

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 320

Representatives Weinstein, West

**Cosponsors: Representatives Blackshear, Boyd, Brent, Crawley, Crossman,
Denson, Galonski, Ingram, Lepore-Hagan, Miller, A., Smith, M., Upchurch**

A BILL

To amend sections 128.32 and 128.99 and to enact 1
section 2307.68 of the Revised Code to permit 2
the subject of a false 9-1-1 report made by a 3
person for a discriminatory reason against the 4
subject of the report to bring a civil action 5
for damages against the person, and to name the 6
act Darren's Law. 7

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

Section 1. That sections 128.32 and 128.99 be amended and 8
section 2307.68 of the Revised Code be enacted to read as 9
follows: 10

Sec. 128.32. (A) (1) The state, the state highway patrol, a 11
subdivision, or a regional council of governments participating 12
in a 9-1-1 system established under this chapter and any 13
officer, agent, employee, or independent contractor of the 14
state, the state highway patrol, or such a participating 15
subdivision or regional council of governments is not liable in 16
damages in a civil action for injuries, death, or loss to 17
persons or property arising from any act or omission, except 18

willful or wanton misconduct, in connection with developing, 19
adopting, or approving any final plan or any agreement made 20
under section 128.09 of the Revised Code or otherwise bringing 21
into operation the 9-1-1 system pursuant to this chapter. 22

(2) The steering committee and any member of the steering 23
committee are not liable in damages in a civil action for 24
injuries, death, or loss to persons or property arising from any 25
act or omission, except willful or wanton misconduct, in 26
connection with the development or operation of a 9-1-1 system 27
established under this chapter. 28

(B) Except as otherwise provided in this section, an 29
individual who gives emergency instructions through a 9-1-1 30
system established under this chapter, and the principals for 31
whom the person acts, including both employers and independent 32
contractors, public and private, and an individual who follows 33
emergency instructions and the principals for whom that person 34
acts, including both employers and independent contractors, 35
public and private, are not liable in damages in a civil action 36
for injuries, death, or loss to persons or property arising from 37
the issuance or following of emergency instructions, except 38
where the issuance or following of the instructions constitutes 39
willful or wanton misconduct. 40

(C) Except for willful or wanton misconduct, a telephone 41
company, and any other installer, maintainer, or provider, 42
through the sale or otherwise, of customer premises equipment, 43
or service used for or with a 9-1-1 system, and their respective 44
officers, directors, employees, agents, suppliers, corporate 45
parents, and affiliates are not liable in damages in a civil 46
action for injuries, death, or loss to persons or property 47
incurred by any person resulting from any of the following: 48

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

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

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

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

(2) (a) If a person violates division (E) (1) of this section and the reason for the use of the telephone number is based on the race, color, religion, or national origin of another person who is the subject of the nonexistent emergency, the person who is the subject of the nonexistent emergency may bring a civil action for damages under section 2307.68 of the Revised Code against the person who used the telephone number under this division.

(b) Division (E) (2) (a) of this section applies to the use of the telephone number of a 9-1-1 system either by dialing that number or by texting that number.

(3) If a person knowingly uses a telephone number, other

than a telephone number of a 9-1-1 system, to call for a police 78
dispatch to respond to an emergency, the person knows that no 79
emergency exists, and the reason for the call is based on the 80
race, color, religion, or national origin of another person who 81
is the subject of the nonexistent emergency, the person who is 82
the subject of the nonexistent emergency may bring a civil 83
action for damages under section 2307.68 of the Revised Code 84
against the person who used the telephone number for a call 85
under division (E) (3) of this section. 86

(F) No person shall knowingly use a 9-1-1 system for a 87
purpose other than obtaining emergency service. 88

(G) No person shall disclose or use any information 89
concerning telephone numbers, addresses, or names obtained from 90
the data base that serves the public safety answering point of a 91
9-1-1 system established under this chapter, except for any of 92
the following purposes or under any of the following 93
circumstances: 94

(1) For the purpose of the 9-1-1 system; 95

(2) For the purpose of responding to an emergency call to 96
an emergency service provider; 97

(3) In the circumstance of the inadvertent disclosure of 98
such information due solely to technology of the wireline 99
telephone network portion of the 9-1-1 system not allowing 100
access to the data base to be restricted to 9-1-1 specific 101
answering lines at a public safety answering point; 102

