of any assessment not paid within sixty~~ 1975
~~days after the date of service by the steering committee of the~~ 1976
~~assessment notice under division (D) (2) of this section shall~~ 1977
~~bear interest from that date until paid at the rate per annum~~ 1978
~~prescribed by section 5703.47 of the Revised Code. That interest~~ 1979
~~may be collected by making an assessment under division (D) (2)~~ 1980
~~of this section. An assessment under this division and any~~ 1981
~~interest due shall be remitted in the same manner as the~~ 1982
~~wireless 9-1-1 charge imposed under division (A) of section~~ 1983
~~128.42 of the Revised Code.~~ 1984

~~(4) Unless the provider, reseller, or seller assessed~~ 1985
~~files with the steering committee within sixty days after~~ 1986
~~service of the notice of assessment, either personally or by~~ 1987
~~certified mail, a written petition for reassessment, signed by~~ 1988
~~the party assessed or that party's authorized agent having~~ 1989
~~knowledge of the facts, the assessment shall become final and~~ 1990
~~the amount of the assessment shall be due and payable from the~~ 1991
~~party assessed to the administrator. The petition shall indicate~~ 1992
~~the objections of the party assessed, but additional objections~~ 1993
~~may be raised in writing if received by the administrator or the~~ 1994
~~steering committee prior to the date shown on the final~~ 1995
~~determination.~~ 1996

~~(5) After an assessment becomes final, if any portion of~~ 1997
~~the assessment remains unpaid, including accrued interest, a~~ 1998
~~certified copy of the final assessment may be filed in the~~ 1999

~~office of the clerk of the court of common pleas in the county~~ 2000
~~in which the place of business of the assessed party is located.~~ 2001
~~If the party assessed maintains no place of business in this~~ 2002
~~state, the certified copy of the final assessment may be filed~~ 2003
~~in the office of the clerk of the court of common pleas of~~ 2004
~~Franklin county. Immediately upon the filing, the clerk shall~~ 2005
~~enter a judgment for the state against the assessed party in the~~ 2006
~~amount shown on the final assessment. The judgment may be filed~~ 2007
~~by the clerk in a loose leaf book entitled "special judgments~~ 2008
~~for wireless 9-1-1 charges" and shall have the same effect as~~ 2009
~~other judgments. The judgment shall be executed upon the request~~ 2010
~~of the steering committee.~~ 2011

~~(6) An assessment under this division does not discharge a~~ 2012
~~subscriber's liability to reimburse the provider or reseller for~~ 2013
~~the wireless 9-1-1 charge imposed under division (A) of section~~ 2014
~~128.42 of the Revised Code. If, after the date of service of the~~ 2015
~~audit notice under division (D) (1) of this section, a subscriber~~ 2016
~~pays a wireless 9-1-1 charge for the period covered by the~~ 2017
~~assessment, the payment shall be credited against the~~ 2018
~~assessment.~~ 2019

~~(7) All money collected by the administrator under~~ 2020
~~division (D) of this section shall be paid to the treasurer of~~ 2021
~~state, for deposit to the credit of the wireless 9-1-1~~ 2022
~~government assistance fund.~~ 2023

~~(E) Beginning January 1, 2014:~~ 2024

~~(1) If the tax commissioner has reason to believe that a~~ 2025
~~wireless service provider, reseller, or seller an entity~~ 2026
~~required to collect a wireless 9-1-1 charge under section 128.40~~ 2027
~~of the Revised Code or the next generation 9-1-1 access fee~~ 2028
~~under section 128.414 or 128.421 of the Revised Code has failed~~ 2029

to bill, collect, or remit the ~~wireless 9-1-1~~ charge or fee as 2030
required by this section and ~~section 128.42~~ sections 128.40 to 2031
128.422 of the Revised Code or has retained more than the amount 2032
authorized under division (B) ~~(4)~~ of this section, and after 2033
written notice to the ~~provider, reseller, or seller~~ entity, the 2034
tax commissioner may audit the ~~provider, reseller, or seller~~ 2035
entity for the sole purpose of making such a determination. The 2036
audit may include, but is not limited to, a sample of the 2037
~~provider's, reseller's, or seller's~~ entity's billings, 2038
collections, remittances, or retentions for a representative 2039
period, and the tax commissioner shall make a good faith effort 2040
to reach agreement with the ~~provider, reseller, or seller~~ entity 2041
in selecting that sample. 2042

(2) Upon written notice to the ~~wireless service provider,~~ 2043
~~reseller, or seller~~ entity, the tax commissioner, after 2044
completion of the audit, may make an assessment against the 2045
~~provider, reseller, or seller~~ entity if, pursuant to the audit, 2046
the tax commissioner determines that the ~~provider, reseller, or~~ 2047
~~seller~~ entity has failed to bill, collect, or remit the ~~wireless~~ 2048
~~9-1-1~~ charge or fee as required by ~~this section and section~~ 2049
~~128.42~~ sections 128.40 to 128.422 of the Revised Code or has 2050
retained more than the amount authorized under division (B) ~~(4)~~ 2051
of this section. The assessment shall be in the amount of any 2052
remittance that was due and unpaid on the date notice of the 2053
audit was sent by the tax commissioner to the ~~provider,~~ 2054
~~reseller, or seller~~ entity or, as applicable, in the amount of 2055
the excess amount under division (B) ~~(4)~~ of this section retained 2056
by the ~~provider, reseller, or seller~~ entity as of that date. 2057

(3) The portion of any assessment consisting of ~~wireless~~ 2058
~~9-1-1~~ charges or fees due and not paid within sixty days after 2059
the date that the assessment was made under division (E) (2) of 2060

this section shall bear interest from that date until paid at 2061
the rate per annum prescribed by section 5703.47 of the Revised 2062
Code. That interest may be collected by making an assessment 2063
under division (E) (2) of this section. 2064

(4) Unless the ~~provider, reseller, or seller entity~~ 2065
assessed files with the tax commissioner within sixty days after 2066
service of the notice of assessment, either personally or by 2067
certified mail, a written petition for reassessment, signed by 2068
the ~~party entity~~ assessed or that ~~party's entity's~~ authorized 2069
agent having knowledge of the facts, the assessment shall become 2070
final and the amount of the assessment shall be due and payable 2071
from the ~~party entity~~ assessed to the treasurer of state, for 2072
deposit to the next generation 9-1-1 fund, which is created 2073
under section 128.54 of the Revised Code. The petition shall 2074
indicate the objections of the ~~party entity~~ assessed, but 2075
additional objections may be raised in writing if received by 2076
the commissioner prior to the date shown on the final 2077
determination. If the petition has been properly filed, the 2078
commissioner shall proceed under section 5703.60 of the Revised 2079
Code. 2080

(5) After an assessment becomes final, if any portion of 2081
the assessment remains unpaid, including accrued interest, a 2082
certified copy of the final assessment may be filed in the 2083
office of the clerk of the court of common pleas in the county 2084
in which the business of the assessed ~~party entity~~ is conducted. 2085
If the ~~party entity~~ assessed maintains no place of business in 2086
this state, the certified copy of the final assessment may be 2087
filed in the office of the clerk of the court of common pleas of 2088
Franklin county. Immediately upon the filing, the clerk shall 2089
enter a judgment for the state against the assessed ~~party entity~~ 2090
in the amount shown on the final assessment. The judgment may be 2091

filed by the clerk in a loose-leaf book entitled "special 2092
judgments for ~~wireless~~ 9-1-1 charges and fees" and shall have 2093
the same effect as other judgments. The judgment shall be 2094
executed upon the request of the tax commissioner. 2095

(6) If the commissioner determines that the commissioner 2096
erroneously has refunded a ~~wireless~~ 9-1-1 charge or fee to any 2097
person, the commissioner may make an assessment against that 2098
person for recovery of the erroneously refunded charge. 2099

(7) An assessment under division (E) of this section does 2100
not discharge a subscriber's or consumer's liability to 2101
reimburse the ~~provider, reseller, or seller~~ entity for a 2102
~~wireless~~ 9-1-1 charge or fee. If, after the date of service of 2103
the audit notice under division (E)(1) of this section, a 2104
subscriber or consumer pays a ~~wireless~~ 9-1-1 charge or fee for 2105
the period covered by the assessment, the payment shall be 2106
credited against the assessment. 2107

Sec. 128.461. ~~Beginning January 1, 2014, any~~ Every 2108
~~wireless~~ 9-1-1 charge and next generation 9-1-1 access fee 2109
required to be remitted under section 128.46 of the Revised Code 2110
shall be subject to interest as prescribed by section 5703.47 of 2111
the Revised Code, calculated from the date the ~~wireless 9-1-1~~ 2112
charge or fee was due under section 128.46 of the Revised Code 2113
to the date the ~~wireless 9-1-1~~ charge or fee is remitted or the 2114
date of assessment, whichever occurs first. 2115

Sec. 128.462. ~~Beginning January 1, 2014:~~ 2116

(A) Except as otherwise provided in this section, no 2117
assessment shall be made or issued against a ~~wireless service~~ 2118
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 2119
charge ~~imposed by or pursuant to~~ required to be collected under 2120

section ~~128.42~~128.40 of the Revised Code or any next generation 2121
9-1-1 access fee required to be collected under section 128.414 2122
or 128.421 of the Revised Code more than four years after the 2123
return date for the period in which the sale or purchase was 2124
made, or more than four years after the return for such period 2125
is filed, whichever is later. This division does not bar an 2126
assessment: 2127

(1) When the tax commissioner has substantial evidence of 2128
amounts of ~~wireless 9-1-1 charges~~ or fees collected by a 2129
~~provider, reseller, or seller~~ an entity from subscribers or 2130
consumers, which were not returned to the state; 2131

(2) When the ~~provider, reseller, or seller~~ entity assessed 2132
failed to file a return as required by section 128.46 of the 2133
Revised Code; 2134

(3) When the ~~provider, reseller, or seller~~ entity and the 2135
commissioner waive in writing the time limitation. 2136

(B) No assessment shall be made or issued against a 2137
~~wireless service provider, reseller, or seller~~ an entity for any 2138
wireless 9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 2139
of the Revised Code or next generation 9-1-1 access fee imposed 2140
by section 128.41 or 128.42 of the Revised Code for any period 2141
during which there was in full force and effect a rule of the 2142
tax commissioner under or by virtue of which the collection or 2143
payment of any such ~~wireless 9-1-1 charge~~ or fee was not 2144
required. This division does not bar an assessment when the tax 2145
commissioner has substantial evidence of amounts of ~~wireless 9-~~ 2146
~~1-1 charges~~ or fees collected by a ~~provider, reseller, or seller~~ 2147
an entity from subscribers or consumers, which were not returned 2148
to the state. 2149

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

(A) ~~A wireless service provider, reseller, seller,~~
~~wireless service~~ An entity required to 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, a subscriber, or a consumer of a prepaid
~~wireless calling service~~ may apply to the tax commissioner for a
refund of ~~wireless 9-1-1 charges~~ or fees described in division
(B) of this section. The application shall be made on the form
prescribed by the tax commissioner. The application shall be
made not later than four years after the date of the illegal or
erroneous payment of the ~~wireless 9-1-1 charge~~ or fee by the
subscriber or consumer, unless the ~~wireless service provider,~~
~~reseller, or seller~~ entity waives the time limitation under
division (A) (3) of section 128.462 of the Revised Code. If the
time limitation is waived, the refund application period shall
be extended for the same period as the waiver.

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

(2) If ~~a wireless service provider, reseller, or seller~~ an
entity has illegally or erroneously billed a subscriber or
charged a consumer for a wireless 9-1-1 charge or a next
generation 9-1-1 access fee, and if the ~~provider, reseller, or~~
~~seller~~ entity has not collected the charge or fee but has

remitted that amount under section 128.46 of the Revised Code, 2180
the tax commissioner shall refund that amount to the ~~provider,~~ 2181
~~reseller, or seller~~ entity. 2182

(C) (1) The tax commissioner may refund to a subscriber or 2183
consumer wireless 9-1-1 charges or next generation 9-1-1 access 2184
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 2185
~~seller~~ an entity only if both of the following apply: 2186

(a) The tax commissioner has not refunded the ~~wireless 9-~~ 2187
~~1-1~~ charges or fees to the ~~provider, reseller, or seller~~ entity. 2188

(b) The ~~provider, reseller, or seller~~ entity has not 2189
refunded the ~~wireless 9-1-1~~ charges or fees to the subscriber or 2190
consumer. 2191

(2) The tax commissioner may require the subscriber or 2192
consumer to obtain from the ~~provider, reseller, or seller~~ entity 2193
a written statement confirming that the ~~provider, reseller, or~~ 2194
~~seller~~ entity has not refunded the ~~wireless 9-1-1~~ charges or 2195
fees to the subscriber or consumer and that the ~~provider,~~ 2196
~~reseller, or seller~~ entity has not filed an application for a 2197
refund under this section. The tax commissioner may also require 2198
the ~~provider, reseller, or seller~~ entity to provide this 2199
statement. 2200

(D) On the filing of an application for a refund under 2201
this section, the tax commissioner shall determine the amount of 2202
refund to which the applicant is entitled. If the amount is not 2203
less than that claimed, the commissioner shall certify the 2204
determined amount to the director of budget and management and 2205
the treasurer of state for payment from the tax refund fund 2206
created under section 5703.052 of the Revised Code. If the 2207
amount is less than that claimed, the commissioner shall proceed 2208

in accordance with section 5703.70 of the Revised Code. 2209

(E) Refunds granted under this section shall include 2210
interest as provided by section 5739.132 of the Revised Code. 2211

Sec. 128.52. (A) ~~Beginning on July 1, 2013, each~~ Each 2212
seller of a prepaid wireless calling service required to collect 2213
prepaid wireless 9-1-1 charges under ~~division (B) of~~ section 2214
~~128.42~~ 128.40 of the Revised Code or next generation 9-1-1 2215
access fees under section 128.421 of the Revised Code shall also 2216
be subject to the provisions of Chapter 5739. of the Revised 2217
Code regarding the excise tax on retail sales levied under 2218
section 5739.02 of the Revised Code, as those provisions apply 2219
to audits, assessments, appeals, enforcement, liability, and 2220
penalties. 2221

(B) The tax commissioner shall establish procedures by 2222
which a person may document that a sale is not a retail sale of 2223
a prepaid wireless calling service. The procedures shall 2224
substantially coincide with similar procedures under Chapter 2225
5739. of the Revised Code. 2226

