

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 445

Representatives Carfagna, Smith, K.

**Cosponsors: Representatives Kelly, Johnson, Stewart, Lightbody, Troy, West,
Plummer**

A BILL

To amend sections 128.01, 128.02, 128.021, 128.022, 1
128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 2
128.22, 128.25, 128.26, 128.27, 128.32, 128.34, 3
128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 4
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 5
128.60, 128.63, 128.99, 149.43, 4776.20, 6
5703.052, 5733.55, and 5751.01; to amend, for 7
the purpose of adopting new section numbers as 8
indicated in parentheses, sections 128.18 9
(128.33), 128.22 (128.35), 128.25 (128.37), 10
128.26 (128.38), 128.27 (128.39), 128.32 11
(128.96), 128.34 (128.98), 128.40 (128.20), 12
128.42 (128.40), and 128.45 (128.451); to enact 13
new sections 128.22, 128.25, 128.26, 128.27, 14
128.42, and 128.45 and sections 128.05, 128.21, 15
128.211, 128.212, 128.221, 128.23, 128.24, 16
128.241, 128.242, 128.243, 128.28, 128.41, 17
128.411, 128.412, 128.413, 128.414, 128.415, 18
128.416, 128.417, 128.418, 128.421, 128.422, and 19
128.43; and to repeal sections 128.04, 128.09, 20
128.15, 128.571, 4742.01, 4742.02, 4742.03, 21
4742.04, 4742.05, 4742.06, and 4742.07 of the 22

Revised Code to make changes to the law	23
governing 9-1-1 service and to repeal program	24
requirements for emergency-service-	25
telecommunicator training.	26

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

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

Sec. 128.01. As used in this chapter: 43

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

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

(1) The system automatically connects a caller provides 49
information on the nature of and the location of an emergency, 50
and the personnel receiving the call must determine the 51
appropriate emergency service provider to respond at that 52
location to a designated public safety answering point. 53

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

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

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

(1) Network switching; 60

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

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

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

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

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 77
in providing wireless 9-1-1, has the capabilities of phase I 78
and, to the extent available, phase II enhanced 9-1-1 services 79
as described in 47 C.F.R. 20.18 (d) to (h). 80

(F) (1) "Wireless service" means federally licensed 81
commercial mobile service as defined in 47 U.S.C. 332(d) and 82
further defined as commercial mobile radio service in 47 C.F.R. 83
20.3, and includes services for communicating voice, text, data, 84
and video and service provided by any wireless, two-way 85
communications device, including a radio-telephone 86
communications line used in cellular telephone service or 87
personal communications service, a network radio access line, or 88
any functional or competitive equivalent of such a radio- 89
telephone communications or network radio access line. 90

(2) Nothing in this chapter applies to paging or any 91
service that cannot be used to call 9-1-1. 92

(G) "Wireless service provider" means ~~a facilities-based-~~ 93
~~provider of any of the following that provides~~ wireless service 94
to one or more end users in this state; 95

(1) A facilities-based provider; 96

(2) A mobile virtual network operator; 97

(3) A virtual network operator; 98

(4) A mobile other licensed operator. 99

(H) "Wireless 9-1-1" means the emergency calling service 100
provided by a 9-1-1 system pursuant to a call originating in the 101
network of a wireless service provider. 102

(I) "Wireline 9-1-1" means the emergency calling service 103
provided by a 9-1-1 system pursuant to a call originating in the 104

network of a wireline service provider. 105

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

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

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

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

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

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

subdivision or that provides emergency service to a subdivision 134
under contract with the subdivision. 135

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

(1) Located in a specific facility; 148

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

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

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

the term refers than in any other county. 163

(S) "Board of county commissioners" includes the 164
legislative authority of a county established under Section 3 of 165
Article X, Ohio Constitution, or Chapter 302. of the Revised 166
Code. 167

(T) "Final plan" means a final plan adopted under division 168
(B) of section 128.08 of the Revised Code and, except as 169
otherwise expressly provided, an amended final plan adopted 170
under section 128.12 of the Revised Code. 171

(U) "Subdivision served by a public safety answering 172
point" means a subdivision that provides emergency service for 173
any part of its territory that is located within the territory 174
of a public safety answering point whether the subdivision 175
provides the emergency service with its own employees or 176
pursuant to a contract. 177

(V) A township's population includes only population of 178
the unincorporated portion of the township. 179

(W) "Telephone company" means a company engaged in the 180
business of providing local exchange telephone service by making 181
available or furnishing access and a dial tone to persons within 182
a local calling area for use in originating and receiving voice 183
grade communications over a switched network operated by the 184
provider of the service within the area and gaining access to 185
other telecommunications services. Unless otherwise specified, 186
"telephone company" includes a wireline service provider, a 187
wireless service provider, and any entity that is a covered 9-1- 188
1 service provider under 47 C.F.R. 12.4. For purposes of 189
sections ~~128.25-128.37~~ and ~~128.26-128.38~~ of the Revised Code, 190
"telephone company" means a wireline service provider. 191

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

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

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

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

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

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

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

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

on the effective date of the amendments to this section by 221
 B of the 134th general assembly. 222

(FF) "Next generation 9-1-1" means an internet-protocol- 223
based system comprised of managed emergency services internet 224
protocol networks, functional elements, and databases that 225
replicate traditional enhanced 9-1-1 features and functions and 226
provide additional capabilities. 227

(GG) "Emergency services internet-protocol network" means 228
a managed internet-protocol network that is used for emergency 229
services communications and provides the internet-protocol 230
transport infrastructure upon which independent application 231
platforms and core services can be deployed, including those 232
necessary for providing next generation 9-1-1 services. The term 233
designates the network and not the services that ride on the 234
network. 235

(HH) "9-1-1 system service provider" means a company or 236
entity engaged in the business of providing all or part of the 237
emergency services internet-protocol network, software 238
applications, hardware, databases, customer premises equipment 239
components and operations, and management procedures required to 240
support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, 241
wireless enhanced 9-1-1, or next generation 9-1-1 systems. 242

(II) "Voice over internet protocol" means technologies for 243
the delivery of voice communications and multimedia sessions 244
over internet-protocol networks, including private networks or 245
the internet. 246

(JJ) "Multiline telephone system" means a system to which 247
both of the following apply: 248

(1) The system consists of common control units, telephone 249

sets, control hardware and software, and adjunct systems, 250
including network and premises-based systems. 251

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

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

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

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

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

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

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

(1) Emergency services routing proxy; 276

(2) Emergency call routing function; 277

<u>(3) Location validation function;</u>	278
<u>(4) Border control function;</u>	279
<u>(5) Bridge, policy-store, and logging services;</u>	280
<u>(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol.</u>	281 282
<u>The term includes the services and not the network on which they operate.</u>	283 284
<u>(00) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.</u>	285 286
Sec. 128.02. (A) (1) There is hereby created the statewide emergency services internet protocol network 9-1-1 steering committee, consisting of the following ten members:	287 288 289
(a) The state chief information officer or the officer's designee;	290 291
(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party;	292 293 294
(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party;	295 296
(d) Five members appointed by the governor.	297
(2) In appointing the five members under division (A) (1) (d) of this section, the governor shall appoint two representatives of the county commissioners' association of Ohio or a successor organization, two representatives of the Ohio municipal league or a successor organization, and one representative of the Ohio township association or a successor organization. For each of these appointments, the governor shall	298 299 300 301 302 303 304

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Any other information requested by the steering 392
committee deemed necessary to support the transition to next 393
generation 9-1-1. 394

(2) Any ~~political subdivision or governmental~~ entity 395
operating a public safety answering point shall provide to the 396
steering committee: 397

(a) The geographic location and population of the area for 398
which the ~~planning committee~~ entity is responsible; 399

(b) Statistics detailing the number of 9-1-1 calls 400
received; 401

(c) A report of expenditures made from disbursements for 402
9-1-1; 403

(d) An inventory of and the technical specifications for 404
the current 9-1-1 network and equipment; 405

(e) Any other information requested by the steering 406
committee that is deemed necessary to support the transition to 407
next generation 9-1-1. 408

(3) The information requested under divisions (D) (1) and 409
(2) of this section shall be provided by the 9-1-1 service 410
provider, political subdivision, or governmental entity within 411
forty-five days of the request of the steering committee. 412

(E) ~~The steering committee shall hold its inaugural~~ 413
~~meeting not later than thirty days after September 28, 2012.~~ 414
~~Thereafter, the~~ steering committee shall meet at least once a 415
~~month~~ quarter, either in person or utilizing telecommunication- 416
conferencing technology. A majority of the voting members shall 417
constitute a quorum. 418

(F) (1) The steering committee shall have a permanent 419

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

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

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

(i) The Ohio telephone association;

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

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

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

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

(i) The buckeye state sheriffs' association; 455

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~of enhanced 9-1-1 for that territory. If a 9-1-1 planning committee and a wireline service provider do not agree on whether the provider is so capable, the planning committee shall notify the steering committee, and the steering committee shall determine whether the wireline service provider is so capable. The planning committee shall ascertain whether such disagreement exists before making its implementation proposal under division (A) of section 128.07 of the Revised Code. The steering committee's determination shall be in the form of an order. No final plan shall require a wireline service provider to provide the wireline telephone network portion of a 9-1-1 system that the steering committee has determined the provider is not reasonably capable of providing.~~

(B) A countywide 9-1-1 system may be ~~a basic or an~~ enhanced or next generation 9-1-1 system, or a combination of the two, and shall be ~~for the purpose of providing both wireline 9-1-1 and wireless 9-1-1~~ designed to provide access to emergency services from all connected communications sources.