(4) In the circumstance of access to a data base being 103
given by a telephone company that is a wireline service provider 104
to a public utility or municipal utility in handling customer 105
calls in times of public emergency or service outages. The 106

charge, terms, and conditions for the disclosure or use of such 107
information for the purpose of such access to a data base shall 108
be subject to the jurisdiction of the steering committee. 109

(5) In the circumstance of access to a data base given by 110
a telephone company that is a wireline service provider to a 111
state and local government in warning of a public emergency, as 112
determined by the steering committee. The charge, terms, and 113
conditions for the disclosure or use of that information for the 114
purpose of access to a data base is subject to the jurisdiction 115
of the steering committee. 116

Sec. 128.99. (A) Whoever violates division (E) (1) of 117
section 128.32 of the Revised Code is guilty of a misdemeanor of 118
the fourth degree. 119

(B) Whoever violates division (F) or (G) of section 128.32 120
or division (B) (2) of section 128.60 of the Revised Code is 121
guilty of a misdemeanor of the fourth degree on a first offense 122
and a felony of the fifth degree on each subsequent offense. 123

(C) If a wireless service provider, reseller, or seller 124
violates division (B) (1) (a) of section 128.46 of the Revised 125
Code, and does not comply with any extensions granted under 126
division (B) (2) of that section, the tax commissioner may impose 127
a late-filing penalty of not more than the greater of fifty 128
dollars or five per cent of the amount required to be remitted 129
as described in division (B) (1) (b) of that section. 130

(D) If a wireless service provider, reseller, or seller 131
fails to comply with division (B) (1) (b) of section 128.46 of the 132
Revised Code, the tax commissioner may impose a late-payment 133
penalty of not more than the greater of fifty dollars or five 134
per cent of the wireless 9-1-1 charge required to be remitted 135

for the reporting period minus any partial remittance made on or 136
before the due date, including any extensions granted under 137
division (B) (2) of section 128.46 of the Revised Code. 138

(E) The tax commissioner may impose an assessment penalty 139
of not more than the greater of one hundred dollars or thirty- 140
five per cent of the wireless 9-1-1 charges due after the tax 141
commissioner notifies the person of an audit, an examination, a 142
delinquency, assessment, or other notice that additional 143
wireless 9-1-1 charges are due. 144

(F) If a wireless service provider, reseller, or seller 145
fails to comply with either electronic requirement of division 146
(B) (5) of section 128.46 of the Revised Code, the tax 147
commissioner may impose an electronic penalty, for either or 148
both failures to comply, of not more than the lesser of the 149
following: 150

(1) The greater of one hundred dollars or ten per cent of 151
the amount required to be, but not, remitted electronically; 152

(2) Five thousand dollars. 153

(G) Each penalty described in divisions (C) to (F) of this 154
section is in addition to any other penalty described in those 155
divisions. The tax commissioner may abate all or any portion of 156
any penalty described in those divisions. 157

Sec. 2307.68. (A) Any person who suffers injury or loss to 158
person or property as a result of an act described in division 159
(E) (2) or (3) of section 128.32 of the Revised Code may bring a 160
civil action against the person who engaged in that act. In such 161
an action, the person may recover all of the following: 162

(1) Full compensatory damages, including damages for 163
emotional distress; 164

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| <u>(2) Punitive or exemplary damages;</u> | 165 |
| <u>(3) Court costs, reasonable attorneys' fees, and other</u> | 166 |
| <u>reasonable expenses incurred in maintaining that action.</u> | 167 |
| <u>(B) If the court finds in favor of the person who brought</u> | 168 |
| <u>the civil action under division (A) of this section, the court</u> | 169 |
| <u>shall order the person against whom the action was brought to</u> | 170 |
| <u>receive implicit bias training that is offered by the Kirwan</u> | 171 |
| <u>institute for the study of race and ethnicity at the Ohio state</u> | 172 |
| <u>university or by any local implicit bias training program as</u> | 173 |
| <u>determined by the court. The person shall receive the implicit</u> | 174 |
| <u>bias training at the earliest time that the training is offered</u> | 175 |
| <u>under this division. The person shall provide to the court</u> | 176 |
| <u>written proof that the training was completed.</u> | 177 |
| Section 2. That existing sections 128.32 and 128.99 of the | 178 |
| Revised Code are hereby repealed. | 179 |
| Section 3. This act shall be named Darren's Law. | 180 |