Sec. 128.54. (A) (1) For the purpose of receiving, 2227
distributing, and accounting for amounts received from the 2228
wireless 9-1-1 charges imposed under section 128.40 of the 2229
Revised Code and the next generation 9-1-1 access fees imposed 2230
under sections 128.41 and 128.42 of the Revised Code, the 2231
following funds are created in the state treasury: 2232

(a) The ~~wireless~~ 9-1-1 government assistance fund; 2233

(b) The ~~wireless~~ 9-1-1 administrative fund; 2234

(c) The ~~wireless~~ 9-1-1 program fund; 2235

(d) The next generation 9-1-1 fund. 2236

(2) Amounts remitted under section 128.46 of the Revised 2237
Code shall be paid to the treasurer of state for deposit as 2238
follows: 2239

(a) ~~Ninety-seven-Seventy-two~~ per cent to the ~~wireless-9-1-~~ 2240
1 government assistance fund. All interest earned on the 2241
~~wireless-9-1-1~~ government assistance fund shall be credited to 2242
the fund. 2243

(b) One per cent to the ~~wireless-9-1-1~~ administrative 2244
fund; 2245

(c) Two per cent to the 9-1-1 program fund; 2246

(d) Twenty-five per cent to the next generation 9-1-1 2247
fund. 2248

(3) The tax commissioner shall use the ~~wireless-9-1-1~~ 2249
administrative fund to defray the costs incurred in carrying out 2250
this chapter. 2251

(4) The steering committee shall use the 9-1-1 program 2252
fund to defray the costs incurred by the steering committee in 2253
carrying out this chapter. 2254

(5) Annually, the tax commissioner, after paying 2255
administrative costs under division (A) (3) of this section, 2256
shall transfer any excess remaining in the ~~wireless-9-1-1~~ 2257
administrative fund to the next generation 9-1-1 fund, created 2258
under this section. 2259

(B) At the direction of the steering committee, the tax 2260
commissioner shall transfer the funds remaining in the ~~wireless-~~ 2261
9-1-1 government assistance fund to the credit of the next 2262
generation 9-1-1 fund. All interest earned on the next 2263
generation 9-1-1 fund shall be credited to the fund. 2264

(C) From the ~~wireless~~ 9-1-1 government assistance fund, 2265
the director of budget and management shall, as funds are 2266
available, transfer to the tax refund fund, created under 2267
section 5703.052 of the Revised Code, amounts equal to the 2268
refunds certified by the tax commissioner under division (D) of 2269
section 128.47 of the Revised Code. 2270

Sec. 128.55. (A) (1) The tax commissioner, ~~not later than~~ 2271
~~the last day of each month,~~ shall disburse moneys from the 2272
~~wireless~~ 9-1-1 government assistance fund, plus any accrued 2273
interest on the fund, to each county treasurer in the same 2274
proportion distributed to that county by the tax commissioner in 2275
the corresponding calendar month of the previous year. Any 2276
shortfall in distributions resulting from the timing of funds 2277
received in a previous month shall be distributed in the 2278
following month. Disbursements shall occur not later than the 2279
tenth day of the month succeeding the month in which the 2280
wireless 9-1-1 charges imposed under section 128.40 of the 2281
Revised Code and the next generation 9-1-1 access fees imposed 2282
under sections 128.41 and 128.42 of the Revised Code are 2283
remitted. 2284

(2) The ~~tax commissioner shall disburse moneys from the~~ 2285
~~next generation 9-1-1 fund in accordance with the guidelines~~ 2286
~~established under section 128.022 of the Revised Code shall be~~ 2287
administered by the department of administrative services and 2288
used exclusively to pay costs of installing, maintaining, and 2289
operating the call routing and core services statewide next 2290
generation 9-1-1 system. 2291

(B) Immediately upon receipt by a county treasurer of a 2292
disbursement under division (A) of this section, the county 2293
shall disburse, in accordance with the allocation formula set 2294

forth in the final plan, the amount the county so received to 2295
any other subdivisions in the county and any regional councils 2296
of governments in the county that pay the costs of a public 2297
safety answering point providing wireless enhanced 9-1-1 under 2298
the plan. 2299

(C) Nothing in this chapter affects the authority of a 2300
subdivision operating or served by a public safety answering 2301
point of a 9-1-1 system or a regional council of governments 2302
operating a public safety answering point of a 9-1-1 system to 2303
use, as provided in the final plan for the system ~~or in an~~ 2304
~~agreement under section 128.09 of the Revised Code~~, any other 2305
authorized revenue of the subdivision or the regional council of 2306
governments for the purposes of providing basic or enhanced 9-1- 2307
1. 2308

Sec. 128.57. ~~Except as otherwise provided in section~~ 2309
~~128.571 of the Revised Code:~~ 2310

(A) A countywide 9-1-1 system receiving a disbursement 2311
under section 128.55 of the Revised Code shall provide 2312
countywide wireless enhanced 9-1-1 in accordance with this 2313
chapter beginning as soon as reasonably possible after receipt 2314
of the first disbursement or, if that service is already 2315
implemented, shall continue to provide such service. Except as 2316
provided in divisions (B), (C), ~~and (E)~~, and (F) of this 2317
section, a disbursement shall be used solely for the purpose of 2318
paying either or both of the following: 2319

(1) Any costs of ~~designing~~ the following: 2320

(a) Designing, upgrading, purchasing, leasing, 2321
programming, installing, testing, or maintaining the necessary 2322
data, hardware, software, and trunking required for the public 2323

safety answering point or points of the 9-1-1 system to provide 2324
wireless, enhanced, or next generation 9-1-1, ~~which costs are~~ 2325
~~incurred before or on or after May 6, 2005, and consist of such~~ 2326
~~additional costs of the 9-1-1 system over and above any costs~~ 2327
~~incurred to provide wireline 9-1-1 or to otherwise provide~~ 2328
~~wireless enhanced 9-1-1. Annually, up to twenty five thousand~~ 2329
~~dollars of the disbursements received on or after January 1,~~ 2330
~~2009, may be applied to data, hardware, and software that~~ 2331
~~automatically alerts personnel receiving a 9-1-1 call that a~~ 2332
~~person at the subscriber's address or telephone number may have~~ 2333
~~a mental or physical disability, of which that personnel shall~~ 2334
~~inform the appropriate service;~~ 2335

(b) Processing 9-1-1 emergency calls from the point of 2336
origin to include any expense for interoperable bidirectional 2337
computer aided dispatch data transfers with other public safety 2338
answering points or emergency services organizations and 2339
transferring and receiving law enforcement, fire, and emergency 2340
medical service provider. On or after the provision of technical 2341
and operational standards pursuant to section 128.021 of the 2342
Revised Code, a regional council of governments operating a 2343
public safety answering point or a subdivision shall consider 2344
the standards before incurring any costs described in this 2345
division. data via wireless or internet connections from public 2346
safety answering points or emergency services organizations to 2347
all applicable emergency responders. 2348

(2) Any costs of training the staff of the public safety 2349
answering point or points to provide wireless enhanced 9-1-1, 2350
~~which costs are incurred before or on or after May 6, 2005.~~ 2351

(B) A subdivision or a regional council of governments 2352
that certifies to the steering committee that it has paid the 2353

costs described in divisions (A) (1) and (2) of this section and 2354
is providing countywide wireless enhanced 9-1-1 may use 2355
disbursements received under section 128.55 of the Revised Code 2356
to pay any of its personnel costs of one or more public safety 2357
answering points providing countywide wireless enhanced 9-1-1. 2358

(C) After receiving its July 2013 disbursement under 2359
division (A) of section 128.55 of the Revised Code as that 2360
division existed prior to the amendments to that division by 2361
H.B. 64 of the 131st general assembly, a regional council of 2362
governments operating a public safety answering point or a 2363
subdivision may use any remaining balance of disbursements it 2364
received under that division, as it existed prior to the 2365
amendments to it by H.B. 64 of the 131st general assembly, to 2366
pay any of its costs of providing countywide wireless 9-1-1, 2367
including the personnel costs of one or more public safety 2368
answering points providing that service. 2369

(D) The costs described in divisions (A), (B), (C), and 2370
(E) of this section may include any such costs payable pursuant 2371
to an agreement under division ~~(J)~~ (I) of section 128.03 of the 2372
Revised Code. 2373

(E) (1) No disbursement to a countywide 9-1-1 system for 2374
costs of a public safety answering point shall be made from the 2375
~~wireless~~ 9-1-1 government assistance fund or the next generation 2376
9-1-1 fund unless the public safety answering point meets the 2377
standards set by rule of the steering committee under section 2378
128.021 of the Revised Code. 2379

(2) The steering committee shall monitor compliance with 2380
the standards and shall notify the tax commissioner to suspend 2381
disbursements to a countywide 9-1-1 system that fails to meet 2382
the standards. Upon receipt of this notification, the 2383

commissioner shall suspend disbursements until the commissioner 2384
is notified of compliance with the standards. 2385

(F) The auditor of state may audit and review each 2386
county's expenditures of funds received from the ~~wireless~~ 9-1-1 2387
government assistance fund to verify that the funds were used in 2388
accordance with the requirements of this chapter. All funds 2389
generated from the next generation 9-1-1 access fee imposed 2390
under sections 128.41 and 128.42 of the Revised Code may be used 2391
only for 9-1-1 related expenses. 2392

Sec. 128.60. (A) (1) A telephone company, the state highway 2393
patrol as described in division ~~(J)~~ (I) of section 128.03 of the 2394
Revised Code, and each subdivision or regional council of 2395
governments operating one or more public safety answering points 2396
for a countywide system providing wireless 9-1-1, shall provide 2397
the steering committee and the tax commissioner with such 2398
information as the steering committee and tax commissioner 2399
request for the purposes of carrying out their duties under this 2400
chapter, including, but not limited to, duties regarding the 2401
collection of the wireless 9-1-1 charges imposed under section 2402
128.40 of the Revised Code and the next generation 9-1-1 access 2403
fee imposed under sections 128.41 and 128.42 of the Revised 2404
Code. 2405

(2) A wireless service provider shall provide an official, 2406
employee, agent, or representative of a subdivision or regional 2407
council of governments operating a public safety answering 2408
point, or of the state highway patrol as described in division 2409
~~(J)~~ (I) of section 128.03 of the Revised Code, with such 2410
technical, service, and location information as the official, 2411
employee, agent, or representative requests for the purpose of 2412
providing wireless 9-1-1. 2413

(3) A subdivision or regional council of governments 2414
operating one or more public safety answering points of a 9-1-1 2415
system, and a telephone company, shall provide to the steering 2416
committee such information as the steering committee requires 2417
for the purpose of carrying out its duties under Chapter 128. of 2418
the Revised Code. 2419

(B) (1) Any information provided under division (A) of this 2420
section that consists of trade secrets as defined in section 2421
1333.61 of the Revised Code or of information regarding the 2422
customers, revenues, expenses, or network information of a 2423
telephone company shall be confidential and does not constitute 2424
a public record for the purpose of section 149.43 of the Revised 2425
Code. 2426

(2) The steering committee, tax commissioner, and any 2427
official, employee, agent, or representative of the steering 2428
committee, of the tax commissioner, of the state highway patrol 2429
as described in division ~~(J)~~ (I) of section 128.03 of the 2430
Revised Code, or of a subdivision or regional council of 2431
governments operating a public safety answering point, while 2432
acting or claiming to act in the capacity of the steering 2433
committee or tax commissioner or such official, employee, agent, 2434
or representative, shall not disclose any information provided 2435
under division (A) of this section regarding a telephone 2436
company's customers, revenues, expenses, or network information. 2437
Nothing in division (B) (2) of this section precludes any such 2438
information from being aggregated and included in any report of 2439
the steering committee, tax commissioner, or any official, 2440
employee, agent, or representative of the steering committee or 2441
tax commissioner, provided the aggregated information does not 2442
identify the number of any particular company's customers or the 2443
amount of its revenues or expenses or identify a particular 2444

company as to any network information. 2445

Sec. 128.63. ~~(A)~~ The tax commissioner may adopt rules in 2446
accordance with Chapter 119. of the Revised Code to carry out 2447
this chapter, including rules prescribing the necessary 2448
accounting for the collection fee under division (B) ~~(4)~~ of 2449
section 128.46 of the Revised Code. 2450

~~(B) The amounts of the wireless 9-1-1 charges shall be~~ 2451
~~prescribed only by act of the general assembly.~~ 2452

Sec. ~~128.32~~ 128.96. (A) (1) The state, the state highway 2453
patrol, a subdivision, or a regional council of governments 2454
participating in a 9-1-1 system established under this chapter 2455
and any officer, agent, employee, or independent contractor of 2456
the state, the state highway patrol, or such a participating 2457
subdivision or regional council of governments is not liable in 2458
damages in a civil action for injuries, death, or loss to 2459
persons or property arising from any act or omission, except 2460
willful or wanton misconduct, in connection with developing, 2461
adopting, or approving any final plan ~~or any agreement made~~ 2462
~~under section 128.09 of the Revised Code~~ or otherwise bringing 2463
into operation the 9-1-1 system pursuant to this chapter. 2464

(2) The steering committee and any member of the steering 2465
committee are not liable in damages in a civil action for 2466
injuries, death, or loss to persons or property arising from any 2467
act or omission, except willful or wanton misconduct, in 2468
connection with the development or operation of a 9-1-1 system 2469
established under this chapter. 2470

(B) Except as otherwise provided in this section, an 2471
individual who gives emergency instructions through a 9-1-1 2472
system established under this chapter, and the principals for 2473

whom the person acts, including both employers and independent 2474
contractors, public and private, and an individual who follows 2475
emergency instructions and the principals for whom that person 2476
acts, including both employers and independent contractors, 2477
public and private, are not liable in damages in a civil action 2478
for injuries, death, or loss to persons or property arising from 2479
the issuance or following of emergency instructions, except 2480
where the issuance or following of the instructions constitutes 2481
willful or wanton misconduct. 2482

(C) Except for willful or wanton misconduct, a telephone 2483
company, and any other installer, maintainer, or provider, 2484
through the sale or otherwise, of customer premises equipment, 2485
or service used for or with a 9-1-1 system, and their respective 2486
officers, directors, employees, agents, suppliers, corporate 2487
parents, and affiliates are not liable in damages in a civil 2488
action for injuries, death, or loss to persons or property 2489
incurred by any person resulting from any of the following: 2490