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

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

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

(2) A subdivision or a regional council of governments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The board of county commissioners; 870

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

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

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

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

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

~~deemed amended upon the filing of that letter. The entity that~~ 916
~~files the letter shall send written notice of that filing to all~~ 917
~~subdivisions, regional councils of governments, and telephone~~ 918
~~companies participating in the system.~~ 919

~~(2)~~ An amendment to a final plan for any other purpose set 920
forth in division (A) of this section may be made by an addendum 921
approved by a majority of the 9-1-1 planning program review 922
committee. The board of county commissioners shall call a 923
meeting of the 9-1-1 planning program review committee for the 924
purpose of considering an addendum pursuant to this division. 925

~~(3)~~ (2) Adoption of any resolution under section ~~128.22~~ 926
128.35 of the Revised Code pursuant to a final plan that both 927
has been adopted and provides for funding through charges 928
imposed under that section is not an amendment of a final plan 929
for the purpose of this division. 930

(C) When a final plan is amended for a purpose described 931
in division (A) (1), (2), or (7) of this section, sections ~~128.18~~ 932
128.33 and 5733.55 of the Revised Code apply with respect to the 933
receipt of the nonrecurring and recurring rates and charges for 934
the wireline telephone network portion of the 9-1-1 system. 935

Sec. ~~128.40~~ 128.20. There is hereby created within the 936
department of administrative services the 9-1-1 program office, 937
headed by an administrator in the unclassified civil service 938
pursuant to division (A) (9) of section 124.11 of the Revised 939
Code. The administrator shall be appointed by and serve at the 940
pleasure of the director of administrative services and shall 941
report directly to the state chief information officer. The 942
program office shall oversee administration of the ~~wireless~~ 9-1- 943
1 government assistance fund, the ~~wireless~~ 9-1-1 program fund, 944
and the next generation 9-1-1 fund. 945

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

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

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

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

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

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

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

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

(2) Provide a single point of contact to the 9-1-1 program office who has the authority to assist in location-data discrepancies, including 9-1-1 traffic misroutes and no-record-found errors; 1057
1058
1059
1060

(3) Provide location data for all 9-1-1 traffic with the accuracy and validity necessary to ensure proper routing to the most appropriate public safety answering point or local next generation 9-1-1 system. Provision of this location data may include both of the following: 1061
1062
1063
1064
1065

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

(b) Providing a routable location with the 9-1-1 traffic at call time, utilizing approved standards for both legacy and next generation 9-1-1. 1068
1069
1070

(B) If a service provider subject to division (A) of this section is notified by the 9-1-1 program office of a discrepancy in location data, the service provider shall correct the discrepancy during the next business day. 1071
1072
1073
1074

(C) All data provided under this section is private and subject to applicable privacy laws and shall not be considered a "public record" for purposes of section 149.43 of the Revised Code. 1075
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1077
1078

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

(1) Each operator of a multiline telephone system that was installed or substantially renovated on or after the effective date of ___B___ of the 134th general assembly, shall provide to the end user the same level of 9-1-1 service that is provided to other end users of 9-1-1 within the state. That service shall 1081
1082
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1084
1085

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

apply. 1264

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Telephone access lines; 1366

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Telephone access lines; 1442

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

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

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

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

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

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

and location of each of the hearings. 1471

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to meet the obligations of the funds. 1737

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller an entity 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 has failed to bill, collect, or remit the wireless 9-1-1 charge or fee as required by this section and section 128.42 sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) ~~(4)~~ of this section, and after written notice to the provider, reseller, or seller entity, the tax commissioner may audit the provider, reseller, or seller entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's, reseller's, or seller's entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the provider, reseller, or seller entity 2018
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in selecting that sample. 2035

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

consumer. 2184

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

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

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

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

penalties. 2214

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) The amounts of the wireless 9-1-1 charges shall be prescribed only by act of the general assembly.~~ 2449
2450

Sec. ~~128.32~~ 128.96. (A) (1) The state, the state highway patrol, a subdivision, or a regional council of governments participating in a 9-1-1 system established under this chapter and any officer, agent, employee, or independent contractor of the state, the state highway patrol, or such a participating subdivision or regional council of governments is not liable in damages in a civil action for injuries, death, or loss to persons or property arising from any act or omission, except willful or wanton misconduct, in connection with developing, adopting, or approving any final plan ~~or any agreement made under section 128.09 of the Revised Code~~ or otherwise bringing into operation the 9-1-1 system pursuant to this chapter. 2451
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(2) The steering committee and any member of the steering committee are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from any act or omission, except willful or wanton misconduct, in connection with the development or operation of a 9-1-1 system established under this chapter. 2463
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(B) Except as otherwise provided in this section, an individual who gives emergency instructions through a 9-1-1 system established under this chapter, and the principals for whom the person acts, including both employers and independent contractors, public and private, and an individual who follows emergency instructions and the principals for whom that person acts, including both employers and independent contractors, public and private, are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from the issuance or following of emergency instructions, except 2469
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where the issuance or following of the instructions constitutes 2479
willful or wanton misconduct. 2480

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

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

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

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

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

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

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

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

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

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

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

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

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

be subject to the jurisdiction of the steering committee. 2537

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

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

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

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

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

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

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

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

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

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

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

(2) Five thousand dollars.

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

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

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

(a) One thousand dollars for an initial failure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

township, municipal corporation, county, or any other geographic 2735
area smaller than the state. As used in this division, 2736
"confidential address" and "program participant" have the 2737
meaning defined in section 111.41 of the Revised Code. 2738

(ff) Orders for active military service of an individual 2739
serving or with previous service in the armed forces of the 2740
United States, including a reserve component, or the Ohio 2741
organized militia, except that, such order becomes a public 2742
record on the day that is fifteen years after the published date 2743
or effective date of the call to order; 2744

(gg) The name, address, contact information, or other 2745
personal information of an individual who is less than eighteen 2746
years of age that is included in any record related to a traffic 2747
accident involving a school vehicle in which the individual was 2748
an occupant at the time of the accident; 2749

(hh) Protected health information, as defined in 45 C.F.R. 2750
160.103, that is in a claim for payment for a health care 2751
product, service, or procedure, as well as any other health 2752
claims data in another document that reveals the identity of an 2753
individual who is the subject of the data or could be used to 2754
reveal that individual's identity; 2755

(ii) Any depiction by photograph, film, videotape, or 2756
printed or digital image under either of the following 2757
circumstances: 2758

(i) The depiction is that of a victim of an offense the 2759
release of which would be, to a reasonable person of ordinary 2760
sensibilities, an offensive and objectionable intrusion into the 2761
victim's expectation of bodily privacy and integrity. 2762

(ii) The depiction captures or depicts the victim of a 2763

sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense. 2764
2765

(jj) Restricted portions of a body-worn camera or dashboard camera recording; 2766
2767

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code. 2768
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(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code; 2777
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(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report. 2784
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(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of 2788
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section 4717.13, division (J) of section 4717.31, or section 2793
4717.41 of the Revised Code. 2794

(oo) Telephone numbers for a party to a motor vehicle 2795
accident subject to the requirements of section 5502.11 of the 2796
Revised Code that are listed on any law enforcement record or 2797
report, except that the telephone numbers described in this 2798
division are not excluded from the definition of "public record" 2799
under this division on and after the thirtieth day after the 2800
occurrence of the motor vehicle accident. 2801

A record that is not a public record under division (A) (1) 2802
of this section and that, under law, is permanently retained 2803
becomes a public record on the day that is seventy-five years 2804
after the day on which the record was created, except for any 2805
record protected by the attorney-client privilege, a trial 2806
preparation record as defined in this section, a statement 2807
prohibiting the release of identifying information signed under 2808
section 3107.083 of the Revised Code, a denial of release form 2809
filed pursuant to section 3107.46 of the Revised Code, or any 2810
record that is exempt from release or disclosure under section 2811
149.433 of the Revised Code. If the record is a birth 2812
certificate and a biological parent's name redaction request 2813
form has been accepted under section 3107.391 of the Revised 2814
Code, the name of that parent shall be redacted from the birth 2815
certificate before it is released under this paragraph. If any 2816
other section of the Revised Code establishes a time period for 2817
disclosure of a record that conflicts with the time period 2818
specified in this section, the time period in the other section 2819
prevails. 2820

(2) "Confidential law enforcement investigatory record" 2821
means any record that pertains to a law enforcement matter of a 2822

criminal, quasi-criminal, civil, or administrative nature, but 2823
only to the extent that the release of the record would create a 2824
high probability of disclosure of any of the following: 2825

(a) The identity of a suspect who has not been charged 2826
with the offense to which the record pertains, or of an 2827
information source or witness to whom confidentiality has been 2828
reasonably promised; 2829

(b) Information provided by an information source or 2830
witness to whom confidentiality has been reasonably promised, 2831
which information would reasonably tend to disclose the source's 2832
or witness's identity; 2833

(c) Specific confidential investigatory techniques or 2834
procedures or specific investigatory work product; 2835

(d) Information that would endanger the life or physical 2836
safety of law enforcement personnel, a crime victim, a witness, 2837
or a confidential information source. 2838

(3) "Medical record" means any document or combination of 2839
documents, except births, deaths, and the fact of admission to 2840
or discharge from a hospital, that pertains to the medical 2841
history, diagnosis, prognosis, or medical condition of a patient 2842
and that is generated and maintained in the process of medical 2843
treatment. 2844

(4) "Trial preparation record" means any record that 2845
contains information that is specifically compiled in reasonable 2846
anticipation of, or in defense of, a civil or criminal action or 2847
proceeding, including the independent thought processes and 2848
personal trial preparation of an attorney. 2849

(5) "Intellectual property record" means a record, other 2850
than a financial or administrative record, that is produced or 2851

collected by or for faculty or staff of a state institution of 2852
higher learning in the conduct of or as a result of study or 2853
research on an educational, commercial, scientific, artistic, 2854
technical, or scholarly issue, regardless of whether the study 2855
or research was sponsored by the institution alone or in 2856
conjunction with a governmental body or private concern, and 2857
that has not been publicly released, published, or patented. 2858

(6) "Donor profile record" means all records about donors 2859
or potential donors to a public institution of higher education 2860
except the names and reported addresses of the actual donors and 2861
the date, amount, and conditions of the actual donation. 2862

(7) "Designated public service worker" means a peace 2863
officer, parole officer, probation officer, bailiff, prosecuting 2864
attorney, assistant prosecuting attorney, correctional employee, 2865
county or multicounty corrections officer, community-based 2866
correctional facility employee, designated Ohio national guard 2867
member, protective services worker, youth services employee, 2868
firefighter, EMT, medical director or member of a cooperating 2869
physician advisory board of an emergency medical service 2870
organization, state board of pharmacy employee, investigator of 2871
the bureau of criminal identification and investigation, 2872
emergency service telecommunicator, forensic mental health 2873
provider, mental health evaluation provider, regional 2874
psychiatric hospital employee, judge, magistrate, or federal law 2875
enforcement officer. 2876

(8) "Designated public service worker residential and 2877
familial information" means any information that discloses any 2878
of the following about a designated public service worker: 2879

(a) The address of the actual personal residence of a 2880
designated public service worker, except for the following 2881

information:	2882
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	2883 2884
(ii) The state or political subdivision in which a designated public service worker resides.	2885 2886
(b) Information compiled from referral to or participation in an employee assistance program;	2887 2888
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	2889 2890 2891 2892 2893
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	2894 2895 2896 2897
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	2898 2899 2900 2901 2902
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	2903 2904 2905 2906 2907 2908
(g) A photograph of a peace officer who holds a position	2909

or has an assignment that may include undercover or plain 2910
clothes positions or assignments as determined by the peace 2911
officer's appointing authority. 2912

(9) As used in divisions (A) (7) and (15) to (17) of this 2913
section: 2914

"Peace officer" has the meaning defined in section 109.71 2915
of the Revised Code and also includes the superintendent and 2916
troopers of the state highway patrol; it does not include the 2917
sheriff of a county or a supervisory employee who, in the 2918
absence of the sheriff, is authorized to stand in for, exercise 2919
the authority of, and perform the duties of the sheriff. 2920

"Correctional employee" means any employee of the 2921
department of rehabilitation and correction who in the course of 2922
performing the employee's job duties has or has had contact with 2923
inmates and persons under supervision. 2924

"County or multicounty corrections officer" means any 2925
corrections officer employed by any county or multicounty 2926
correctional facility. 2927

"Designated Ohio national guard member" means a member of 2928
the Ohio national guard who is participating in duties related 2929
to remotely piloted aircraft, including, but not limited to, 2930
pilots, sensor operators, and mission intelligence personnel, 2931
duties related to special forces operations, or duties related 2932
to cybersecurity, and is designated by the adjutant general as a 2933
designated public service worker for those purposes. 2934

"Protective services worker" means any employee of a 2935
county agency who is responsible for child protective services, 2936
child support services, or adult protective services. 2937

"Youth services employee" means any employee of the 2938

department of youth services who in the course of performing the 2939
employee's job duties has or has had contact with children 2940
committed to the custody of the department of youth services. 2941

"Firefighter" means any regular, paid or volunteer, member 2942
of a lawfully constituted fire department of a municipal 2943
corporation, township, fire district, or village. 2944

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2945
provide emergency medical services for a public emergency 2946
medical service organization. "Emergency medical service 2947
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2948
meanings defined in section 4765.01 of the Revised Code. 2949

"Investigator of the bureau of criminal identification and 2950
investigation" has the meaning defined in section 2903.11 of the 2951
Revised Code. 2952

"Emergency service telecommunicator" ~~has the meaning~~ 2953
~~defined in section 4742.01 of the Revised Code~~ means an 2954
individual employed by an emergency service provider as defined 2955
under section 128.01 of the Revised Code, whose primary 2956
responsibility is to be an operator for the receipt or 2957
processing of calls for emergency services made by telephone, 2958
radio, or other electronic means. 2959

"Forensic mental health provider" means any employee of a 2960
community mental health service provider or local alcohol, drug 2961
addiction, and mental health services board who, in the course 2962
of the employee's duties, has contact with persons committed to 2963
a local alcohol, drug addiction, and mental health services 2964
board by a court order pursuant to section 2945.38, 2945.39, 2965
2945.40, or 2945.402 of the Revised Code. 2966

"Mental health evaluation provider" means an individual 2967

who, under Chapter 5122. of the Revised Code, examines a 2968
respondent who is alleged to be a mentally ill person subject to 2969
court order, as defined in section 5122.01 of the Revised Code, 2970
and reports to the probate court the respondent's mental 2971
condition. 2972

"Regional psychiatric hospital employee" means any 2973
employee of the department of mental health and addiction 2974
services who, in the course of performing the employee's duties, 2975
has contact with patients committed to the department of mental 2976
health and addiction services by a court order pursuant to 2977
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2978
Code. 2979

"Federal law enforcement officer" has the meaning defined 2980
in section 9.88 of the Revised Code. 2981

(10) "Information pertaining to the recreational 2982
activities of a person under the age of eighteen" means 2983
information that is kept in the ordinary course of business by a 2984
public office, that pertains to the recreational activities of a 2985
person under the age of eighteen years, and that discloses any 2986
of the following: 2987

(a) The address or telephone number of a person under the 2988
age of eighteen or the address or telephone number of that 2989
person's parent, guardian, custodian, or emergency contact 2990
person; 2991

(b) The social security number, birth date, or 2992
photographic image of a person under the age of eighteen; 2993

(c) Any medical record, history, or information pertaining 2994
to a person under the age of eighteen; 2995

(d) Any additional information sought or required about a 2996

person under the age of eighteen for the purpose of allowing 2997
that person to participate in any recreational activity 2998
conducted or sponsored by a public office or to use or obtain 2999
admission privileges to any recreational facility owned or 3000
operated by a public office. 3001

(11) "Community control sanction" has the meaning defined 3002
in section 2929.01 of the Revised Code. 3003

(12) "Post-release control sanction" has the meaning 3004
defined in section 2967.01 of the Revised Code. 3005

(13) "Redaction" means obscuring or deleting any 3006
information that is exempt from the duty to permit public 3007
inspection or copying from an item that otherwise meets the 3008
definition of a "record" in section 149.011 of the Revised Code. 3009

(14) "Designee," "elected official," and "future official" 3010
have the meanings defined in section 109.43 of the Revised Code. 3011

(15) "Body-worn camera" means a visual and audio recording 3012
device worn on the person of a peace officer while the peace 3013
officer is engaged in the performance of the peace officer's 3014
duties. 3015

(16) "Dashboard camera" means a visual and audio recording 3016
device mounted on a peace officer's vehicle or vessel that is 3017
used while the peace officer is engaged in the performance of 3018
the peace officer's duties. 3019

(17) "Restricted portions of a body-worn camera or 3020
dashboard camera recording" means any visual or audio portion of 3021
a body-worn camera or dashboard camera recording that shows, 3022
communicates, or discloses any of the following: 3023

(a) The image or identity of a child or information that 3024

could lead to the identification of a child who is a primary 3025
subject of the recording when the law enforcement agency knows 3026
or has reason to know the person is a child based on the law 3027
enforcement agency's records or the content of the recording; 3028

(b) The death of a person or a deceased person's body, 3029
unless the death was caused by a peace officer or, subject to 3030
division (H)(1) of this section, the consent of the decedent's 3031
executor or administrator has been obtained; 3032

(c) The death of a peace officer, firefighter, paramedic, 3033
or other first responder, occurring while the decedent was 3034
engaged in the performance of official duties, unless, subject 3035
to division (H)(1) of this section, the consent of the 3036
decedent's executor or administrator has been obtained; 3037

(d) Grievous bodily harm, unless the injury was effected 3038
by a peace officer or, subject to division (H)(1) of this 3039
section, the consent of the injured person or the injured 3040
person's guardian has been obtained; 3041

(e) An act of severe violence against a person that 3042
results in serious physical harm to the person, unless the act 3043
and injury was effected by a peace officer or, subject to 3044
division (H)(1) of this section, the consent of the injured 3045
person or the injured person's guardian has been obtained; 3046

(f) Grievous bodily harm to a peace officer, firefighter, 3047
paramedic, or other first responder, occurring while the injured 3048
person was engaged in the performance of official duties, 3049
unless, subject to division (H)(1) of this section, the consent 3050
of the injured person or the injured person's guardian has been 3051
obtained; 3052

(g) An act of severe violence resulting in serious 3053

physical harm against a peace officer, firefighter, paramedic, 3054
or other first responder, occurring while the injured person was 3055
engaged in the performance of official duties, unless, subject 3056
to division (H) (1) of this section, the consent of the injured 3057
person or the injured person's guardian has been obtained; 3058

(h) A person's nude body, unless, subject to division (H) 3059
(1) of this section, the person's consent has been obtained; 3060

(i) Protected health information, the identity of a person 3061
in a health care facility who is not the subject of a law 3062
enforcement encounter, or any other information in a health care 3063
facility that could identify a person who is not the subject of 3064
a law enforcement encounter; 3065

(j) Information that could identify the alleged victim of 3066
a sex offense, menacing by stalking, or domestic violence; 3067