(1) Such an entity's or its officers', directors', 2491
employees', agents', or suppliers' participation in or acts or 2492
omissions in connection with participating in or developing, 2493
maintaining, or operating a 9-1-1 system; 2494

(2) Such an entity's or its officers', directors', 2495
employees', agents', or suppliers' provision of assistance to a 2496
public utility, municipal utility, or state or local government 2497
as authorized by divisions ~~(G) (4)~~ (H) (4) and (5) of this 2498
section. 2499

(D) Except for willful or wanton misconduct, a provider of 2500
and a seller of a prepaid wireless calling service and their 2501
respective officers, directors, employees, agents, and suppliers 2502
are not liable in damages in a civil action for injuries, death, 2503

or loss to persons or property incurred by any person resulting 2504
from anything described in division (C) of this section. 2505

(E) Except for willful or wanton misconduct, a 9-1-1 2506
system service provider and the provider's respective officers, 2507
directors, employees, agents, and suppliers are not liable for 2508
any damages in a civil action for injuries, death, or loss to 2509
persons or property incurred by any person resulting from 2510
developing, adopting, implementing, maintaining, or operating a 2511
9-1-1 system, or from complying with emergency-related 2512
information requests from state or local government officials. 2513

(F) No person shall knowingly use the telephone number of 2514
a 9-1-1 system established under this chapter to report an 2515
emergency if the person knows that no emergency exists. 2516

~~(F)~~ (G) No person shall knowingly use a 9-1-1 system for a 2517
purpose other than obtaining emergency service. 2518

~~(G)~~ (H) No person shall disclose or use any information 2519
concerning telephone numbers, addresses, or names obtained from 2520
the data base that serves the public safety answering point of a 2521
9-1-1 system established under this chapter, except for any of 2522
the following purposes or under any of the following 2523
circumstances: 2524

(1) For the purpose of the 9-1-1 system; 2525

(2) For the purpose of responding to an emergency call to 2526
an emergency service provider; 2527

(3) In the circumstance of the inadvertent disclosure of 2528
such information due solely to technology of the wireline 2529
telephone network portion of the 9-1-1 system not allowing 2530
access to the data base to be restricted to 9-1-1 specific 2531
answering lines at a public safety answering point; 2532

(4) In the circumstance of access to a data base being 2533
given by a telephone company that is a wireline service provider 2534
to a public utility or municipal utility in handling customer 2535
calls in times of public emergency or service outages. The 2536
charge, terms, and conditions for the disclosure or use of such 2537
information for the purpose of such access to a data base shall 2538
be subject to the jurisdiction of the steering committee. 2539

(5) In the circumstance of access to a data base given by 2540
a telephone company that is a wireline service provider to a 2541
state and local government in warning of a public emergency, as 2542
determined by the steering committee. The charge, terms, and 2543
conditions for the disclosure or use of that information for the 2544
purpose of access to a data base is subject to the jurisdiction 2545
of the steering committee. 2546

Sec. ~~128.34~~ 128.98. (A) The attorney general, upon request 2547
of the steering committee, or on the attorney general's own 2548
initiative, shall begin proceedings against a telephone company 2549
that is a wireline service provider to enforce compliance with 2550
this chapter or with the terms, conditions, requirements, or 2551
specifications of a final plan ~~or of an agreement under section~~ 2552
~~128.09 of the Revised Code~~ as to wireline or wireless 9-1-1. 2553

(B) The attorney general, upon the attorney general's own 2554
initiative, or any prosecutor, upon the prosecutor's initiative, 2555
shall begin proceedings against a subdivision or a regional 2556
council of governments as to wireline or wireless 9-1-1 to 2557
enforce compliance with this chapter or with the terms, 2558
conditions, requirements, or specifications of a final plan ~~or~~ 2559
~~of an agreement under section 128.09 of the Revised Code~~ as to 2560
wireline or wireless 9-1-1. 2561

Sec. 128.99. (A) Whoever violates division ~~(E)~~ (F) of 2562

section ~~128.32-128.96~~ of the Revised Code is guilty of a 2563
misdemeanor of the fourth degree. 2564

(B) Whoever violates division ~~(F) or~~ (G) or (H) of section 2565
~~128.32-128.96~~ or division (B) (2) of section 128.60 of the 2566
Revised Code is guilty of a misdemeanor of the fourth degree on 2567
a first offense and a felony of the fifth degree on each 2568
subsequent offense. 2569

(C) If a wireless service provider, reseller, or seller 2570
violates division ~~(B) (A)~~ (1) (a) of section 128.46 of the Revised 2571
Code, and does not comply with any extensions granted under 2572
division ~~(B) (2)~~ (A) (2) of that section, the tax commissioner may 2573
impose a late-filing penalty of not more than the greater of 2574
fifty dollars or five per cent of the amount required to be 2575
remitted as described in division (B) (1) (b) of that section. 2576

(D) If a wireless service provider, reseller, or seller 2577
fails to comply with division ~~(B) (A)~~ (1) (b) of section 128.46 of 2578
the Revised Code, the tax commissioner may impose a late-payment 2579
penalty of not more than the greater of fifty dollars or five 2580
per cent of the wireless 9-1-1 charge required to be remitted 2581
for the reporting period minus any partial remittance made on or 2582
before the due date, including any extensions granted under 2583
division ~~(B) (A)~~ (2) of section 128.46 of the Revised Code. 2584

(E) The tax commissioner may impose an assessment penalty 2585
of not more than the greater of one hundred dollars or thirty- 2586
five per cent of the wireless 9-1-1 charges due after the tax 2587
commissioner notifies the person of an audit, an examination, a 2588
delinquency, assessment, or other notice that additional 2589
wireless 9-1-1 charges are due. 2590

(F) If a wireless service provider, reseller, or seller 2591

fails to comply with either electronic requirement of division 2592
~~(B) (5)~~ (C) of section 128.46 of the Revised Code, the tax 2593
commissioner may impose an electronic penalty, for either or 2594
both failures to comply, of not more than the lesser of the 2595
following: 2596

(1) The greater of one hundred dollars or ten per cent of 2597
the amount required to be, but not, remitted electronically; 2598

(2) Five thousand dollars. 2599

(G) Each penalty described in divisions (C) to (F) of this 2600
section is in addition to any other penalty described in those 2601
divisions. The tax commissioner may abate all or any portion of 2602
any penalty described in those divisions. 2603

(H) An operator in violation of section 128.24 of the 2604
Revised Code may be assessed a fine of up to five thousand 2605
dollars per offense. 2606

(I) (1) If a business service user fails to comply with 2607
section 128.241 of the Revised Code without being exempt under 2608
section 128.242 of the Revised Code, the 9-1-1 steering 2609
committee shall request the attorney general to bring an action 2610
to recover one of the following amounts from the user: 2611

(a) One thousand dollars for an initial failure; 2612

(b) Up to five thousand dollars for each subsequent 2613
failure within each continuing six-month period in which the 2614
user remains noncompliant. 2615

(2) Any funds recovered under division (I) (1) of this 2616
section shall be deposited into the next generation 9-1-1 fund 2617
created under section 128.54 of the Revised Code. 2618

(3) Divisions (I) (1) and (2) of this section shall not 2619

apply if they are preempted by or in conflict with federal law. 2620

Sec. 149.43. (A) As used in this section: 2621

(1) "Public record" means records kept by any public 2622
office, including, but not limited to, state, county, city, 2623
village, township, and school district units, and records 2624
pertaining to the delivery of educational services by an 2625
alternative school in this state kept by the nonprofit or for- 2626
profit entity operating the alternative school pursuant to 2627
section 3313.533 of the Revised Code. "Public record" does not 2628
mean any of the following: 2629

(a) Medical records; 2630

(b) Records pertaining to probation and parole 2631
proceedings, to proceedings related to the imposition of 2632
community control sanctions and post-release control sanctions, 2633
or to proceedings related to determinations under section 2634
2967.271 of the Revised Code regarding the release or maintained 2635
incarceration of an offender to whom that section applies; 2636

(c) Records pertaining to actions under section 2151.85 2637
and division (C) of section 2919.121 of the Revised Code and to 2638
appeals of actions arising under those sections; 2639

(d) Records pertaining to adoption proceedings, including 2640
the contents of an adoption file maintained by the department of 2641
health under sections 3705.12 to 3705.124 of the Revised Code; 2642

(e) Information in a record contained in the putative 2643
father registry established by section 3107.062 of the Revised 2644
Code, regardless of whether the information is held by the 2645
department of job and family services or, pursuant to section 2646
3111.69 of the Revised Code, the office of child support in the 2647
department or a child support enforcement agency; 2648

(f) Records specified in division (A) of section 3107.52	2649
of the Revised Code;	2650
(g) Trial preparation records;	2651
(h) Confidential law enforcement investigatory records;	2652
(i) Records containing information that is confidential	2653
under section 2710.03 or 4112.05 of the Revised Code;	2654
(j) DNA records stored in the DNA database pursuant to	2655
section 109.573 of the Revised Code;	2656
(k) Inmate records released by the department of	2657
rehabilitation and correction to the department of youth	2658
services or a court of record pursuant to division (E) of	2659
section 5120.21 of the Revised Code;	2660
(l) Records maintained by the department of youth services	2661
pertaining to children in its custody released by the department	2662
of youth services to the department of rehabilitation and	2663
correction pursuant to section 5139.05 of the Revised Code;	2664
(m) Intellectual property records;	2665
(n) Donor profile records;	2666
(o) Records maintained by the department of job and family	2667
services pursuant to section 3121.894 of the Revised Code;	2668
(p) Designated public service worker residential and	2669
familial information;	2670
(q) In the case of a county hospital operated pursuant to	2671
Chapter 339. of the Revised Code or a municipal hospital	2672
operated pursuant to Chapter 749. of the Revised Code,	2673
information that constitutes a trade secret, as defined in	2674
section 1333.61 of the Revised Code;	2675

(r) Information pertaining to the recreational activities 2676
of a person under the age of eighteen; 2677

(s) In the case of a child fatality review board acting 2678
under sections 307.621 to 307.629 of the Revised Code or a 2679
review conducted pursuant to guidelines established by the 2680
director of health under section 3701.70 of the Revised Code, 2681
records provided to the board or director, statements made by 2682
board members during meetings of the board or by persons 2683
participating in the director's review, and all work products of 2684
the board or director, and in the case of a child fatality 2685
review board, child fatality review data submitted by the board 2686
to the department of health or a national child death review 2687
database, other than the report prepared pursuant to division 2688
(A) of section 307.626 of the Revised Code; 2689

(t) Records provided to and statements made by the 2690
executive director of a public children services agency or a 2691
prosecuting attorney acting pursuant to section 5153.171 of the 2692
Revised Code other than the information released under that 2693
section; 2694

(u) Test materials, examinations, or evaluation tools used 2695
in an examination for licensure as a nursing home administrator 2696
that the board of executives of long-term services and supports 2697
administers under section 4751.15 of the Revised Code or 2698
contracts under that section with a private or government entity 2699
to administer; 2700

(v) Records the release of which is prohibited by state or 2701
federal law; 2702

(w) Proprietary information of or relating to any person 2703
that is submitted to or compiled by the Ohio venture capital 2704

authority created under section 150.01 of the Revised Code; 2705

(x) Financial statements and data any person submits for 2706
any purpose to the Ohio housing finance agency or the 2707
controlling board in connection with applying for, receiving, or 2708
accounting for financial assistance from the agency, and 2709
information that identifies any individual who benefits directly 2710
or indirectly from financial assistance from the agency; 2711

(y) Records listed in section 5101.29 of the Revised Code; 2712

(z) Discharges recorded with a county recorder under 2713
section 317.24 of the Revised Code, as specified in division (B) 2714
(2) of that section; 2715

(aa) Usage information including names and addresses of 2716
specific residential and commercial customers of a municipally 2717
owned or operated public utility; 2718

(bb) Records described in division (C) of section 187.04 2719
of the Revised Code that are not designated to be made available 2720
to the public as provided in that division; 2721

(cc) Information and records that are made confidential, 2722
privileged, and not subject to disclosure under divisions (B) 2723
and (C) of section 2949.221 of the Revised Code; 2724

(dd) Personal information, as defined in section 149.45 of 2725
the Revised Code; 2726

(ee) The confidential name, address, and other personally 2727
identifiable information of a program participant in the address 2728
confidentiality program established under sections 111.41 to 2729
111.47 of the Revised Code, including the contents of any 2730
application for absent voter's ballots, absent voter's ballot 2731
identification envelope statement of voter, or provisional 2732

ballot affirmation completed by a program participant who has a 2733
confidential voter registration record; records or portions of 2734
records pertaining to that program that identify the number of 2735
program participants that reside within a precinct, ward, 2736
township, municipal corporation, county, or any other geographic 2737
area smaller than the state; and any real property 2738
confidentiality notice filed under section 111.431 of the 2739
Revised Code and the information described in division (C) of 2740
that section. As used in this division, "confidential address" 2741
and "program participant" have the meaning defined in section 2742
111.41 of the Revised Code. 2743

(ff) Orders for active military service of an individual 2744
serving or with previous service in the armed forces of the 2745
United States, including a reserve component, or the Ohio 2746
organized militia, except that, such order becomes a public 2747
record on the day that is fifteen years after the published date 2748
or effective date of the call to order; 2749

(gg) The name, address, contact information, or other 2750
personal information of an individual who is less than eighteen 2751
years of age that is included in any record related to a traffic 2752
accident involving a school vehicle in which the individual was 2753
an occupant at the time of the accident; 2754

(hh) Protected health information, as defined in 45 C.F.R. 2755
160.103, that is in a claim for payment for a health care 2756
product, service, or procedure, as well as any other health 2757
claims data in another document that reveals the identity of an 2758
individual who is the subject of the data or could be used to 2759
reveal that individual's identity; 2760

(ii) Any depiction by photograph, film, videotape, or 2761
printed or digital image under either of the following 2762

circumstances: 2763

(i) The depiction is that of a victim of an offense the 2764
release of which would be, to a reasonable person of ordinary 2765
sensibilities, an offensive and objectionable intrusion into the 2766
victim's expectation of bodily privacy and integrity. 2767

(ii) The depiction captures or depicts the victim of a 2768
sexually oriented offense, as defined in section 2950.01 of the 2769
Revised Code, at the actual occurrence of that offense. 2770

(jj) Restricted portions of a body-worn camera or 2771
dashboard camera recording; 2772

(kk) In the case of a fetal-infant mortality review board 2773
acting under sections 3707.70 to 3707.77 of the Revised Code, 2774
records, documents, reports, or other information presented to 2775
the board or a person abstracting such materials on the board's 2776
behalf, statements made by review board members during board 2777
meetings, all work products of the board, and data submitted by 2778
the board to the department of health or a national infant death 2779
review database, other than the report prepared pursuant to 2780
section 3707.77 of the Revised Code. 2781

(ll) Records, documents, reports, or other information 2782
presented to the pregnancy-associated mortality review board 2783
established under section 3738.01 of the Revised Code, 2784
statements made by board members during board meetings, all work 2785
products of the board, and data submitted by the board to the 2786
department of health, other than the biennial reports prepared 2787
under section 3738.08 of the Revised Code; 2788

(mm) Except as otherwise provided in division (A) (1) (oo) 2789
of this section, telephone numbers for a victim, as defined in 2790
section 2930.01 of the Revised Code or a witness to a crime that 2791

are listed on any law enforcement record or report. 2792

(nn) A preneed funeral contract, as defined in section 2793
4717.01 of the Revised Code, and contract terms and personally 2794
identifying information of a preneed funeral contract, that is 2795
contained in a report submitted by or for a funeral home to the 2796
board of embalmers and funeral directors under division (C) of 2797
section 4717.13, division (J) of section 4717.31, or section 2798
4717.41 of the Revised Code. 2799

(oo) Telephone numbers for a party to a motor vehicle 2800
accident subject to the requirements of section 5502.11 of the 2801
Revised Code that are listed on any law enforcement record or 2802
report, except that the telephone numbers described in this 2803
division are not excluded from the definition of "public record" 2804
under this division on and after the thirtieth day after the 2805
occurrence of the motor vehicle accident. 2806

(pp) Records pertaining to individuals who complete 2807
training under section 5502.703 of the Revised Code to be 2808
permitted by a school district board of education or governing 2809
body of a community school established under Chapter 3314. of 2810
the Revised Code, a STEM school established under Chapter 3326. 2811
of the Revised Code, or a chartered nonpublic school to convey 2812
deadly weapons or dangerous ordnance into a school safety zone; 2813

(qq) Records, documents, reports, or other information 2814
presented to a domestic violence fatality review board 2815
established under section 307.651 of the Revised Code, 2816
statements made by board members during board meetings, all work 2817
products of the board, and data submitted by the board to the 2818
department of health, other than a report prepared pursuant to 2819
section 307.656 of the Revised Code; 2820

(rr) Records, documents, and information the release of 2821
which is prohibited under sections 2930.04 and 2930.07 of the 2822
Revised Code; 2823

(ss) Records of an existing qualified nonprofit 2824
corporation that creates a special improvement district under 2825
Chapter 1710. of the Revised Code that do not pertain to a 2826
purpose for which the district is created. 2827

A record that is not a public record under division (A) (1) 2828
of this section and that, under law, is permanently retained 2829
becomes a public record on the day that is seventy-five years 2830
after the day on which the record was created, except for any 2831
record protected by the attorney-client privilege, a trial 2832
preparation record as defined in this section, a statement 2833
prohibiting the release of identifying information signed under 2834
section 3107.083 of the Revised Code, a denial of release form 2835
filed pursuant to section 3107.46 of the Revised Code, or any 2836
record that is exempt from release or disclosure under section 2837
149.433 of the Revised Code. If the record is a birth 2838
certificate and a biological parent's name redaction request 2839
form has been accepted under section 3107.391 of the Revised 2840
Code, the name of that parent shall be redacted from the birth 2841
certificate before it is released under this paragraph. If any 2842
other section of the Revised Code establishes a time period for 2843
disclosure of a record that conflicts with the time period 2844
specified in this section, the time period in the other section 2845
prevails. 2846

(2) "Confidential law enforcement investigatory record" 2847
means any record that pertains to a law enforcement matter of a 2848
criminal, quasi-criminal, civil, or administrative nature, but 2849
only to the extent that the release of the record would create a 2850

high probability of disclosure of any of the following: 2851

(a) The identity of a suspect who has not been charged 2852
with the offense to which the record pertains, or of an 2853
information source or witness to whom confidentiality has been 2854
reasonably promised; 2855

(b) Information provided by an information source or 2856
witness to whom confidentiality has been reasonably promised, 2857
which information would reasonably tend to disclose the source's 2858
or witness's identity; 2859

(c) Specific confidential investigatory techniques or 2860
procedures or specific investigatory work product; 2861

(d) Information that would endanger the life or physical 2862
safety of law enforcement personnel, a crime victim, a witness, 2863
or a confidential information source. 2864

(3) "Medical record" means any document or combination of 2865
documents, except births, deaths, and the fact of admission to 2866
or discharge from a hospital, that pertains to the medical 2867
history, diagnosis, prognosis, or medical condition of a patient 2868
and that is generated and maintained in the process of medical 2869
treatment. 2870

(4) "Trial preparation record" means any record that 2871
contains information that is specifically compiled in reasonable 2872
anticipation of, or in defense of, a civil or criminal action or 2873
proceeding, including the independent thought processes and 2874
personal trial preparation of an attorney. 2875

(5) "Intellectual property record" means a record, other 2876
than a financial or administrative record, that is produced or 2877
collected by or for faculty or staff of a state institution of 2878
higher learning in the conduct of or as a result of study or 2879

research on an educational, commercial, scientific, artistic, 2880
technical, or scholarly issue, regardless of whether the study 2881
or research was sponsored by the institution alone or in 2882
conjunction with a governmental body or private concern, and 2883
that has not been publicly released, published, or patented. 2884

(6) "Donor profile record" means all records about donors 2885
or potential donors to a public institution of higher education 2886
except the names and reported addresses of the actual donors and 2887
the date, amount, and conditions of the actual donation. 2888

(7) "Designated public service worker" means a peace 2889
officer, parole officer, probation officer, bailiff, prosecuting 2890
attorney, assistant prosecuting attorney, correctional employee, 2891
county or multicounty corrections officer, community-based 2892
correctional facility employee, designated Ohio national guard 2893
member, protective services worker, youth services employee, 2894
firefighter, EMT, medical director or member of a cooperating 2895
physician advisory board of an emergency medical service 2896
organization, state board of pharmacy employee, investigator of 2897
the bureau of criminal identification and investigation, 2898
emergency service telecommunicator, forensic mental health 2899
provider, mental health evaluation provider, regional 2900
psychiatric hospital employee, judge, magistrate, or federal law 2901
enforcement officer. 2902

(8) "Designated public service worker residential and 2903
familial information" means any information that discloses any 2904
of the following about a designated public service worker: 2905

(a) The address of the actual personal residence of a 2906
designated public service worker, except for the following 2907
information: 2908

(i) The address of the actual personal residence of a 2909
prosecuting attorney or judge; and 2910

(ii) The state or political subdivision in which a 2911
designated public service worker resides. 2912

(b) Information compiled from referral to or participation 2913
in an employee assistance program; 2914

(c) The social security number, the residential telephone 2915
number, any bank account, debit card, charge card, or credit 2916
card number, or the emergency telephone number of, or any 2917
medical information pertaining to, a designated public service 2918
worker; 2919

(d) The name of any beneficiary of employment benefits, 2920
including, but not limited to, life insurance benefits, provided 2921
to a designated public service worker by the designated public 2922
service worker's employer; 2923

(e) The identity and amount of any charitable or 2924
employment benefit deduction made by the designated public 2925
service worker's employer from the designated public service 2926
worker's compensation, unless the amount of the deduction is 2927
required by state or federal law; 2928

(f) The name, the residential address, the name of the 2929
employer, the address of the employer, the social security 2930
number, the residential telephone number, any bank account, 2931
debit card, charge card, or credit card number, or the emergency 2932
telephone number of the spouse, a former spouse, or any child of 2933
a designated public service worker; 2934

(g) A photograph of a peace officer who holds a position 2935
or has an assignment that may include undercover or plain 2936
clothes positions or assignments as determined by the peace 2937

officer's appointing authority. 2938

(9) As used in divisions (A) (7) and (15) to (17) of this 2939
section: 2940

"Peace officer" has the meaning defined in section 109.71 2941
of the Revised Code and also includes the superintendent and 2942
troopers of the state highway patrol; it does not include the 2943
sheriff of a county or a supervisory employee who, in the 2944
absence of the sheriff, is authorized to stand in for, exercise 2945
the authority of, and perform the duties of the sheriff. 2946

"Correctional employee" means any employee of the 2947
department of rehabilitation and correction who in the course of 2948
performing the employee's job duties has or has had contact with 2949
inmates and persons under supervision. 2950

"County or multicounty corrections officer" means any 2951
corrections officer employed by any county or multicounty 2952
correctional facility. 2953

"Designated Ohio national guard member" means a member of 2954
the Ohio national guard who is participating in duties related 2955
to remotely piloted aircraft, including, but not limited to, 2956
pilots, sensor operators, and mission intelligence personnel, 2957
duties related to special forces operations, or duties related 2958
to cybersecurity, and is designated by the adjutant general as a 2959
designated public service worker for those purposes. 2960

"Protective services worker" means any employee of a 2961
county agency who is responsible for child protective services, 2962
child support services, or adult protective services. 2963

"Youth services employee" means any employee of the 2964
department of youth services who in the course of performing the 2965
employee's job duties has or has had contact with children 2966

committed to the custody of the department of youth services. 2967

"Firefighter" means any regular, paid or volunteer, member 2968
of a lawfully constituted fire department of a municipal 2969
corporation, township, fire district, or village. 2970

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2971
provide emergency medical services for a public emergency 2972
medical service organization. "Emergency medical service 2973
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2974
meanings defined in section 4765.01 of the Revised Code. 2975

"Investigator of the bureau of criminal identification and 2976
investigation" has the meaning defined in section 2903.11 of the 2977
Revised Code. 2978

"Emergency service telecommunicator" ~~has the meaning~~ 2979
~~defined in section 4742.01 of the Revised Code~~ means an 2980
individual employed by an emergency service provider as defined 2981
under section 128.01 of the Revised Code, whose primary 2982
responsibility is to be an operator for the receipt or 2983
processing of calls for emergency services made by telephone, 2984
radio, or other electronic means. 2985

"Forensic mental health provider" means any employee of a 2986
community mental health service provider or local alcohol, drug 2987
addiction, and mental health services board who, in the course 2988
of the employee's duties, has contact with persons committed to 2989
a local alcohol, drug addiction, and mental health services 2990
board by a court order pursuant to section 2945.38, 2945.39, 2991
2945.40, or 2945.402 of the Revised Code. 2992

"Mental health evaluation provider" means an individual 2993
who, under Chapter 5122. of the Revised Code, examines a 2994
respondent who is alleged to be a mentally ill person subject to 2995

court order, as defined in section 5122.01 of the Revised Code, 2996
and reports to the probate court the respondent's mental 2997
condition. 2998

"Regional psychiatric hospital employee" means any 2999
employee of the department of mental health and addiction 3000
services who, in the course of performing the employee's duties, 3001
has contact with patients committed to the department of mental 3002
health and addiction services by a court order pursuant to 3003
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 3004
Code. 3005

"Federal law enforcement officer" has the meaning defined 3006
in section 9.88 of the Revised Code. 3007

(10) "Information pertaining to the recreational 3008
activities of a person under the age of eighteen" means 3009
information that is kept in the ordinary course of business by a 3010
public office, that pertains to the recreational activities of a 3011
person under the age of eighteen years, and that discloses any 3012
of the following: 3013

(a) The address or telephone number of a person under the 3014
age of eighteen or the address or telephone number of that 3015
person's parent, guardian, custodian, or emergency contact 3016
person; 3017

(b) The social security number, birth date, or 3018
photographic image of a person under the age of eighteen; 3019

(c) Any medical record, history, or information pertaining 3020
to a person under the age of eighteen; 3021

(d) Any additional information sought or required about a 3022
person under the age of eighteen for the purpose of allowing 3023
that person to participate in any recreational activity 3024

conducted or sponsored by a public office or to use or obtain 3025
admission privileges to any recreational facility owned or 3026
operated by a public office. 3027

(11) "Community control sanction" has the meaning defined 3028
in section 2929.01 of the Revised Code. 3029

(12) "Post-release control sanction" has the meaning 3030
defined in section 2967.01 of the Revised Code. 3031

(13) "Redaction" means obscuring or deleting any 3032
information that is exempt from the duty to permit public 3033
inspection or copying from an item that otherwise meets the 3034
definition of a "record" in section 149.011 of the Revised Code. 3035

(14) "Designee," "elected official," and "future official" 3036
have the meanings defined in section 109.43 of the Revised Code. 3037

(15) "Body-worn camera" means a visual and audio recording 3038
device worn on the person of a correctional employee, youth 3039
services employee, or peace officer while the correctional 3040
employee, youth services employee, or peace officer is engaged 3041
in the performance of official duties. 3042

(16) "Dashboard camera" means a visual and audio recording 3043
device mounted on a peace officer's vehicle or vessel that is 3044
used while the peace officer is engaged in the performance of 3045
the peace officer's duties. 3046

(17) "Restricted portions of a body-worn camera or 3047
dashboard camera recording" means any visual or audio portion of 3048
a body-worn camera or dashboard camera recording that shows, 3049
communicates, or discloses any of the following: 3050

(a) The image or identity of a child or information that 3051
could lead to the identification of a child who is a primary 3052

subject of the recording when the department of rehabilitation 3053
and correction, department of youth services, or the law 3054
enforcement agency knows or has reason to know the person is a 3055
child based on the department's or law enforcement agency's 3056
records or the content of the recording; 3057

(b) The death of a person or a deceased person's body, 3058
unless the death was caused by a correctional employee, youth 3059
services employee, or peace officer or, subject to division (H) 3060
(1) of this section, the consent of the decedent's executor or 3061
administrator has been obtained; 3062

(c) The death of a correctional employee, youth services 3063
employee, peace officer, firefighter, paramedic, or other first 3064
responder, occurring while the decedent was engaged in the 3065
performance of official duties, unless, subject to division (H) 3066
(1) of this section, the consent of the decedent's executor or 3067
administrator has been obtained; 3068