(k) Information, that does not constitute a confidential 3068
law enforcement investigatory record, that could identify a 3069
person who provides sensitive or confidential information to a 3070
law enforcement agency when the disclosure of the person's 3071
identity or the information provided could reasonably be 3072
expected to threaten or endanger the safety or property of the 3073
person or another person; 3074

(l) Personal information of a person who is not arrested, 3075
cited, charged, or issued a written warning by a peace officer; 3076

(m) Proprietary police contingency plans or tactics that 3077
are intended to prevent crime and maintain public order and 3078
safety; 3079

(n) A personal conversation unrelated to work between 3080
peace officers or between a peace officer and an employee of a 3081
law enforcement agency; 3082

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	3083 3084
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	3085 3086 3087
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	3088 3089 3090
As used in division (A) (17) of this section:	3091
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	3092 3093
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	3094 3095
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	3096 3097
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	3098 3099
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	3100 3101 3102 3103
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	3104 3105
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	3106 3107
(B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the	3108 3109

request shall be promptly prepared and made available for 3110
inspection to the requester at all reasonable times during 3111
regular business hours. Subject to division (B)(8) of this 3112
section, upon request by any person, a public office or person 3113
responsible for public records shall make copies of the 3114
requested public record available to the requester at cost and 3115
within a reasonable period of time. If a public record contains 3116
information that is exempt from the duty to permit public 3117
inspection or to copy the public record, the public office or 3118
the person responsible for the public record shall make 3119
available all of the information within the public record that 3120
is not exempt. When making that public record available for 3121
public inspection or copying that public record, the public 3122
office or the person responsible for the public record shall 3123
notify the requester of any redaction or make the redaction 3124
plainly visible. A redaction shall be deemed a denial of a 3125
request to inspect or copy the redacted information, except if 3126
federal or state law authorizes or requires a public office to 3127
make the redaction. 3128

(2) To facilitate broader access to public records, a 3129
public office or the person responsible for public records shall 3130
organize and maintain public records in a manner that they can 3131
be made available for inspection or copying in accordance with 3132
division (B) of this section. A public office also shall have 3133
available a copy of its current records retention schedule at a 3134
location readily available to the public. If a requester makes 3135
an ambiguous or overly broad request or has difficulty in making 3136
a request for copies or inspection of public records under this 3137
section such that the public office or the person responsible 3138
for the requested public record cannot reasonably identify what 3139
public records are being requested, the public office or the 3140

person responsible for the requested public record may deny the 3141
request but shall provide the requester with an opportunity to 3142
revise the request by informing the requester of the manner in 3143
which records are maintained by the public office and accessed 3144
in the ordinary course of the public office's or person's 3145
duties. 3146

(3) If a request is ultimately denied, in part or in 3147
whole, the public office or the person responsible for the 3148
requested public record shall provide the requester with an 3149
explanation, including legal authority, setting forth why the 3150
request was denied. If the initial request was provided in 3151
writing, the explanation also shall be provided to the requester 3152
in writing. The explanation shall not preclude the public office 3153
or the person responsible for the requested public record from 3154
relying upon additional reasons or legal authority in defending 3155
an action commenced under division (C) of this section. 3156

(4) Unless specifically required or authorized by state or 3157
federal law or in accordance with division (B) of this section, 3158
no public office or person responsible for public records may 3159
limit or condition the availability of public records by 3160
requiring disclosure of the requester's identity or the intended 3161
use of the requested public record. Any requirement that the 3162
requester disclose the requester's identity or the intended use 3163
of the requested public record constitutes a denial of the 3164
request. 3165

(5) A public office or person responsible for public 3166
records may ask a requester to make the request in writing, may 3167
ask for the requester's identity, and may inquire about the 3168
intended use of the information requested, but may do so only 3169
after disclosing to the requester that a written request is not 3170

mandatory, that the requester may decline to reveal the 3171
requester's identity or the intended use, and when a written 3172
request or disclosure of the identity or intended use would 3173
benefit the requester by enhancing the ability of the public 3174
office or person responsible for public records to identify, 3175
locate, or deliver the public records sought by the requester. 3176

(6) If any person requests a copy of a public record in 3177
accordance with division (B) of this section, the public office 3178
or person responsible for the public record may require the 3179
requester to pay in advance the cost involved in providing the 3180
copy of the public record in accordance with the choice made by 3181
the requester under this division. The public office or the 3182
person responsible for the public record shall permit the 3183
requester to choose to have the public record duplicated upon 3184
paper, upon the same medium upon which the public office or 3185
person responsible for the public record keeps it, or upon any 3186
other medium upon which the public office or person responsible 3187
for the public record determines that it reasonably can be 3188
duplicated as an integral part of the normal operations of the 3189
public office or person responsible for the public record. When 3190
the requester makes a choice under this division, the public 3191
office or person responsible for the public record shall provide 3192
a copy of it in accordance with the choice made by the 3193
requester. Nothing in this section requires a public office or 3194
person responsible for the public record to allow the requester 3195
of a copy of the public record to make the copies of the public 3196
record. 3197

(7) (a) Upon a request made in accordance with division (B) 3198
of this section and subject to division (B) (6) of this section, 3199
a public office or person responsible for public records shall 3200
transmit a copy of a public record to any person by United 3201

States mail or by any other means of delivery or transmission 3202
within a reasonable period of time after receiving the request 3203
for the copy. The public office or person responsible for the 3204
public record may require the person making the request to pay 3205
in advance the cost of postage if the copy is transmitted by 3206
United States mail or the cost of delivery if the copy is 3207
transmitted other than by United States mail, and to pay in 3208
advance the costs incurred for other supplies used in the 3209
mailing, delivery, or transmission. 3210

(b) Any public office may adopt a policy and procedures 3211
that it will follow in transmitting, within a reasonable period 3212
of time after receiving a request, copies of public records by 3213
United States mail or by any other means of delivery or 3214
transmission pursuant to division (B) (7) of this section. A 3215
public office that adopts a policy and procedures under division 3216
(B) (7) of this section shall comply with them in performing its 3217
duties under that division. 3218

(c) In any policy and procedures adopted under division 3219
(B) (7) of this section: 3220

(i) A public office may limit the number of records 3221
requested by a person that the office will physically deliver by 3222
United States mail or by another delivery service to ten per 3223
month, unless the person certifies to the office in writing that 3224
the person does not intend to use or forward the requested 3225
records, or the information contained in them, for commercial 3226
purposes; 3227

(ii) A public office that chooses to provide some or all 3228
of its public records on a web site that is fully accessible to 3229
and searchable by members of the public at all times, other than 3230
during acts of God outside the public office's control or 3231

maintenance, and that charges no fee to search, access, 3232
download, or otherwise receive records provided on the web site, 3233
may limit to ten per month the number of records requested by a 3234
person that the office will deliver in a digital format, unless 3235
the requested records are not provided on the web site and 3236
unless the person certifies to the office in writing that the 3237
person does not intend to use or forward the requested records, 3238
or the information contained in them, for commercial purposes. 3239

(iii) For purposes of division (B) (7) of this section, 3240
"commercial" shall be narrowly construed and does not include 3241
reporting or gathering news, reporting or gathering information 3242
to assist citizen oversight or understanding of the operation or 3243
activities of government, or nonprofit educational research. 3244

(8) A public office or person responsible for public 3245
records is not required to permit a person who is incarcerated 3246
pursuant to a criminal conviction or a juvenile adjudication to 3247
inspect or to obtain a copy of any public record concerning a 3248
criminal investigation or prosecution or concerning what would 3249
be a criminal investigation or prosecution if the subject of the 3250
investigation or prosecution were an adult, unless the request 3251
to inspect or to obtain a copy of the record is for the purpose 3252
of acquiring information that is subject to release as a public 3253
record under this section and the judge who imposed the sentence 3254
or made the adjudication with respect to the person, or the 3255
judge's successor in office, finds that the information sought 3256
in the public record is necessary to support what appears to be 3257
a justiciable claim of the person. 3258

(9) (a) Upon written request made and signed by a 3259
journalist, a public office, or person responsible for public 3260
records, having custody of the records of the agency employing a 3261

specified designated public service worker shall disclose to the 3262
journalist the address of the actual personal residence of the 3263
designated public service worker and, if the designated public 3264
service worker's spouse, former spouse, or child is employed by 3265
a public office, the name and address of the employer of the 3266
designated public service worker's spouse, former spouse, or 3267
child. The request shall include the journalist's name and title 3268
and the name and address of the journalist's employer and shall 3269
state that disclosure of the information sought would be in the 3270
public interest. 3271

(b) Division (B) (9) (a) of this section also applies to 3272
journalist requests for: 3273

(i) Customer information maintained by a municipally owned 3274
or operated public utility, other than social security numbers 3275
and any private financial information such as credit reports, 3276
payment methods, credit card numbers, and bank account 3277
information; 3278

(ii) Information about minors involved in a school vehicle 3279
accident as provided in division (A) (1) (gg) of this section, 3280
other than personal information as defined in section 149.45 of 3281
the Revised Code. 3282

(c) As used in division (B) (9) of this section, 3283
"journalist" means a person engaged in, connected with, or 3284
employed by any news medium, including a newspaper, magazine, 3285
press association, news agency, or wire service, a radio or 3286
television station, or a similar medium, for the purpose of 3287
gathering, processing, transmitting, compiling, editing, or 3288
disseminating information for the general public. 3289

(10) Upon a request made by a victim, victim's attorney, 3290

or victim's representative, as that term is used in section 3291
2930.02 of the Revised Code, a public office or person 3292
responsible for public records shall transmit a copy of a 3293
depiction of the victim as described in division (A) (1) (ii) of 3294
this section to the victim, victim's attorney, or victim's 3295
representative. 3296

(C) (1) If a person allegedly is aggrieved by the failure 3297
of a public office or the person responsible for public records 3298
to promptly prepare a public record and to make it available to 3299
the person for inspection in accordance with division (B) of 3300
this section or by any other failure of a public office or the 3301
person responsible for public records to comply with an 3302
obligation in accordance with division (B) of this section, the 3303
person allegedly aggrieved may do only one of the following, and 3304
not both: 3305

(a) File a complaint with the clerk of the court of claims 3306
or the clerk of the court of common pleas under section 2743.75 3307
of the Revised Code; 3308

(b) Commence a mandamus action to obtain a judgment that 3309
orders the public office or the person responsible for the 3310
public record to comply with division (B) of this section, that 3311
awards court costs and reasonable attorney's fees to the person 3312
that instituted the mandamus action, and, if applicable, that 3313
includes an order fixing statutory damages under division (C) (2) 3314
of this section. The mandamus action may be commenced in the 3315
court of common pleas of the county in which division (B) of 3316
this section allegedly was not complied with, in the supreme 3317
court pursuant to its original jurisdiction under Section 2 of 3318
Article IV, Ohio Constitution, or in the court of appeals for 3319
the appellate district in which division (B) of this section 3320

allegedly was not complied with pursuant to its original 3321
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3322

(2) If a requester transmits a written request by hand 3323
delivery, electronic submission, or certified mail to inspect or 3324
receive copies of any public record in a manner that fairly 3325
describes the public record or class of public records to the 3326
public office or person responsible for the requested public 3327
records, except as otherwise provided in this section, the 3328
requester shall be entitled to recover the amount of statutory 3329
damages set forth in this division if a court determines that 3330
the public office or the person responsible for public records 3331
failed to comply with an obligation in accordance with division 3332
(B) of this section. 3333

The amount of statutory damages shall be fixed at one 3334
hundred dollars for each business day during which the public 3335
office or person responsible for the requested public records 3336
failed to comply with an obligation in accordance with division 3337
(B) of this section, beginning with the day on which the 3338
requester files a mandamus action to recover statutory damages, 3339
up to a maximum of one thousand dollars. The award of statutory 3340
damages shall not be construed as a penalty, but as compensation 3341
for injury arising from lost use of the requested information. 3342
The existence of this injury shall be conclusively presumed. The 3343
award of statutory damages shall be in addition to all other 3344
remedies authorized by this section. 3345

The court may reduce an award of statutory damages or not 3346
award statutory damages if the court determines both of the 3347
following: 3348

(a) That, based on the ordinary application of statutory 3349
law and case law as it existed at the time of the conduct or 3350

threatened conduct of the public office or person responsible 3351
for the requested public records that allegedly constitutes a 3352
failure to comply with an obligation in accordance with division 3353
(B) of this section and that was the basis of the mandamus 3354
action, a well-informed public office or person responsible for 3355
the requested public records reasonably would believe that the 3356
conduct or threatened conduct of the public office or person 3357
responsible for the requested public records did not constitute 3358
a failure to comply with an obligation in accordance with 3359
division (B) of this section; 3360

(b) That a well-informed public office or person 3361
responsible for the requested public records reasonably would 3362
believe that the conduct or threatened conduct of the public 3363
office or person responsible for the requested public records 3364
would serve the public policy that underlies the authority that 3365
is asserted as permitting that conduct or threatened conduct. 3366

(3) In a mandamus action filed under division (C) (1) of 3367
this section, the following apply: 3368

(a) (i) If the court orders the public office or the person 3369
responsible for the public record to comply with division (B) of 3370
this section, the court shall determine and award to the relator 3371
all court costs, which shall be construed as remedial and not 3372
punitive. 3373

(ii) If the court makes a determination described in 3374
division (C) (3) (b) (iii) of this section, the court shall 3375
determine and award to the relator all court costs, which shall 3376
be construed as remedial and not punitive. 3377

(b) If the court renders a judgment that orders the public 3378
office or the person responsible for the public record to comply 3379

with division (B) of this section or if the court determines any 3380
of the following, the court may award reasonable attorney's fees 3381
to the relator, subject to division (C) (4) of this section: 3382

(i) The public office or the person responsible for the 3383
public records failed to respond affirmatively or negatively to 3384
the public records request in accordance with the time allowed 3385
under division (B) of this section. 3386

(ii) The public office or the person responsible for the 3387
public records promised to permit the relator to inspect or 3388
receive copies of the public records requested within a 3389
specified period of time but failed to fulfill that promise 3390
within that specified period of time. 3391

(iii) The public office or the person responsible for the 3392
public records acted in bad faith when the office or person 3393
voluntarily made the public records available to the relator for 3394
the first time after the relator commenced the mandamus action, 3395
but before the court issued any order concluding whether or not 3396
the public office or person was required to comply with division 3397
(B) of this section. No discovery may be conducted on the issue 3398
of the alleged bad faith of the public office or person 3399
responsible for the public records. This division shall not be 3400
construed as creating a presumption that the public office or 3401
the person responsible for the public records acted in bad faith 3402
when the office or person voluntarily made the public records 3403
available to the relator for the first time after the relator 3404
commenced the mandamus action, but before the court issued any 3405
order described in this division. 3406

(c) The court shall not award attorney's fees to the 3407
relator if the court determines both of the following: 3408

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

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

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

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

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

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 3438

(d) The court may reduce the amount of fees awarded if the 3439
court determines that, given the factual circumstances involved 3440
with the specific public records request, an alternative means 3441
should have been pursued to more effectively and efficiently 3442
resolve the dispute that was subject to the mandamus action 3443
filed under division (C) (1) of this section. 3444

(5) If the court does not issue a writ of mandamus under 3445
division (C) of this section and the court determines at that 3446
time that the bringing of the mandamus action was frivolous 3447
conduct as defined in division (A) of section 2323.51 of the 3448
Revised Code, the court may award to the public office all court 3449
costs, expenses, and reasonable attorney's fees, as determined 3450
by the court. 3451

(D) Chapter 1347. of the Revised Code does not limit the 3452
provisions of this section. 3453

(E) (1) To ensure that all employees of public offices are 3454
appropriately educated about a public office's obligations under 3455
division (B) of this section, all elected officials or their 3456
appropriate designees shall attend training approved by the 3457
attorney general as provided in section 109.43 of the Revised 3458
Code. A future official may satisfy the requirements of this 3459
division by attending the training before taking office, 3460
provided that the future official may not send a designee in the 3461
future official's place. 3462

(2) All public offices shall adopt a public records policy 3463
in compliance with this section for responding to public records 3464
requests. In adopting a public records policy under this 3465
division, a public office may obtain guidance from the model 3466

public records policy developed and provided to the public 3467
office by the attorney general under section 109.43 of the 3468
Revised Code. Except as otherwise provided in this section, the 3469
policy may not limit the number of public records that the 3470
public office will make available to a single person, may not 3471
limit the number of public records that it will make available 3472
during a fixed period of time, and may not establish a fixed 3473
period of time before it will respond to a request for 3474
inspection or copying of public records, unless that period is 3475
less than eight hours. 3476

The public office shall distribute the public records 3477
policy adopted by the public office under this division to the 3478
employee of the public office who is the records custodian or 3479
records manager or otherwise has custody of the records of that 3480
office. The public office shall require that employee to 3481
acknowledge receipt of the copy of the public records policy. 3482
The public office shall create a poster that describes its 3483
public records policy and shall post the poster in a conspicuous 3484
place in the public office and in all locations where the public 3485
office has branch offices. The public office may post its public 3486
records policy on the internet web site of the public office if 3487
the public office maintains an internet web site. A public 3488
office that has established a manual or handbook of its general 3489
policies and procedures for all employees of the public office 3490
shall include the public records policy of the public office in 3491
the manual or handbook. 3492

(F) (1) The bureau of motor vehicles may adopt rules 3493
pursuant to Chapter 119. of the Revised Code to reasonably limit 3494
the number of bulk commercial special extraction requests made 3495
by a person for the same records or for updated records during a 3496
calendar year. The rules may include provisions for charges to 3497

be made for bulk commercial special extraction requests for the 3498
actual cost of the bureau, plus special extraction costs, plus 3499
ten per cent. The bureau may charge for expenses for redacting 3500
information, the release of which is prohibited by law. 3501

(2) As used in division (F)(1) of this section: 3502

(a) "Actual cost" means the cost of depleted supplies, 3503
records storage media costs, actual mailing and alternative 3504
delivery costs, or other transmitting costs, and any direct 3505
equipment operating and maintenance costs, including actual 3506
costs paid to private contractors for copying services. 3507

(b) "Bulk commercial special extraction request" means a 3508
request for copies of a record for information in a format other 3509
than the format already available, or information that cannot be 3510
extracted without examination of all items in a records series, 3511
class of records, or database by a person who intends to use or 3512
forward the copies for surveys, marketing, solicitation, or 3513
resale for commercial purposes. "Bulk commercial special 3514
extraction request" does not include a request by a person who 3515
gives assurance to the bureau that the person making the request 3516
does not intend to use or forward the requested copies for 3517
surveys, marketing, solicitation, or resale for commercial 3518
purposes. 3519

(c) "Commercial" means profit-seeking production, buying, 3520
or selling of any good, service, or other product. 3521

(d) "Special extraction costs" means the cost of the time 3522
spent by the lowest paid employee competent to perform the task, 3523
the actual amount paid to outside private contractors employed 3524
by the bureau, or the actual cost incurred to create computer 3525
programs to make the special extraction. "Special extraction 3526

costs" include any charges paid to a public agency for computer 3527
or records services. 3528