(d) Grievous bodily harm, unless the injury was effected 3069
by a correctional employee, youth services employee, or peace 3070
officer or, subject to division (H) (1) of this section, the 3071
consent of the injured person or the injured person's guardian 3072
has been obtained; 3073

(e) An act of severe violence against a person that 3074
results in serious physical harm to the person, unless the act 3075
and injury was effected by a correctional employee, youth 3076
services employee, or peace officer or, subject to division (H) 3077
(1) of this section, the consent of the injured person or the 3078
injured person's guardian has been obtained; 3079

(f) Grievous bodily harm to a correctional employee, youth 3080
services employee, peace officer, firefighter, paramedic, or 3081

other first responder, occurring while the injured person was 3082
engaged in the performance of official duties, unless, subject 3083
to division (H) (1) of this section, the consent of the injured 3084
person or the injured person's guardian has been obtained; 3085

(g) An act of severe violence resulting in serious 3086
physical harm against a correctional employee, youth services 3087
employee, peace officer, firefighter, paramedic, or other first 3088
responder, occurring while the injured person was engaged in the 3089
performance of official duties, unless, subject to division (H) 3090
(1) of this section, the consent of the injured person or the 3091
injured person's guardian has been obtained; 3092

(h) A person's nude body, unless, subject to division (H) 3093
(1) of this section, the person's consent has been obtained; 3094

(i) Protected health information, the identity of a person 3095
in a health care facility who is not the subject of a law 3096
enforcement encounter, or any other information in a health care 3097
facility that could identify a person who is not the subject of 3098
a law enforcement encounter; 3099

(j) Information that could identify the alleged victim of 3100
a sex offense, menacing by stalking, or domestic violence; 3101

(k) Information, that does not constitute a confidential 3102
law enforcement investigatory record, that could identify a 3103
person who provides sensitive or confidential information to the 3104
department of rehabilitation and correction, the department of 3105
youth services, or a law enforcement agency when the disclosure 3106
of the person's identity or the information provided could 3107
reasonably be expected to threaten or endanger the safety or 3108
property of the person or another person; 3109

(l) Personal information of a person who is not arrested, 3110

cited, charged, or issued a written warning by a peace officer; 3111

(m) Proprietary police contingency plans or tactics that 3112
are intended to prevent crime and maintain public order and 3113
safety; 3114

(n) A personal conversation unrelated to work between 3115
peace officers or between a peace officer and an employee of a 3116
law enforcement agency; 3117

(o) A conversation between a peace officer and a member of 3118
the public that does not concern law enforcement activities; 3119

(p) The interior of a residence, unless the interior of a 3120
residence is the location of an adversarial encounter with, or a 3121
use of force by, a peace officer; 3122

(q) Any portion of the interior of a private business that 3123
is not open to the public, unless an adversarial encounter with, 3124
or a use of force by, a peace officer occurs in that location. 3125

As used in division (A) (17) of this section: 3126

"Grievous bodily harm" has the same meaning as in section 3127
5924.120 of the Revised Code. 3128

"Health care facility" has the same meaning as in section 3129
1337.11 of the Revised Code. 3130

"Protected health information" has the same meaning as in 3131
45 C.F.R. 160.103. 3132

"Law enforcement agency" means a government entity that 3133
employs peace officers to perform law enforcement duties. 3134

"Personal information" means any government-issued 3135
identification number, date of birth, address, financial 3136
information, or criminal justice information from the law 3137

enforcement automated data system or similar databases. 3138

"Sex offense" has the same meaning as in section 2907.10 3139
of the Revised Code. 3140

"Firefighter," "paramedic," and "first responder" have the 3141
same meanings as in section 4765.01 of the Revised Code. 3142

(B) (1) Upon request by any person and subject to division 3143
(B) (8) of this section, all public records responsive to the 3144
request shall be promptly prepared and made available for 3145
inspection to the requester at all reasonable times during 3146
regular business hours. Subject to division (B) (8) of this 3147
section, upon request by any person, a public office or person 3148
responsible for public records shall make copies of the 3149
requested public record available to the requester at cost and 3150
within a reasonable period of time. If a public record contains 3151
information that is exempt from the duty to permit public 3152
inspection or to copy the public record, the public office or 3153
the person responsible for the public record shall make 3154
available all of the information within the public record that 3155
is not exempt. When making that public record available for 3156
public inspection or copying that public record, the public 3157
office or the person responsible for the public record shall 3158
notify the requester of any redaction or make the redaction 3159
plainly visible. A redaction shall be deemed a denial of a 3160
request to inspect or copy the redacted information, except if 3161
federal or state law authorizes or requires a public office to 3162
make the redaction. 3163

(2) To facilitate broader access to public records, a 3164
public office or the person responsible for public records shall 3165
organize and maintain public records in a manner that they can 3166
be made available for inspection or copying in accordance with 3167

division (B) of this section. A public office also shall have 3168
available a copy of its current records retention schedule at a 3169
location readily available to the public. If a requester makes 3170
an ambiguous or overly broad request or has difficulty in making 3171
a request for copies or inspection of public records under this 3172
section such that the public office or the person responsible 3173
for the requested public record cannot reasonably identify what 3174
public records are being requested, the public office or the 3175
person responsible for the requested public record may deny the 3176
request but shall provide the requester with an opportunity to 3177
revise the request by informing the requester of the manner in 3178
which records are maintained by the public office and accessed 3179
in the ordinary course of the public office's or person's 3180
duties. 3181

(3) If a request is ultimately denied, in part or in 3182
whole, the public office or the person responsible for the 3183
requested public record shall provide the requester with an 3184
explanation, including legal authority, setting forth why the 3185
request was denied. If the initial request was provided in 3186
writing, the explanation also shall be provided to the requester 3187
in writing. The explanation shall not preclude the public office 3188
or the person responsible for the requested public record from 3189
relying upon additional reasons or legal authority in defending 3190
an action commenced under division (C) of this section. 3191

(4) Unless specifically required or authorized by state or 3192
federal law or in accordance with division (B) of this section, 3193
no public office or person responsible for public records may 3194
limit or condition the availability of public records by 3195
requiring disclosure of the requester's identity or the intended 3196
use of the requested public record. Any requirement that the 3197
requester disclose the requester's identity or the intended use 3198

of the requested public record constitutes a denial of the 3199
request. 3200

(5) A public office or person responsible for public 3201
records may ask a requester to make the request in writing, may 3202
ask for the requester's identity, and may inquire about the 3203
intended use of the information requested, but may do so only 3204
after disclosing to the requester that a written request is not 3205
mandatory, that the requester may decline to reveal the 3206
requester's identity or the intended use, and when a written 3207
request or disclosure of the identity or intended use would 3208
benefit the requester by enhancing the ability of the public 3209
office or person responsible for public records to identify, 3210
locate, or deliver the public records sought by the requester. 3211

(6) If any person requests a copy of a public record in 3212
accordance with division (B) of this section, the public office 3213
or person responsible for the public record may require the 3214
requester to pay in advance the cost involved in providing the 3215
copy of the public record in accordance with the choice made by 3216
the requester under this division. The public office or the 3217
person responsible for the public record shall permit the 3218
requester to choose to have the public record duplicated upon 3219
paper, upon the same medium upon which the public office or 3220
person responsible for the public record keeps it, or upon any 3221
other medium upon which the public office or person responsible 3222
for the public record determines that it reasonably can be 3223
duplicated as an integral part of the normal operations of the 3224
public office or person responsible for the public record. When 3225
the requester makes a choice under this division, the public 3226
office or person responsible for the public record shall provide 3227
a copy of it in accordance with the choice made by the 3228
requester. Nothing in this section requires a public office or 3229

person responsible for the public record to allow the requester 3230
of a copy of the public record to make the copies of the public 3231
record. 3232

(7) (a) Upon a request made in accordance with division (B) 3233
of this section and subject to division (B) (6) of this section, 3234
a public office or person responsible for public records shall 3235
transmit a copy of a public record to any person by United 3236
States mail or by any other means of delivery or transmission 3237
within a reasonable period of time after receiving the request 3238
for the copy. The public office or person responsible for the 3239
public record may require the person making the request to pay 3240
in advance the cost of postage if the copy is transmitted by 3241
United States mail or the cost of delivery if the copy is 3242
transmitted other than by United States mail, and to pay in 3243
advance the costs incurred for other supplies used in the 3244
mailing, delivery, or transmission. 3245

(b) Any public office may adopt a policy and procedures 3246
that it will follow in transmitting, within a reasonable period 3247
of time after receiving a request, copies of public records by 3248
United States mail or by any other means of delivery or 3249
transmission pursuant to division (B) (7) of this section. A 3250
public office that adopts a policy and procedures under division 3251
(B) (7) of this section shall comply with them in performing its 3252
duties under that division. 3253

(c) In any policy and procedures adopted under division 3254
(B) (7) of this section: 3255

(i) A public office may limit the number of records 3256
requested by a person that the office will physically deliver by 3257
United States mail or by another delivery service to ten per 3258
month, unless the person certifies to the office in writing that 3259

the person does not intend to use or forward the requested 3260
records, or the information contained in them, for commercial 3261
purposes; 3262

(ii) A public office that chooses to provide some or all 3263
of its public records on a web site that is fully accessible to 3264
and searchable by members of the public at all times, other than 3265
during acts of God outside the public office's control or 3266
maintenance, and that charges no fee to search, access, 3267
download, or otherwise receive records provided on the web site, 3268
may limit to ten per month the number of records requested by a 3269
person that the office will deliver in a digital format, unless 3270
the requested records are not provided on the web site and 3271
unless the person certifies to the office in writing that the 3272
person does not intend to use or forward the requested records, 3273
or the information contained in them, for commercial purposes. 3274

(iii) For purposes of division (B) (7) of this section, 3275
"commercial" shall be narrowly construed and does not include 3276
reporting or gathering news, reporting or gathering information 3277
to assist citizen oversight or understanding of the operation or 3278
activities of government, or nonprofit educational research. 3279

(8) A public office or person responsible for public 3280
records is not required to permit a person who is incarcerated 3281
pursuant to a criminal conviction or a juvenile adjudication to 3282
inspect or to obtain a copy of any public record concerning a 3283
criminal investigation or prosecution or concerning what would 3284
be a criminal investigation or prosecution if the subject of the 3285
investigation or prosecution were an adult, unless the request 3286
to inspect or to obtain a copy of the record is for the purpose 3287
of acquiring information that is subject to release as a public 3288
record under this section and the judge who imposed the sentence 3289

or made the adjudication with respect to the person, or the 3290
judge's successor in office, finds that the information sought 3291
in the public record is necessary to support what appears to be 3292
a justiciable claim of the person. 3293

(9) (a) Upon written request made and signed by a 3294
journalist, a public office, or person responsible for public 3295
records, having custody of the records of the agency employing a 3296
specified designated public service worker shall disclose to the 3297
journalist the address of the actual personal residence of the 3298
designated public service worker and, if the designated public 3299
service worker's spouse, former spouse, or child is employed by 3300
a public office, the name and address of the employer of the 3301
designated public service worker's spouse, former spouse, or 3302
child. The request shall include the journalist's name and title 3303
and the name and address of the journalist's employer and shall 3304
state that disclosure of the information sought would be in the 3305
public interest. 3306

(b) Division (B) (9) (a) of this section also applies to 3307
journalist requests for: 3308

(i) Customer information maintained by a municipally owned 3309
or operated public utility, other than social security numbers 3310
and any private financial information such as credit reports, 3311
payment methods, credit card numbers, and bank account 3312
information; 3313

(ii) Information about minors involved in a school vehicle 3314
accident as provided in division (A) (1) (gg) of this section, 3315
other than personal information as defined in section 149.45 of 3316
the Revised Code. 3317

(c) As used in division (B) (9) of this section, 3318

"journalist" means a person engaged in, connected with, or 3319
employed by any news medium, including a newspaper, magazine, 3320
press association, news agency, or wire service, a radio or 3321
television station, or a similar medium, for the purpose of 3322
gathering, processing, transmitting, compiling, editing, or 3323
disseminating information for the general public. 3324

(10) Upon a request made by a victim, victim's attorney, 3325
or victim's representative, as that term is used in section 3326
2930.02 of the Revised Code, a public office or person 3327
responsible for public records shall transmit a copy of a 3328
depiction of the victim as described in division (A) (1) (ii) of 3329
this section to the victim, victim's attorney, or victim's 3330
representative. 3331

(C) (1) If a person allegedly is aggrieved by the failure 3332
of a public office or the person responsible for public records 3333
to promptly prepare a public record and to make it available to 3334
the person for inspection in accordance with division (B) of 3335
this section or by any other failure of a public office or the 3336
person responsible for public records to comply with an 3337
obligation in accordance with division (B) of this section, the 3338
person allegedly aggrieved may do only one of the following, and 3339
not both: 3340

(a) File a complaint with the clerk of the court of claims 3341
or the clerk of the court of common pleas under section 2743.75 3342
of the Revised Code; 3343

(b) Commence a mandamus action to obtain a judgment that 3344
orders the public office or the person responsible for the 3345
public record to comply with division (B) of this section, that 3346
awards court costs and reasonable attorney's fees to the person 3347
that instituted the mandamus action, and, if applicable, that 3348

includes an order fixing statutory damages under division (C) (2) 3349
of this section. The mandamus action may be commenced in the 3350
court of common pleas of the county in which division (B) of 3351
this section allegedly was not complied with, in the supreme 3352
court pursuant to its original jurisdiction under Section 2 of 3353
Article IV, Ohio Constitution, or in the court of appeals for 3354
the appellate district in which division (B) of this section 3355
allegedly was not complied with pursuant to its original 3356
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3357

(2) If a requester transmits a written request by hand 3358
delivery, electronic submission, or certified mail to inspect or 3359
receive copies of any public record in a manner that fairly 3360
describes the public record or class of public records to the 3361
public office or person responsible for the requested public 3362
records, except as otherwise provided in this section, the 3363
requester shall be entitled to recover the amount of statutory 3364
damages set forth in this division if a court determines that 3365
the public office or the person responsible for public records 3366
failed to comply with an obligation in accordance with division 3367
(B) of this section. 3368

The amount of statutory damages shall be fixed at one 3369
hundred dollars for each business day during which the public 3370
office or person responsible for the requested public records 3371
failed to comply with an obligation in accordance with division 3372
(B) of this section, beginning with the day on which the 3373
requester files a mandamus action to recover statutory damages, 3374
up to a maximum of one thousand dollars. The award of statutory 3375
damages shall not be construed as a penalty, but as compensation 3376
for injury arising from lost use of the requested information. 3377
The existence of this injury shall be conclusively presumed. The 3378
award of statutory damages shall be in addition to all other 3379

remedies authorized by this section. 3380

The court may reduce an award of statutory damages or not 3381
award statutory damages if the court determines both of the 3382
following: 3383

(a) That, based on the ordinary application of statutory 3384
law and case law as it existed at the time of the conduct or 3385
threatened conduct of the public office or person responsible 3386
for the requested public records that allegedly constitutes a 3387
failure to comply with an obligation in accordance with division 3388
(B) of this section and that was the basis of the mandamus 3389
action, a well-informed public office or person responsible for 3390
the requested public records reasonably would believe that the 3391
conduct or threatened conduct of the public office or person 3392
responsible for the requested public records did not constitute 3393
a failure to comply with an obligation in accordance with 3394
division (B) of this section; 3395

(b) That a well-informed public office or person 3396
responsible for the requested public records reasonably would 3397
believe that the conduct or threatened conduct of the public 3398
office or person responsible for the requested public records 3399
would serve the public policy that underlies the authority that 3400
is asserted as permitting that conduct or threatened conduct. 3401

(3) In a mandamus action filed under division (C) (1) of 3402
this section, the following apply: 3403

(a) (i) If the court orders the public office or the person 3404
responsible for the public record to comply with division (B) of 3405
this section, the court shall determine and award to the relator 3406
all court costs, which shall be construed as remedial and not 3407
punitive. 3408

(ii) If the court makes a determination described in 3409
division (C) (3) (b) (iii) of this section, the court shall 3410
determine and award to the relator all court costs, which shall 3411
be construed as remedial and not punitive. 3412

(b) If the court renders a judgment that orders the public 3413
office or the person responsible for the public record to comply 3414
with division (B) of this section or if the court determines any 3415
of the following, the court may award reasonable attorney's fees 3416
to the relator, subject to division (C) (4) of this section: 3417

(i) The public office or the person responsible for the 3418
public records failed to respond affirmatively or negatively to 3419
the public records request in accordance with the time allowed 3420
under division (B) of this section. 3421

(ii) The public office or the person responsible for the 3422
public records promised to permit the relator to inspect or 3423
receive copies of the public records requested within a 3424
specified period of time but failed to fulfill that promise 3425
within that specified period of time. 3426

(iii) The public office or the person responsible for the 3427
public records acted in bad faith when the office or person 3428
voluntarily made the public records available to the relator for 3429
the first time after the relator commenced the mandamus action, 3430
but before the court issued any order concluding whether or not 3431
the public office or person was required to comply with division 3432
(B) of this section. No discovery may be conducted on the issue 3433
of the alleged bad faith of the public office or person 3434
responsible for the public records. This division shall not be 3435
construed as creating a presumption that the public office or 3436
the person responsible for the public records acted in bad faith 3437
when the office or person voluntarily made the public records 3438

available to the relator for the first time after the relator 3439
commenced the mandamus action, but before the court issued any 3440
order described in this division. 3441

(c) The court shall not award attorney's fees to the 3442
relator if the court determines both of the following: 3443

(i) That, based on the ordinary application of statutory 3444
law and case law as it existed at the time of the conduct or 3445
threatened conduct of the public office or person responsible 3446
for the requested public records that allegedly constitutes a 3447
failure to comply with an obligation in accordance with division 3448
(B) of this section and that was the basis of the mandamus 3449
action, a well-informed public office or person responsible for 3450
the requested public records reasonably would believe that the 3451
conduct or threatened conduct of the public office or person 3452
responsible for the requested public records did not constitute 3453
a failure to comply with an obligation in accordance with 3454
division (B) of this section; 3455

(ii) That a well-informed public office or person 3456
responsible for the requested public records reasonably would 3457
believe that the conduct or threatened conduct of the public 3458
office or person responsible for the requested public records 3459
would serve the public policy that underlies the authority that 3460
is asserted as permitting that conduct or threatened conduct. 3461

(4) All of the following apply to any award of reasonable 3462
attorney's fees awarded under division (C) (3) (b) of this 3463
section: 3464

(a) The fees shall be construed as remedial and not 3465
punitive. 3466

(b) The fees awarded shall not exceed the total of the 3467

reasonable attorney's fees incurred before the public record was 3468
made available to the relator and the fees described in division 3469
(C) (4) (c) of this section. 3470

(c) Reasonable attorney's fees shall include reasonable 3471
fees incurred to produce proof of the reasonableness and amount 3472
of the fees and to otherwise litigate entitlement to the fees. 3473

(d) The court may reduce the amount of fees awarded if the 3474
court determines that, given the factual circumstances involved 3475
with the specific public records request, an alternative means 3476
should have been pursued to more effectively and efficiently 3477
resolve the dispute that was subject to the mandamus action 3478
filed under division (C) (1) of this section. 3479

(5) If the court does not issue a writ of mandamus under 3480
division (C) of this section and the court determines at that 3481
time that the bringing of the mandamus action was frivolous 3482
conduct as defined in division (A) of section 2323.51 of the 3483
Revised Code, the court may award to the public office all court 3484
costs, expenses, and reasonable attorney's fees, as determined 3485
by the court. 3486

(D) Chapter 1347. of the Revised Code does not limit the 3487
provisions of this section. 3488

(E) (1) To ensure that all employees of public offices are 3489
appropriately educated about a public office's obligations under 3490
division (B) of this section, all elected officials or their 3491
appropriate designees shall attend training approved by the 3492
attorney general as provided in section 109.43 of the Revised 3493
Code. A future official may satisfy the requirements of this 3494
division by attending the training before taking office, 3495
provided that the future official may not send a designee in the 3496

future official's place. 3497

(2) All public offices shall adopt a public records policy 3498
in compliance with this section for responding to public records 3499
requests. In adopting a public records policy under this 3500
division, a public office may obtain guidance from the model 3501
public records policy developed and provided to the public 3502
office by the attorney general under section 109.43 of the 3503
Revised Code. Except as otherwise provided in this section, the 3504
policy may not limit the number of public records that the 3505
public office will make available to a single person, may not 3506
limit the number of public records that it will make available 3507
during a fixed period of time, and may not establish a fixed 3508
period of time before it will respond to a request for 3509
inspection or copying of public records, unless that period is 3510
less than eight hours. 3511

The public office shall distribute the public records 3512
policy adopted by the public office under this division to the 3513
employee of the public office who is the records custodian or 3514
records manager or otherwise has custody of the records of that 3515
office. The public office shall require that employee to 3516
acknowledge receipt of the copy of the public records policy. 3517
The public office shall create a poster that describes its 3518
public records policy and shall post the poster in a conspicuous 3519
place in the public office and in all locations where the public 3520
office has branch offices. The public office may post its public 3521
records policy on the internet web site of the public office if 3522
the public office maintains an internet web site. A public 3523
office that has established a manual or handbook of its general 3524
policies and procedures for all employees of the public office 3525
shall include the public records policy of the public office in 3526
the manual or handbook. 3527

(F) (1) The bureau of motor vehicles may adopt rules 3528
pursuant to Chapter 119. of the Revised Code to reasonably limit 3529
the number of bulk commercial special extraction requests made 3530
by a person for the same records or for updated records during a 3531
calendar year. The rules may include provisions for charges to 3532
be made for bulk commercial special extraction requests for the 3533
actual cost of the bureau, plus special extraction costs, plus 3534
ten per cent. The bureau may charge for expenses for redacting 3535
information, the release of which is prohibited by law. 3536

(2) As used in division (F) (1) of this section: 3537

(a) "Actual cost" means the cost of depleted supplies, 3538
records storage media costs, actual mailing and alternative 3539
delivery costs, or other transmitting costs, and any direct 3540
equipment operating and maintenance costs, including actual 3541
costs paid to private contractors for copying services. 3542

(b) "Bulk commercial special extraction request" means a 3543
request for copies of a record for information in a format other 3544
than the format already available, or information that cannot be 3545
extracted without examination of all items in a records series, 3546
class of records, or database by a person who intends to use or 3547
forward the copies for surveys, marketing, solicitation, or 3548
resale for commercial purposes. "Bulk commercial special 3549
extraction request" does not include a request by a person who 3550
gives assurance to the bureau that the person making the request 3551
does not intend to use or forward the requested copies for 3552
surveys, marketing, solicitation, or resale for commercial 3553
purposes. 3554

(c) "Commercial" means profit-seeking production, buying, 3555
or selling of any good, service, or other product. 3556

(d) "Special extraction costs" means the cost of the time 3557
spent by the lowest paid employee competent to perform the task, 3558
the actual amount paid to outside private contractors employed 3559
by the bureau, or the actual cost incurred to create computer 3560
programs to make the special extraction. "Special extraction 3561
costs" include any charges paid to a public agency for computer 3562
or records services. 3563

(3) For purposes of divisions (F) (1) and (2) of this 3564
section, "surveys, marketing, solicitation, or resale for 3565
commercial purposes" shall be narrowly construed and does not 3566
include reporting or gathering news, reporting or gathering 3567
information to assist citizen oversight or understanding of the 3568
operation or activities of government, or nonprofit educational 3569
research. 3570

(G) A request by a defendant, counsel of a defendant, or 3571
any agent of a defendant in a criminal action that public 3572
records related to that action be made available under this 3573
section shall be considered a demand for discovery pursuant to 3574
the Criminal Rules, except to the extent that the Criminal Rules 3575
plainly indicate a contrary intent. The defendant, counsel of 3576
the defendant, or agent of the defendant making a request under 3577
this division shall serve a copy of the request on the 3578
prosecuting attorney, director of law, or other chief legal 3579
officer responsible for prosecuting the action. 3580

(H) (1) Any portion of a body-worn camera or dashboard 3581
camera recording described in divisions (A) (17) (b) to (h) of 3582
this section may be released by consent of the subject of the 3583
recording or a representative of that person, as specified in 3584
those divisions, only if either of the following applies: 3585

(a) The recording will not be used in connection with any 3586

probable or pending criminal proceedings; 3587

(b) The recording has been used in connection with a 3588
criminal proceeding that was dismissed or for which a judgment 3589
has been entered pursuant to Rule 32 of the Rules of Criminal 3590
Procedure, and will not be used again in connection with any 3591
probable or pending criminal proceedings. 3592

(2) If a public office denies a request to release a 3593
restricted portion of a body-worn camera or dashboard camera 3594
recording, as defined in division (A)(17) of this section, any 3595
person may file a mandamus action pursuant to this section or a 3596
complaint with the clerk of the court of claims pursuant to 3597
section 2743.75 of the Revised Code, requesting the court to 3598
order the release of all or portions of the recording. If the 3599
court considering the request determines that the filing 3600
articulates by clear and convincing evidence that the public 3601
interest in the recording substantially outweighs privacy 3602
interests and other interests asserted to deny release, the 3603
court shall order the public office to release the recording. 3604

Sec. 4776.20. (A) As used in this section: 3605

(1) "Licensing agency" means, in addition to each board 3606
identified in division (C) of section 4776.01 of the Revised 3607
Code, the board or other government entity authorized to issue a 3608
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 3609
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3610
~~4742.,~~ 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 3611
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 3612
"Licensing agency" includes an administrative officer that has 3613
authority to issue a license. 3614

(2) "Licensee" means, in addition to a licensee as 3615

described in division (B) of section 4776.01 of the Revised 3616
Code, the person to whom a license is issued by the board or 3617
other government entity authorized to issue a license under 3618
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 3619
4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.,~~ 4747., 3620
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3621
4766., 4771., 4773., and 4781. of the Revised Code. 3622

(3) "Prosecutor" has the same meaning as in section 3623
2935.01 of the Revised Code. 3624

(B) On a licensee's conviction of, plea of guilty to, 3625
judicial finding of guilt of, or judicial finding of guilt 3626
resulting from a plea of no contest to the offense of 3627
trafficking in persons in violation of section 2905.32 of the 3628
Revised Code, the prosecutor in the case shall promptly notify 3629
the licensing agency of the conviction, plea, or finding and 3630
provide the licensee's name and residential address. On receipt 3631
of this notification, the licensing agency shall immediately 3632
suspend the licensee's license. 3633

(C) If there is a conviction of, plea of guilty to, 3634
judicial finding of guilt of, or judicial finding of guilt 3635
resulting from a plea of no contest to the offense of 3636
trafficking in persons in violation of section 2905.32 of the 3637
Revised Code and all or part of the violation occurred on the 3638
premises of a facility that is licensed by a licensing agency, 3639
the prosecutor in the case shall promptly notify the licensing 3640
agency of the conviction, plea, or finding and provide the 3641
facility's name and address and the offender's name and 3642
residential address. On receipt of this notification, the 3643
licensing agency shall immediately suspend the facility's 3644
license. 3645

(D) Notwithstanding any provision of the Revised Code to 3646
the contrary, the suspension of a license under division (B) or 3647
(C) of this section shall be implemented by a licensing agency 3648
without a prior hearing. After the suspension, the licensing 3649
agency shall give written notice to the subject of the 3650
suspension of the right to request a hearing under Chapter 119. 3651
of the Revised Code. After a hearing is held, the licensing 3652
agency shall either revoke or permanently revoke the license of 3653
the subject of the suspension, unless it determines that the 3654
license holder has not been convicted of, pleaded guilty to, 3655
been found guilty of, or been found guilty based on a plea of no 3656
contest to the offense of trafficking in persons in violation of 3657
section 2905.32 of the Revised Code. 3658

Sec. 5703.052. (A) There is hereby created in the state 3659
treasury the tax refund fund, from which refunds shall be paid 3660
for taxes illegally or erroneously assessed or collected, or for 3661
any other reason overpaid, that are levied by Chapter 4301., 3662
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 3663
5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3664
3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 3665
5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for 3666
fees ~~or levied under sections 3734.90 to 3734.9014 of the~~ 3667
Revised Code, wireless 9-1-1 charges imposed under section 3668
128.40 of the Revised Code, or next generation 9-1-1 access fees 3669
imposed under sections 128.41 and 128.42 of the Revised Code 3670
illegally or erroneously assessed or collected, or for any other 3671
reason overpaid, ~~that are levied by sections 128.42 or 3734.90-~~ 3672
~~to 3734.9014 of the Revised Code~~ also shall be paid from the 3673
fund. Refunds for amounts illegally or erroneously assessed or 3674
collected by the tax commissioner, or for any other reason 3675
overpaid, that are due under section 1509.50 of the Revised Code 3676

shall be paid from the fund. Refunds for amounts illegally or 3677
erroneously assessed or collected by the commissioner, or for 3678
any other reason overpaid to the commissioner, under sections 3679
718.80 to 718.95 of the Revised Code shall be paid from the 3680
fund. However, refunds for taxes levied under section 5739.101 3681
of the Revised Code shall not be paid from the tax refund fund, 3682
but shall be paid as provided in section 5739.104 of the Revised 3683
Code. 3684