(3) For purposes of divisions (F) (1) and (2) of this 3529
section, "surveys, marketing, solicitation, or resale for 3530
commercial purposes" shall be narrowly construed and does not 3531
include reporting or gathering news, reporting or gathering 3532
information to assist citizen oversight or understanding of the 3533
operation or activities of government, or nonprofit educational 3534
research. 3535

(G) A request by a defendant, counsel of a defendant, or 3536
any agent of a defendant in a criminal action that public 3537
records related to that action be made available under this 3538
section shall be considered a demand for discovery pursuant to 3539
the Criminal Rules, except to the extent that the Criminal Rules 3540
plainly indicate a contrary intent. The defendant, counsel of 3541
the defendant, or agent of the defendant making a request under 3542
this division shall serve a copy of the request on the 3543
prosecuting attorney, director of law, or other chief legal 3544
officer responsible for prosecuting the action. 3545

(H) (1) Any portion of a body-worn camera or dashboard 3546
camera recording described in divisions (A) (17) (b) to (h) of 3547
this section may be released by consent of the subject of the 3548
recording or a representative of that person, as specified in 3549
those divisions, only if either of the following applies: 3550

(a) The recording will not be used in connection with any 3551
probable or pending criminal proceedings; 3552

(b) The recording has been used in connection with a 3553
criminal proceeding that was dismissed or for which a judgment 3554
has been entered pursuant to Rule 32 of the Rules of Criminal 3555

Procedure, and will not be used again in connection with any 3556
probable or pending criminal proceedings. 3557

(2) If a public office denies a request to release a 3558
restricted portion of a body-worn camera or dashboard camera 3559
recording, as defined in division (A)(17) of this section, any 3560
person may file a mandamus action pursuant to this section or a 3561
complaint with the clerk of the court of claims pursuant to 3562
section 2743.75 of the Revised Code, requesting the court to 3563
order the release of all or portions of the recording. If the 3564
court considering the request determines that the filing 3565
articulates by clear and convincing evidence that the public 3566
interest in the recording substantially outweighs privacy 3567
interests and other interests asserted to deny release, the 3568
court shall order the public office to release the recording. 3569

Sec. 4776.20. (A) As used in this section: 3570

(1) "Licensing agency" means, in addition to each board 3571
identified in division (C) of section 4776.01 of the Revised 3572
Code, the board or other government entity authorized to issue a 3573
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 3574
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3575
~~4742.,~~ 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 3576
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 3577
"Licensing agency" includes an administrative officer that has 3578
authority to issue a license. 3579

(2) "Licensee" means, in addition to a licensee as 3580
described in division (B) of section 4776.01 of the Revised 3581
Code, the person to whom a license is issued by the board or 3582
other government entity authorized to issue a license under 3583
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 3584
4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.,~~ 4747., 3585

4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3586
4766., 4771., 4773., and 4781. of the Revised Code. 3587

(3) "Prosecutor" has the same meaning as in section 3588
2935.01 of the Revised Code. 3589

(B) On a licensee's conviction of, plea of guilty to, 3590
judicial finding of guilt of, or judicial finding of guilt 3591
resulting from a plea of no contest to the offense of 3592
trafficking in persons in violation of section 2905.32 of the 3593
Revised Code, the prosecutor in the case shall promptly notify 3594
the licensing agency of the conviction, plea, or finding and 3595
provide the licensee's name and residential address. On receipt 3596
of this notification, the licensing agency shall immediately 3597
suspend the licensee's license. 3598

(C) If there is a conviction of, plea of guilty to, 3599
judicial finding of guilt of, or judicial finding of guilt 3600
resulting from a plea of no contest to the offense of 3601
trafficking in persons in violation of section 2905.32 of the 3602
Revised Code and all or part of the violation occurred on the 3603
premises of a facility that is licensed by a licensing agency, 3604
the prosecutor in the case shall promptly notify the licensing 3605
agency of the conviction, plea, or finding and provide the 3606
facility's name and address and the offender's name and 3607
residential address. On receipt of this notification, the 3608
licensing agency shall immediately suspend the facility's 3609
license. 3610

(D) Notwithstanding any provision of the Revised Code to 3611
the contrary, the suspension of a license under division (B) or 3612
(C) of this section shall be implemented by a licensing agency 3613
without a prior hearing. After the suspension, the licensing 3614
agency shall give written notice to the subject of the 3615

suspension of the right to request a hearing under Chapter 119. 3616
of the Revised Code. After a hearing is held, the licensing 3617
agency shall either revoke or permanently revoke the license of 3618
the subject of the suspension, unless it determines that the 3619
license holder has not been convicted of, pleaded guilty to, 3620
been found guilty of, or been found guilty based on a plea of no 3621
contest to the offense of trafficking in persons in violation of 3622
section 2905.32 of the Revised Code. 3623

Sec. 5703.052. (A) There is hereby created in the state 3624
treasury the tax refund fund, from which refunds shall be paid 3625
for taxes illegally or erroneously assessed or collected, or for 3626
any other reason overpaid, that are levied by Chapter 4301., 3627
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 3628
5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3629
3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 3630
5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for 3631
fees ~~or levied under sections 3734.90 to 3734.9014 of the~~ 3632
Revised Code, wireless 9-1-1 charges imposed under section 3633
128.40 of the Revised Code, or next generation 9-1-1 access fees 3634
imposed under sections 128.41 and 128.42 of the Revised Code 3635
illegally or erroneously assessed or collected, or for any other 3636
reason overpaid, ~~that are levied by sections 128.42 or 3734.90-~~ 3637
~~to 3734.9014 of the Revised Code~~ also shall be paid from the 3638
fund. Refunds for amounts illegally or erroneously assessed or 3639
collected by the tax commissioner, or for any other reason 3640
overpaid, that are due under section 1509.50 of the Revised Code 3641
shall be paid from the fund. Refunds for amounts illegally or 3642
erroneously assessed or collected by the commissioner, or for 3643
any other reason overpaid to the commissioner, under sections 3644
718.80 to 718.95 of the Revised Code shall be paid from the 3645
fund. However, refunds for taxes levied under section 5739.101 3646

of the Revised Code shall not be paid from the tax refund fund, 3647
but shall be paid as provided in section 5739.104 of the Revised 3648
Code. 3649

(B) (1) Upon certification by the tax commissioner to the 3650
treasurer of state of a tax refund, a wireless 9-1-1 charge 3651
refund, a next generation 9-1-1 access fee refund, or another 3652
amount refunded, or by the superintendent of insurance of a 3653
domestic or foreign insurance tax refund, the treasurer of state 3654
shall place the amount certified to the credit of the fund. The 3655
certified amount transferred shall be derived from the receipts 3656
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3657
1-1 access fee, or other amount from which the refund arose. 3658

(2) When a refund is for a tax, fee, wireless 9-1-1 3659
charge, next generation 9-1-1 access fee, or other amount that 3660
is not levied by the state or that was illegally or erroneously 3661
distributed to a taxing jurisdiction, the tax commissioner shall 3662
recover the amount of that refund from the next distribution of 3663
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3664
access fee, or other amount that otherwise would be made to the 3665
taxing jurisdiction. If the amount to be recovered would exceed 3666
twenty-five per cent of the next distribution of that tax, fee, 3667
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3668
other amount, the commissioner may spread the recovery over more 3669
than one future distribution, taking into account the amount to 3670
be recovered and the amount of the anticipated future 3671
distributions. In no event may the commissioner spread the 3672
recovery over a period to exceed thirty-six months. 3673

Sec. 5733.55. (A) As used in this section: 3674

(1) "9-1-1 system" has the same meaning as in section 3675
128.01 of the Revised Code. 3676

(2) "Nonrecurring 9-1-1 charges" means nonrecurring 3677
charges approved by the public utilities commission for the 3678
telephone network portion of a 9-1-1 system pursuant to section 3679
~~128.18~~ 128.33 of the Revised Code. 3680

(3) "Eligible nonrecurring 9-1-1 charges" means all 3681
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 3682
following: 3683

(a) Charges for a system that was not established pursuant 3684
to a plan adopted under section 128.08 of the Revised Code ~~or an~~ 3685
~~agreement under section 128.09 of the Revised Code;~~ 3686

(b) Charges for that part of a system established pursuant 3687
to such a plan ~~or agreement~~ that are excluded from the credit by 3688
division (C) (2) of section ~~128.18~~ 128.33 of the Revised Code. 3689

(4) "Telephone company" has the same meaning as in section 3690
5727.01 of the Revised Code. 3691

(B) Beginning in tax year 2005, a telephone company shall 3692
be allowed a nonrefundable credit against the tax imposed by 3693
section 5733.06 of the Revised Code equal to the amount of its 3694
eligible nonrecurring 9-1-1 charges. The credit shall be claimed 3695
for the company's taxable year that covers the period in which 3696
the 9-1-1 service for which the credit is claimed becomes 3697
available for use. The credit shall be claimed in the order 3698
required by section 5733.98 of the Revised Code. If the credit 3699
exceeds the total taxes due under section 5733.06 of the Revised 3700
Code for the tax year, the tax commissioner shall credit the 3701
excess against taxes due under that section for succeeding tax 3702
years until the full amount of the credit is granted. 3703

(C) After the last day a return, with any extensions, may 3704
be filed by any telephone company that is eligible to claim a 3705

credit under this section, the commissioner shall determine 3706
whether the sum of the credits allowed for prior tax years 3707
commencing with tax year 2005 plus the sum of the credits 3708
claimed for the current tax year exceeds fifteen million 3709
dollars. If it does, the credits allowed under this section for 3710
the current tax year shall be reduced by a uniform percentage 3711
such that the sum of the credits allowed for the current tax 3712
year do not exceed fifteen million dollars claimed by all 3713
telephone companies for all tax years. Thereafter, no credit 3714
shall be granted under this section, except for the remaining 3715
portions of any credits allowed under division (B) of this 3716
section. 3717