(B) (1) Upon certification by the tax commissioner to the 3685
treasurer of state of a tax refund, a wireless 9-1-1 charge 3686
refund, a next generation 9-1-1 access fee refund, or another 3687
amount refunded, or by the superintendent of insurance of a 3688
domestic or foreign insurance tax refund, the treasurer of state 3689
shall place the amount certified to the credit of the fund. The 3690
certified amount transferred shall be derived from the receipts 3691
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3692
1-1 access fee, or other amount from which the refund arose. 3693

(2) When a refund is for a tax, fee, wireless 9-1-1 3694
charge, next generation 9-1-1 access fee, or other amount that 3695
is not levied by the state or that was illegally or erroneously 3696
distributed to a taxing jurisdiction, the tax commissioner shall 3697
recover the amount of that refund from the next distribution of 3698
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3699
access fee, or other amount that otherwise would be made to the 3700
taxing jurisdiction. If the amount to be recovered would exceed 3701
twenty-five per cent of the next distribution of that tax, fee, 3702
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3703
other amount, the commissioner may spread the recovery over more 3704
than one future distribution, taking into account the amount to 3705
be recovered and the amount of the anticipated future 3706
distributions. In no event may the commissioner spread the 3707

recovery over a period to exceed thirty-six months. 3708

Sec. 5733.55. (A) As used in this section: 3709

(1) "9-1-1 system" has the same meaning as in section 3710
128.01 of the Revised Code. 3711

(2) "Nonrecurring 9-1-1 charges" means nonrecurring 3712
charges approved by the public utilities commission for the 3713
telephone network portion of a 9-1-1 system pursuant to section 3714
~~128.18~~128.33 of the Revised Code. 3715

(3) "Eligible nonrecurring 9-1-1 charges" means all 3716
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 3717
following: 3718

(a) Charges for a system that was not established pursuant 3719
to a plan adopted under section 128.08 of the Revised Code ~~or an~~ 3720
~~agreement under section 128.09 of the Revised Code;~~ 3721

(b) Charges for that part of a system established pursuant 3722
to such a plan ~~or agreement~~ that are excluded from the credit by 3723
division (C) (2) of section ~~128.18~~128.33 of the Revised Code. 3724

(4) "Telephone company" has the same meaning as in section 3725
5727.01 of the Revised Code. 3726

(B) Beginning in tax year 2005, a telephone company shall 3727
be allowed a nonrefundable credit against the tax imposed by 3728
section 5733.06 of the Revised Code equal to the amount of its 3729
eligible nonrecurring 9-1-1 charges. The credit shall be claimed 3730
for the company's taxable year that covers the period in which 3731
the 9-1-1 service for which the credit is claimed becomes 3732
available for use. The credit shall be claimed in the order 3733
required by section 5733.98 of the Revised Code. If the credit 3734
exceeds the total taxes due under section 5733.06 of the Revised 3735

Code for the tax year, the tax commissioner shall credit the 3736
excess against taxes due under that section for succeeding tax 3737
years until the full amount of the credit is granted. 3738

(C) After the last day a return, with any extensions, may 3739
be filed by any telephone company that is eligible to claim a 3740
credit under this section, the commissioner shall determine 3741
whether the sum of the credits allowed for prior tax years 3742
commencing with tax year 2005 plus the sum of the credits 3743
claimed for the current tax year exceeds fifteen million 3744
dollars. If it does, the credits allowed under this section for 3745
the current tax year shall be reduced by a uniform percentage 3746
such that the sum of the credits allowed for the current tax 3747
year do not exceed fifteen million dollars claimed by all 3748
telephone companies for all tax years. Thereafter, no credit 3749
shall be granted under this section, except for the remaining 3750
portions of any credits allowed under division (B) of this 3751
section. 3752

(D) A telephone company that is entitled to carry forward 3753
a credit against its public utility excise tax liability under 3754
section 5727.39 of the Revised Code is entitled to carry forward 3755
any amount of that credit remaining after its last public 3756
utility excise tax payment for the period of July 1, 2003, 3757
through June 30, 2004, and claim that amount as a credit against 3758
its corporation franchise tax liability under this section. 3759
Nothing in this section authorizes a telephone company to claim 3760
a credit under this section for any eligible nonrecurring 9-1-1 3761
charges for which it has already claimed a credit under this 3762
section or section 5727.39 of the Revised Code. 3763

Sec. 5751.01. As used in this chapter: 3764

(A) "Person" means, but is not limited to, individuals, 3765

combinations of individuals of any form, receivers, assignees, 3766
trustees in bankruptcy, firms, companies, joint-stock companies, 3767
business trusts, estates, partnerships, limited liability 3768
partnerships, limited liability companies, associations, joint 3769
ventures, clubs, societies, for-profit corporations, S 3770
corporations, qualified subchapter S subsidiaries, qualified 3771
subchapter S trusts, trusts, entities that are disregarded for 3772
federal income tax purposes, and any other entities. 3773

(B) "Consolidated elected taxpayer" means a group of two 3774
or more persons treated as a single taxpayer for purposes of 3775
this chapter as the result of an election made under section 3776
5751.011 of the Revised Code. 3777

(C) "Combined taxpayer" means a group of two or more 3778
persons treated as a single taxpayer for purposes of this 3779
chapter under section 5751.012 of the Revised Code. 3780

(D) "Taxpayer" means any person, or any group of persons 3781
in the case of a consolidated elected taxpayer or combined 3782
taxpayer treated as one taxpayer, required to register or pay 3783
tax under this chapter. "Taxpayer" does not include excluded 3784
persons. 3785

(E) "Excluded person" means any of the following: 3786

(1) Any person with not more than one hundred fifty 3787
thousand dollars of taxable gross receipts during the calendar 3788
year. Division (E)(1) of this section does not apply to a person 3789
that is a member of a consolidated elected taxpayer. 3790

(2) A public utility that paid the excise tax imposed by 3791
section 5727.24 or 5727.30 of the Revised Code based on one or 3792
more measurement periods that include the entire tax period 3793
under this chapter, except that a public utility that is a 3794

combined company is a taxpayer with regard to the following 3795
gross receipts: 3796

(a) Taxable gross receipts directly attributed to a public 3797
utility activity, but not directly attributed to an activity 3798
that is subject to the excise tax imposed by section 5727.24 or 3799
5727.30 of the Revised Code; 3800

(b) Taxable gross receipts that cannot be directly 3801
attributed to any activity, multiplied by a fraction whose 3802
numerator is the taxable gross receipts described in division 3803
(E) (2) (a) of this section and whose denominator is the total 3804
taxable gross receipts that can be directly attributed to any 3805
activity; 3806

(c) Except for any differences resulting from the use of 3807
an accrual basis method of accounting for purposes of 3808
determining gross receipts under this chapter and the use of the 3809
cash basis method of accounting for purposes of determining 3810
gross receipts under section 5727.24 of the Revised Code, the 3811
gross receipts directly attributed to the activity of a natural 3812
gas company shall be determined in a manner consistent with 3813
division (D) of section 5727.03 of the Revised Code. 3814

As used in division (E) (2) of this section, "combined 3815
company" and "public utility" have the same meanings as in 3816
section 5727.01 of the Revised Code. 3817

(3) A financial institution, as defined in section 5726.01 3818
of the Revised Code, that paid the tax imposed by section 3819
5726.02 of the Revised Code based on one or more taxable years 3820
that include the entire tax period under this chapter; 3821

(4) A person directly or indirectly owned by one or more 3822
financial institutions, as defined in section 5726.01 of the 3823

Revised Code, that paid the tax imposed by section 5726.02 of 3824
the Revised Code based on one or more taxable years that include 3825
the entire tax period under this chapter. 3826

For the purposes of division (E)(4) of this section, a 3827
person owns another person under the following circumstances: 3828

(a) In the case of corporations issuing capital stock, one 3829
corporation owns another corporation if it owns fifty per cent 3830
or more of the other corporation's capital stock with current 3831
voting rights; 3832

(b) In the case of a limited liability company, one person 3833
owns the company if that person's membership interest, as 3834
defined in section 1706.01 of the Revised Code, is fifty per 3835
cent or more of the combined membership interests of all persons 3836
owning such interests in the company; 3837

(c) In the case of a partnership, trust, or other 3838
unincorporated business organization other than a limited 3839
liability company, one person owns the organization if, under 3840
the articles of organization or other instrument governing the 3841
affairs of the organization, that person has a beneficial 3842
interest in the organization's profits, surpluses, losses, or 3843
distributions of fifty per cent or more of the combined 3844
beneficial interests of all persons having such an interest in 3845
the organization. 3846

(5) A domestic insurance company or foreign insurance 3847
company, as defined in section 5725.01 of the Revised Code, that 3848
paid the insurance company premiums tax imposed by section 3849
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3850
insurance company whose gross premiums are subject to tax under 3851
section 3905.36 of the Revised Code based on one or more 3852

measurement periods that include the entire tax period under 3853
this chapter; 3854

(6) A person that solely facilitates or services one or 3855
more securitizations of phase-in-recovery property pursuant to a 3856
final financing order as those terms are defined in section 3857
4928.23 of the Revised Code. For purposes of this division, 3858
"securitization" means transferring one or more assets to one or 3859
more persons and then issuing securities backed by the right to 3860
receive payment from the asset or assets so transferred. 3861

(7) Except as otherwise provided in this division, a pre- 3862
income tax trust as defined in section 5747.01 of the Revised 3863
Code and any pass-through entity of which such pre-income tax 3864
trust owns or controls, directly, indirectly, or constructively 3865
through related interests, more than five per cent of the 3866
ownership or equity interests. If the pre-income tax trust has 3867
made a qualifying pre-income tax trust election under division 3868
(EE) of section 5747.01 of the Revised Code, then the trust and 3869
the pass-through entities of which it owns or controls, 3870
directly, indirectly, or constructively through related 3871
interests, more than five per cent of the ownership or equity 3872
interests, shall not be excluded persons for purposes of the tax 3873
imposed under section 5751.02 of the Revised Code. 3874

(8) Nonprofit organizations or the state and its agencies, 3875
instrumentalities, or political subdivisions. 3876

(F) Except as otherwise provided in divisions (F) (2), (3), 3877
and (4) of this section, "gross receipts" means the total amount 3878
realized by a person, without deduction for the cost of goods 3879
sold or other expenses incurred, that contributes to the 3880
production of gross income of the person, including the fair 3881
market value of any property and any services received, and any 3882

debt transferred or forgiven as consideration. 3883

(1) The following are examples of gross receipts: 3884

(a) Amounts realized from the sale, exchange, or other 3885
disposition of the taxpayer's property to or with another; 3886

(b) Amounts realized from the taxpayer's performance of 3887
services for another; 3888

(c) Amounts realized from another's use or possession of 3889
the taxpayer's property or capital; 3890

(d) Any combination of the foregoing amounts. 3891

(2) "Gross receipts" excludes the following amounts: 3892

(a) Interest income except interest on credit sales; 3893

(b) Dividends and distributions from corporations, and 3894
distributive or proportionate shares of receipts and income from 3895
a pass-through entity as defined under section 5733.04 of the 3896
Revised Code; 3897

(c) Receipts from the sale, exchange, or other disposition 3898
of an asset described in section 1221 or 1231 of the Internal 3899
Revenue Code, without regard to the length of time the person 3900
held the asset. Notwithstanding section 1221 of the Internal 3901
Revenue Code, receipts from hedging transactions also are 3902
excluded to the extent the transactions are entered into 3903
primarily to protect a financial position, such as managing the 3904
risk of exposure to (i) foreign currency fluctuations that 3905
affect assets, liabilities, profits, losses, equity, or 3906
investments in foreign operations; (ii) interest rate 3907
fluctuations; or (iii) commodity price fluctuations. As used in 3908
division (F)(2)(c) of this section, "hedging transaction" has 3909
the same meaning as used in section 1221 of the Internal Revenue 3910

Code and also includes transactions accorded hedge accounting 3911
treatment under statement of financial accounting standards 3912
number 133 of the financial accounting standards board. For the 3913
purposes of division (F) (2) (c) of this section, the actual 3914
transfer of title of real or tangible personal property to 3915
another entity is not a hedging transaction. 3916

(d) Proceeds received attributable to the repayment, 3917
maturity, or redemption of the principal of a loan, bond, mutual 3918
fund, certificate of deposit, or marketable instrument; 3919

(e) The principal amount received under a repurchase 3920
agreement or on account of any transaction properly 3921
characterized as a loan to the person; 3922

(f) Contributions received by a trust, plan, or other 3923
arrangement, any of which is described in section 501(a) of the 3924
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 3925
1, Subchapter (D) of the Internal Revenue Code applies; 3926

(g) Compensation, whether current or deferred, and whether 3927
in cash or in kind, received or to be received by an employee, 3928
former employee, or the employee's legal successor for services 3929
rendered to or for an employer, including reimbursements 3930
received by or for an individual for medical or education 3931
expenses, health insurance premiums, or employee expenses, or on 3932
account of a dependent care spending account, legal services 3933
plan, any cafeteria plan described in section 125 of the 3934
Internal Revenue Code, or any similar employee reimbursement; 3935

(h) Proceeds received from the issuance of the taxpayer's 3936
own stock, options, warrants, puts, or calls, or from the sale 3937
of the taxpayer's treasury stock; 3938

(i) Proceeds received on the account of payments from 3939

insurance policies, except those proceeds received for the loss 3940
of business revenue; 3941

(j) Gifts or charitable contributions received; membership 3942
dues received by trade, professional, homeowners', or 3943
condominium associations; ~~and~~ payments received for educational 3944
courses, meetings, meals, or similar payments to a trade, 3945
professional, or other similar association; and fundraising 3946
receipts received by any person when any excess receipts are 3947
donated or used exclusively for charitable purposes; 3948