(D) A telephone company that is entitled to carry forward 3718
a credit against its public utility excise tax liability under 3719
section 5727.39 of the Revised Code is entitled to carry forward 3720
any amount of that credit remaining after its last public 3721
utility excise tax payment for the period of July 1, 2003, 3722
through June 30, 2004, and claim that amount as a credit against 3723
its corporation franchise tax liability under this section. 3724
Nothing in this section authorizes a telephone company to claim 3725
a credit under this section for any eligible nonrecurring 9-1-1 3726
charges for which it has already claimed a credit under this 3727
section or section 5727.39 of the Revised Code. 3728

Sec. 5751.01. As used in this chapter: 3729

(A) "Person" means, but is not limited to, individuals, 3730
combinations of individuals of any form, receivers, assignees, 3731
trustees in bankruptcy, firms, companies, joint-stock companies, 3732
business trusts, estates, partnerships, limited liability 3733
partnerships, limited liability companies, associations, joint 3734
ventures, clubs, societies, for-profit corporations, S 3735

corporations, qualified subchapter S subsidiaries, qualified 3736
subchapter S trusts, trusts, entities that are disregarded for 3737
federal income tax purposes, and any other entities. 3738

(B) "Consolidated elected taxpayer" means a group of two 3739
or more persons treated as a single taxpayer for purposes of 3740
this chapter as the result of an election made under section 3741
5751.011 of the Revised Code. 3742

(C) "Combined taxpayer" means a group of two or more 3743
persons treated as a single taxpayer for purposes of this 3744
chapter under section 5751.012 of the Revised Code. 3745

(D) "Taxpayer" means any person, or any group of persons 3746
in the case of a consolidated elected taxpayer or combined 3747
taxpayer treated as one taxpayer, required to register or pay 3748
tax under this chapter. "Taxpayer" does not include excluded 3749
persons. 3750

(E) "Excluded person" means any of the following: 3751

(1) Any person with not more than one hundred fifty 3752
thousand dollars of taxable gross receipts during the calendar 3753
year. Division (E)(1) of this section does not apply to a person 3754
that is a member of a consolidated elected taxpayer; 3755

(2) A public utility that paid the excise tax imposed by 3756
section 5727.24 or 5727.30 of the Revised Code based on one or 3757
more measurement periods that include the entire tax period 3758
under this chapter, except that a public utility that is a 3759
combined company is a taxpayer with regard to the following 3760
gross receipts: 3761

(a) Taxable gross receipts directly attributed to a public 3762
utility activity, but not directly attributed to an activity 3763
that is subject to the excise tax imposed by section 5727.24 or 3764

5727.30 of the Revised Code; 3765

(b) Taxable gross receipts that cannot be directly 3766
attributed to any activity, multiplied by a fraction whose 3767
numerator is the taxable gross receipts described in division 3768
(E) (2) (a) of this section and whose denominator is the total 3769
taxable gross receipts that can be directly attributed to any 3770
activity; 3771

(c) Except for any differences resulting from the use of 3772
an accrual basis method of accounting for purposes of 3773
determining gross receipts under this chapter and the use of the 3774
cash basis method of accounting for purposes of determining 3775
gross receipts under section 5727.24 of the Revised Code, the 3776
gross receipts directly attributed to the activity of a natural 3777
gas company shall be determined in a manner consistent with 3778
division (D) of section 5727.03 of the Revised Code. 3779

As used in division (E) (2) of this section, "combined 3780
company" and "public utility" have the same meanings as in 3781
section 5727.01 of the Revised Code. 3782

(3) A financial institution, as defined in section 5726.01 3783
of the Revised Code, that paid the tax imposed by section 3784
5726.02 of the Revised Code based on one or more taxable years 3785
that include the entire tax period under this chapter; 3786

(4) A person directly or indirectly owned by one or more 3787
financial institutions, as defined in section 5726.01 of the 3788
Revised Code, that paid the tax imposed by section 5726.02 of 3789
the Revised Code based on one or more taxable years that include 3790
the entire tax period under this chapter. 3791

For the purposes of division (E) (4) of this section, a 3792
person owns another person under the following circumstances: 3793

(a) In the case of corporations issuing capital stock, one 3794
corporation owns another corporation if it owns fifty per cent 3795
or more of the other corporation's capital stock with current 3796
voting rights; 3797

(b) In the case of a limited liability company, one person 3798
owns the company if that person's membership interest, as 3799
defined in section 1705.01 or 1706.01 of the Revised Code as 3800
applicable, is fifty per cent or more of the combined membership 3801
interests of all persons owning such interests in the company; 3802

(c) In the case of a partnership, trust, or other 3803
unincorporated business organization other than a limited 3804
liability company, one person owns the organization if, under 3805
the articles of organization or other instrument governing the 3806
affairs of the organization, that person has a beneficial 3807
interest in the organization's profits, surpluses, losses, or 3808
distributions of fifty per cent or more of the combined 3809
beneficial interests of all persons having such an interest in 3810
the organization. 3811

(5) A domestic insurance company or foreign insurance 3812
company, as defined in section 5725.01 of the Revised Code, that 3813
paid the insurance company premiums tax imposed by section 3814
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3815
insurance company whose gross premiums are subject to tax under 3816
section 3905.36 of the Revised Code based on one or more 3817
measurement periods that include the entire tax period under 3818
this chapter; 3819

(6) A person that solely facilitates or services one or 3820
more securitizations of phase-in-recovery property pursuant to a 3821
final financing order as those terms are defined in section 3822
4928.23 of the Revised Code. For purposes of this division, 3823

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

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

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

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

(1) The following are examples of gross receipts:

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

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

services for another;	3853
(c) Amounts realized from another's use or possession of	3854
the taxpayer's property or capital;	3855
(d) Any combination of the foregoing amounts.	3856
(2) "Gross receipts" excludes the following amounts:	3857
(a) Interest income except interest on credit sales;	3858
(b) Dividends and distributions from corporations, and	3859
distributive or proportionate shares of receipts and income from	3860
a pass-through entity as defined under section 5733.04 of the	3861
Revised Code;	3862
(c) Receipts from the sale, exchange, or other disposition	3863
of an asset described in section 1221 or 1231 of the Internal	3864
Revenue Code, without regard to the length of time the person	3865
held the asset. Notwithstanding section 1221 of the Internal	3866
Revenue Code, receipts from hedging transactions also are	3867
excluded to the extent the transactions are entered into	3868
primarily to protect a financial position, such as managing the	3869
risk of exposure to (i) foreign currency fluctuations that	3870
affect assets, liabilities, profits, losses, equity, or	3871
investments in foreign operations; (ii) interest rate	3872
fluctuations; or (iii) commodity price fluctuations. As used in	3873
division (F) (2) (c) of this section, "hedging transaction" has	3874
the same meaning as used in section 1221 of the Internal Revenue	3875
Code and also includes transactions accorded hedge accounting	3876
treatment under statement of financial accounting standards	3877
number 133 of the financial accounting standards board. For the	3878
purposes of division (F) (2) (c) of this section, the actual	3879
transfer of title of real or tangible personal property to	3880
another entity is not a hedging transaction.	3881

(d) Proceeds received attributable to the repayment,	3882
maturity, or redemption of the principal of a loan, bond, mutual	3883
fund, certificate of deposit, or marketable instrument;	3884
(e) The principal amount received under a repurchase	3885
agreement or on account of any transaction properly	3886
characterized as a loan to the person;	3887
(f) Contributions received by a trust, plan, or other	3888
arrangement, any of which is described in section 501(a) of the	3889
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	3890
1, Subchapter (D) of the Internal Revenue Code applies;	3891
(g) Compensation, whether current or deferred, and whether	3892
in cash or in kind, received or to be received by an employee,	3893
former employee, or the employee's legal successor for services	3894
rendered to or for an employer, including reimbursements	3895
received by or for an individual for medical or education	3896
expenses, health insurance premiums, or employee expenses, or on	3897
account of a dependent care spending account, legal services	3898
plan, any cafeteria plan described in section 125 of the	3899
Internal Revenue Code, or any similar employee reimbursement;	3900
(h) Proceeds received from the issuance of the taxpayer's	3901
own stock, options, warrants, puts, or calls, or from the sale	3902
of the taxpayer's treasury stock;	3903
(i) Proceeds received on the account of payments from	3904
insurance policies, except those proceeds received for the loss	3905
of business revenue;	3906
(j) Gifts or charitable contributions received; membership	3907
dues received by trade, professional, homeowners', or	3908
condominium associations; and payments received for educational	3909
courses, meetings, meals, or similar payments to a trade,	3910

professional, or other similar association; and fundraising	3911
receipts received by any person when any excess receipts are	3912
donated or used exclusively for charitable purposes;	3913
(k) Damages received as the result of litigation in excess	3914
of amounts that, if received without litigation, would be gross	3915
receipts;	3916
(l) Property, money, and other amounts received or	3917
acquired by an agent on behalf of another in excess of the	3918
agent's commission, fee, or other remuneration;	3919
(m) Tax refunds, other tax benefit recoveries, and	3920
reimbursements for the tax imposed under this chapter made by	3921
entities that are part of the same combined taxpayer or	3922
consolidated elected taxpayer group, and reimbursements made by	3923
entities that are not members of a combined taxpayer or	3924
consolidated elected taxpayer group that are required to be made	3925
for economic parity among multiple owners of an entity whose tax	3926
obligation under this chapter is required to be reported and	3927
paid entirely by one owner, pursuant to the requirements of	3928
sections 5751.011 and 5751.012 of the Revised Code;	3929
(n) Pension reversions;	3930
(o) Contributions to capital;	3931
(p) Sales or use taxes collected as a vendor or an out-of-	3932
state seller on behalf of the taxing jurisdiction from a	3933
consumer or other taxes the taxpayer is required by law to	3934
collect directly from a purchaser and remit to a local, state,	3935
or federal tax authority;	3936
(q) In the case of receipts from the sale of cigarettes,	3937
tobacco products, or vapor products by a wholesale dealer,	3938
retail dealer, distributor, manufacturer, vapor distributor, or	3939

seller, all as defined in section 5743.01 of the Revised Code, 3940
an amount equal to the federal and state excise taxes paid by 3941
any person on or for such cigarettes, tobacco products, or vapor 3942
products under subtitle E of the Internal Revenue Code or 3943
Chapter 5743. of the Revised Code; 3944