(k) Damages received as the result of litigation in excess 3949
of amounts that, if received without litigation, would be gross 3950
receipts; 3951

(l) Property, money, and other amounts received or 3952
acquired by an agent on behalf of another in excess of the 3953
agent's commission, fee, or other remuneration; 3954

(m) Tax refunds, other tax benefit recoveries, and 3955
reimbursements for the tax imposed under this chapter made by 3956
entities that are part of the same combined taxpayer or 3957
consolidated elected taxpayer group, and reimbursements made by 3958
entities that are not members of a combined taxpayer or 3959
consolidated elected taxpayer group that are required to be made 3960
for economic parity among multiple owners of an entity whose tax 3961
obligation under this chapter is required to be reported and 3962
paid entirely by one owner, pursuant to the requirements of 3963
sections 5751.011 and 5751.012 of the Revised Code; 3964

(n) Pension reversions; 3965

(o) Contributions to capital; 3966

(p) Sales or use taxes collected as a vendor or an out-of- 3967
state seller on behalf of the taxing jurisdiction from a 3968

consumer or other taxes the taxpayer is required by law to 3969
collect directly from a purchaser and remit to a local, state, 3970
or federal tax authority; 3971

(q) In the case of receipts from the sale of cigarettes, 3972
tobacco products, or vapor products by a wholesale dealer, 3973
retail dealer, distributor, manufacturer, vapor distributor, or 3974
seller, all as defined in section 5743.01 of the Revised Code, 3975
an amount equal to the federal and state excise taxes paid by 3976
any person on or for such cigarettes, tobacco products, or vapor 3977
products under subtitle E of the Internal Revenue Code or 3978
Chapter 5743. of the Revised Code; 3979

(r) In the case of receipts from the sale, transfer, 3980
exchange, or other disposition of motor fuel as "motor fuel" is 3981
defined in section 5736.01 of the Revised Code, an amount equal 3982
to the value of the motor fuel, including federal and state 3983
motor fuel excise taxes and receipts from billing or invoicing 3984
the tax imposed under section 5736.02 of the Revised Code to 3985
another person; 3986

(s) In the case of receipts from the sale of beer or 3987
intoxicating liquor, as defined in section 4301.01 of the 3988
Revised Code, by a person holding a permit issued under Chapter 3989
4301. or 4303. of the Revised Code, an amount equal to federal 3990
and state excise taxes paid by any person on or for such beer or 3991
intoxicating liquor under subtitle E of the Internal Revenue 3992
Code or Chapter 4301. or 4305. of the Revised Code; 3993

(t) Receipts realized by a new motor vehicle dealer or 3994
used motor vehicle dealer, as defined in section 4517.01 of the 3995
Revised Code, from the sale or other transfer of a motor 3996
vehicle, as defined in that section, to another motor vehicle 3997
dealer for the purpose of resale by the transferee motor vehicle 3998

dealer, but only if the sale or other transfer was based upon 3999
the transferee's need to meet a specific customer's preference 4000
for a motor vehicle; 4001

(u) Receipts from a financial institution described in 4002
division (E)(3) of this section for services provided to the 4003
financial institution in connection with the issuance, 4004
processing, servicing, and management of loans or credit 4005
accounts, if such financial institution and the recipient of 4006
such receipts have at least fifty per cent of their ownership 4007
interests owned or controlled, directly or constructively 4008
through related interests, by common owners; 4009

(v) Receipts realized from administering anti-neoplastic 4010
drugs and other cancer chemotherapy, biologicals, therapeutic 4011
agents, and supportive drugs in a physician's office to patients 4012
with cancer; 4013

(w) Funds received or used by a mortgage broker that is 4014
not a dealer in intangibles, other than fees or other 4015
consideration, pursuant to a table-funding mortgage loan or 4016
warehouse-lending mortgage loan. Terms used in division (F)(2) 4017
(w) of this section have the same meanings as in section 1322.01 4018
of the Revised Code, except "mortgage broker" means a person 4019
assisting a buyer in obtaining a mortgage loan for a fee or 4020
other consideration paid by the buyer or a lender, or a person 4021
engaged in table-funding or warehouse-lending mortgage loans 4022
that are first lien mortgage loans. 4023

(x) Property, money, and other amounts received by a 4024
professional employer organization, as defined in section 4025
4125.01 of the Revised Code, or an alternate employer 4026
organization, as defined in section 4133.01 of the Revised Code, 4027
from a client employer, as defined in either of those sections 4028

as applicable, in excess of the administrative fee charged by 4029
the professional employer organization or the alternate employer 4030
organization to the client employer; 4031

(y) In the case of amounts retained as commissions by a 4032
permit holder under Chapter 3769. of the Revised Code, an amount 4033
equal to the amounts specified under that chapter that must be 4034
paid to or collected by the tax commissioner as a tax and the 4035
amounts specified under that chapter to be used as purse money; 4036

(z) Qualifying distribution center receipts as determined 4037
under section 5751.40 of the Revised Code; 4038

(aa) Receipts of an employer from payroll deductions 4039
relating to the reimbursement of the employer for advancing 4040
moneys to an unrelated third party on an employee's behalf; 4041

(bb) Cash discounts allowed and taken; 4042

(cc) Returns and allowances; 4043

(dd) Bad debts from receipts on the basis of which the tax 4044
imposed by this chapter was paid in a prior quarterly tax 4045
payment period. For the purpose of this division, "bad debts" 4046
means any debts that have become worthless or uncollectible 4047
between the preceding and current quarterly tax payment periods, 4048
have been uncollected for at least six months, and that may be 4049
claimed as a deduction under section 166 of the Internal Revenue 4050
Code and the regulations adopted under that section, or that 4051
could be claimed as such if the taxpayer kept its accounts on 4052
the accrual basis. "Bad debts" does not include repossessed 4053
property, uncollectible amounts on property that remains in the 4054
possession of the taxpayer until the full purchase price is 4055
paid, or expenses in attempting to collect any account 4056
receivable or for any portion of the debt recovered. 4057

(ee) Any amount realized from the sale of an account 4058
receivable to the extent the receipts from the underlying 4059
transaction giving rise to the account receivable were included 4060
in the gross receipts of the taxpayer; 4061

(ff) Any receipts directly attributed to a transfer 4062
agreement or to the enterprise transferred under that agreement 4063
under section 4313.02 of the Revised Code~~;~~; 4064

(gg) Qualified uranium receipts as determined under 4065
section 5751.41 of the Revised Code~~;~~; 4066

(hh) In the case of amounts collected by a licensed casino 4067
operator from casino gaming, amounts in excess of the casino 4068
operator's gross casino revenue. In this division, "casino 4069
operator" and "casino gaming" have the meanings defined in 4070
section 3772.01 of the Revised Code, and "gross casino revenue" 4071
has the meaning defined in section 5753.01 of the Revised Code. 4072

(ii) Receipts realized from the sale of agricultural 4073
commodities by an agricultural commodity handler, both as 4074
defined in section 926.01 of the Revised Code, that is licensed 4075
by the director of agriculture to handle agricultural 4076
commodities in this state~~;~~; 4077

(jj) Qualifying integrated supply chain receipts as 4078
determined under section 5751.42 of the Revised Code~~;~~; 4079

(kk) In the case of a railroad company described in 4080
division (D)(9) of section 5727.01 of the Revised Code that 4081
purchases dyed diesel fuel directly from a supplier as defined 4082
by section 5736.01 of the Revised Code, an amount equal to the 4083
product of the number of gallons of dyed diesel fuel purchased 4084
directly from such a supplier multiplied by the average 4085
wholesale price for a gallon of diesel fuel as determined under 4086

section 5736.02 of the Revised Code for the period during which 4087
the fuel was purchased multiplied by a fraction, the numerator 4088
of which equals the rate of tax levied by section 5736.02 of the 4089
Revised Code less the rate of tax computed in section 5751.03 of 4090
the Revised Code, and the denominator of which equals the rate 4091
of tax computed in section 5751.03 of the Revised Code~~;~~; 4092

(ll) Receipts realized by an out-of-state disaster 4093
business from disaster work conducted in this state during a 4094
disaster response period pursuant to a qualifying solicitation 4095
received by the business. Terms used in division (F) (2) (ll) of 4096
this section have the same meanings as in section 5703.94 of the 4097
Revised Code. 4098

(mm) In the case of receipts from the sale or transfer of 4099
a mortgage-backed security or a mortgage loan by a mortgage 4100
lender holding a valid certificate of registration issued under 4101
Chapter 1322. of the Revised Code or by a person that is a 4102
member of the mortgage lender's consolidated elected taxpayer 4103
group, an amount equal to the principal balance of the mortgage 4104
loan~~;~~; 4105

(nn) Amounts of excess surplus of the state insurance fund 4106
received by the taxpayer from the Ohio bureau of workers' 4107
compensation pursuant to rules adopted under section 4123.321 of 4108
the Revised Code~~;~~; 4109

(oo) Except as otherwise provided in division (B) of 4110
section 5751.091 of the Revised Code, receipts of a megaproject 4111
supplier from sales of tangible personal property directly to a 4112
megaproject operator in this state for use at the site of the 4113
megaproject operator's megaproject, provided that the sale 4114
occurs during the period that the megaproject operator has an 4115
agreement with the tax credit authority for the megaproject 4116

under division (D) of section 122.17 of the Revised Code that 4117
remains in effect and has not expired or been terminated, and 4118
provided the megaproject supplier holds a certificate for such 4119
megaproject issued under section 5751.052 of the Revised Code 4120
for the calendar year in which the sales are made and, if the 4121
megaproject supplier meets the requirements described in 4122
division (A)(13)(b) of section 122.17 of the Revised Code, the 4123
megaproject supplier holds a certificate for such megaproject 4124
issued under division (D)(11) of section 122.17 of the Revised 4125
Code on the first day of that calendar year; 4126

(pp) Receipts from the sale of each new piece of capital 4127
equipment that has a cost in excess of one hundred million 4128
dollars and that is used at the site of a megaproject that 4129
satisfies the criteria described in division (A)(11)(a)(ii) of 4130
section 122.17 of the Revised Code, provided that the sale 4131
occurs during the period that a megaproject operator has an 4132
agreement for that megaproject with the tax credit authority 4133
under division (D) of section 122.17 of the Revised Code that 4134
remains in effect and has not expired or been terminated; 4135

(qq) In the case of amounts collected by a sports gaming 4136
proprietor from sports gaming, amounts in excess of the 4137
proprietor's sports gaming receipts. As used in this division, 4138
"sports gaming proprietor" has the same meaning as in section 4139
3775.01 of the Revised Code and "sports gaming receipts" has the 4140
same meaning as in section 5753.01 of the Revised Code. 4141

(rr) Any receipts for which the tax imposed by this 4142
chapter is prohibited by the constitution or laws of the United 4143
States or the constitution of this state; 4144

(ss) Receipts from fees imposed under sections 128.41 and 4145
128.42 of the Revised Code. 4146

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

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

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

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

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

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

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

(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.

(I) A person has "bright-line presence" in this state for 4175
a reporting period and for the remaining portion of the calendar 4176
year if any of the following applies. The person: 4177

(1) Has at any time during the calendar year property in 4178
this state with an aggregate value of at least fifty thousand 4179
dollars. For the purpose of division (I)(1) of this section, 4180
owned property is valued at original cost and rented property is 4181
valued at eight times the net annual rental charge. 4182

(2) Has during the calendar year payroll in this state of 4183
at least fifty thousand dollars. Payroll in this state includes 4184
all of the following: 4185

(a) Any amount subject to withholding by the person under 4186
section 5747.06 of the Revised Code; 4187

(b) Any other amount the person pays as compensation to an 4188
individual under the supervision or control of the person for 4189
work done in this state; and 4190

(c) Any amount the person pays for services performed in 4191
this state on its behalf by another. 4192

(3) Has during the calendar year taxable gross receipts of 4193
at least five hundred thousand dollars-; 4194

(4) Has at any time during the calendar year within this 4195
state at least twenty-five per cent of the person's total 4196
property, total payroll, or total gross receipts-; 4197

(5) Is domiciled in this state as an individual or for 4198
corporate, commercial, or other business purposes. 4199

(J) "Tangible personal property" has the same meaning as 4200
in section 5739.01 of the Revised Code. 4201

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

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

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

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

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

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

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

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

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

(4) A lottery sales agent holding a valid license issued 4230
under section 3770.05 of the Revised Code; 4231

(5) A person acting as an agent of the division of liquor 4232
control under section 4301.17 of the Revised Code. 4233

(Q) "Received" includes amounts accrued under the accrual 4234
method of accounting. 4235

(R) "Reporting person" means a person in a consolidated 4236
elected taxpayer or combined taxpayer group that is designated 4237
by that group to legally bind the group for all filings and tax 4238
liabilities and to receive all legal notices with respect to 4239
matters under this chapter, or, for the purposes of section 4240
5751.04 of the Revised Code, a separate taxpayer that is not a 4241
member of such a group. 4242

(S) "Megaproject," "megaproject operator," and 4243
"megaproject supplier" have the same meanings as in section 4244
122.17 of the Revised Code. 4245

Section 2. That existing sections 128.01, 128.02, 128.021, 4246
128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 4247
128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 4248
128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 4249
128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 4250
5703.052, 5733.55, and 5751.01 of the Revised Code are hereby 4251
repealed. 4252

Section 3. That sections 128.04, 128.09, 128.15, 128.571, 4253
4742.01, 4742.02, 4742.03, 4742.04, 4742.05, 4742.06, and 4254
4742.07 of the Revised Code are hereby repealed. 4255

Section 4. Not later than twenty-four months after the 4256
effective date of this section, the 9-1-1 steering committee, in 4257
consultation with the Tax Commissioner, shall deliver a report 4258

to the General Assembly detailing any legislative 4259
recommendations to address issues concerning the collection and 4260
use of the next generation 9-1-1 access fees, including auditing 4261
carriers and other companies subject to collect such fees. 4262

Section 5. Section 149.43 of the Revised Code is presented 4263
in this act as a composite of the section as amended by H.B. 45, 4264
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 4265
134th General Assembly. The General Assembly, applying the 4266
principle stated in division (B) of section 1.52 of the Revised 4267
Code that amendments are to be harmonized and reconciled if 4268
reasonably capable of simultaneous operation, finds that the 4269
composite is the resulting version of the section in effect 4270
prior to the effective date of the section as presented in this 4271
act. 4272