(r) In the case of receipts from the sale, transfer, 3945
exchange, or other disposition of motor fuel as "motor fuel" is 3946
defined in section 5736.01 of the Revised Code, an amount equal 3947
to the value of the motor fuel, including federal and state 3948
motor fuel excise taxes and receipts from billing or invoicing 3949
the tax imposed under section 5736.02 of the Revised Code to 3950
another person; 3951

(s) In the case of receipts from the sale of beer or 3952
intoxicating liquor, as defined in section 4301.01 of the 3953
Revised Code, by a person holding a permit issued under Chapter 3954
4301. or 4303. of the Revised Code, an amount equal to federal 3955
and state excise taxes paid by any person on or for such beer or 3956
intoxicating liquor under subtitle E of the Internal Revenue 3957
Code or Chapter 4301. or 4305. of the Revised Code; 3958

(t) Receipts realized by a new motor vehicle dealer or 3959
used motor vehicle dealer, as defined in section 4517.01 of the 3960
Revised Code, from the sale or other transfer of a motor 3961
vehicle, as defined in that section, to another motor vehicle 3962
dealer for the purpose of resale by the transferee motor vehicle 3963
dealer, but only if the sale or other transfer was based upon 3964
the transferee's need to meet a specific customer's preference 3965
for a motor vehicle; 3966

(u) Receipts from a financial institution described in 3967
division (E)(3) of this section for services provided to the 3968
financial institution in connection with the issuance, 3969

processing, servicing, and management of loans or credit 3970
accounts, if such financial institution and the recipient of 3971
such receipts have at least fifty per cent of their ownership 3972
interests owned or controlled, directly or constructively 3973
through related interests, by common owners; 3974

(v) Receipts realized from administering anti-neoplastic 3975
drugs and other cancer chemotherapy, biologicals, therapeutic 3976
agents, and supportive drugs in a physician's office to patients 3977
with cancer; 3978

(w) Funds received or used by a mortgage broker that is 3979
not a dealer in intangibles, other than fees or other 3980
consideration, pursuant to a table-funding mortgage loan or 3981
warehouse-lending mortgage loan. Terms used in division (F) (2) 3982
(w) of this section have the same meanings as in section 1322.01 3983
of the Revised Code, except "mortgage broker" means a person 3984
assisting a buyer in obtaining a mortgage loan for a fee or 3985
other consideration paid by the buyer or a lender, or a person 3986
engaged in table-funding or warehouse-lending mortgage loans 3987
that are first lien mortgage loans. 3988

(x) Property, money, and other amounts received by a 3989
professional employer organization, as defined in section 3990
4125.01 of the Revised Code, or an alternate employer 3991
organization, as defined in section 4133.01 of the Revised Code, 3992
from a client employer, as defined in either of those sections 3993
as applicable, in excess of the administrative fee charged by 3994
the professional employer organization or the alternate employer 3995
organization to the client employer; 3996

(y) In the case of amounts retained as commissions by a 3997
permit holder under Chapter 3769. of the Revised Code, an amount 3998
equal to the amounts specified under that chapter that must be 3999

paid to or collected by the tax commissioner as a tax and the 4000
amounts specified under that chapter to be used as purse money; 4001

(z) Qualifying distribution center receipts as determined 4002
under section 5751.40 of the Revised Code. 4003

(aa) Receipts of an employer from payroll deductions 4004
relating to the reimbursement of the employer for advancing 4005
moneys to an unrelated third party on an employee's behalf; 4006

(bb) Cash discounts allowed and taken; 4007

(cc) Returns and allowances; 4008

(dd) Bad debts from receipts on the basis of which the tax 4009
imposed by this chapter was paid in a prior quarterly tax 4010
payment period. For the purpose of this division, "bad debts" 4011
means any debts that have become worthless or uncollectible 4012
between the preceding and current quarterly tax payment periods, 4013
have been uncollected for at least six months, and that may be 4014
claimed as a deduction under section 166 of the Internal Revenue 4015
Code and the regulations adopted under that section, or that 4016
could be claimed as such if the taxpayer kept its accounts on 4017
the accrual basis. "Bad debts" does not include repossessed 4018
property, uncollectible amounts on property that remains in the 4019
possession of the taxpayer until the full purchase price is 4020
paid, or expenses in attempting to collect any account 4021
receivable or for any portion of the debt recovered; 4022

(ee) Any amount realized from the sale of an account 4023
receivable to the extent the receipts from the underlying 4024
transaction giving rise to the account receivable were included 4025
in the gross receipts of the taxpayer; 4026

(ff) Any receipts directly attributed to a transfer 4027
agreement or to the enterprise transferred under that agreement 4028

under section 4313.02 of the Revised Code. 4029

(gg) Qualified uranium receipts as determined under 4030
section 5751.41 of the Revised Code. 4031

(hh) In the case of amounts collected by a licensed casino 4032
operator from casino gaming, amounts in excess of the casino 4033
operator's gross casino revenue. In this division, "casino 4034
operator" and "casino gaming" have the meanings defined in 4035
section 3772.01 of the Revised Code, and "gross casino revenue" 4036
has the meaning defined in section 5753.01 of the Revised Code. 4037

(ii) Receipts realized from the sale of agricultural 4038
commodities by an agricultural commodity handler, both as 4039
defined in section 926.01 of the Revised Code, that is licensed 4040
by the director of agriculture to handle agricultural 4041
commodities in this state. 4042

(jj) Qualifying integrated supply chain receipts as 4043
determined under section 5751.42 of the Revised Code. 4044

(kk) In the case of a railroad company described in 4045
division (D) (9) of section 5727.01 of the Revised Code that 4046
purchases dyed diesel fuel directly from a supplier as defined 4047
by section 5736.01 of the Revised Code, an amount equal to the 4048
product of the number of gallons of dyed diesel fuel purchased 4049
directly from such a supplier multiplied by the average 4050
wholesale price for a gallon of diesel fuel as determined under 4051
section 5736.02 of the Revised Code for the period during which 4052
the fuel was purchased multiplied by a fraction, the numerator 4053
of which equals the rate of tax levied by section 5736.02 of the 4054
Revised Code less the rate of tax computed in section 5751.03 of 4055
the Revised Code, and the denominator of which equals the rate 4056
of tax computed in section 5751.03 of the Revised Code. 4057

(ll) Receipts realized by an out-of-state disaster 4058
business from disaster work conducted in this state during a 4059
disaster response period pursuant to a qualifying solicitation 4060
received by the business. Terms used in division (F) (2) (ll) of 4061
this section have the same meanings as in section 5703.94 of the 4062
Revised Code. 4063

(mm) In the case of receipts from the sale or transfer of 4064
a mortgage-backed security or a mortgage loan by a mortgage 4065
lender holding a valid certificate of registration issued under 4066
Chapter 1322. of the Revised Code or by a person that is a 4067
member of the mortgage lender's consolidated elected taxpayer 4068
group, an amount equal to the principal balance of the mortgage 4069
loan. 4070

(nn) Amounts of excess surplus of the state insurance fund 4071
received by the taxpayer from the Ohio bureau of workers' 4072
compensation pursuant to rules adopted under section 4123.321 of 4073
the Revised Code. 4074

(oo) Except as otherwise provided in division (B) of 4075
section 5751.091 of the Revised Code, receipts of a megaproject 4076
supplier from sales of tangible personal property directly to a 4077
megaproject operator in this state, provided the supplier holds 4078
a certificate issued under section 5751.052 of the Revised Code 4079
for the calendar year in which the sales are made, and provided 4080
both the operator and supplier hold a certificate issued under 4081
division (D) (7) of section 122.17 of the Revised Code on the 4082
first day of that calendar year; 4083

(pp) Any receipts for which the tax imposed by this 4084
chapter is prohibited by the constitution or laws of the United 4085
States or the constitution of this state; 4086

(qq) Receipts from fees imposed under sections 128.41 and 4087
128.42 of the Revised Code. 4088

(3) In the case of a taxpayer when acting as a real estate 4089
broker, "gross receipts" includes only the portion of any fee 4090
for the service of a real estate broker, or service of a real 4091
estate salesperson associated with that broker, that is retained 4092
by the broker and not paid to an associated real estate 4093
salesperson or another real estate broker. For the purposes of 4094
this division, "real estate broker" and "real estate 4095
salesperson" have the same meanings as in section 4735.01 of the 4096
Revised Code. 4097

(4) A taxpayer's method of accounting for gross receipts 4098
for a tax period shall be the same as the taxpayer's method of 4099
accounting for federal income tax purposes for the taxpayer's 4100
federal taxable year that includes the tax period. If a 4101
taxpayer's method of accounting for federal income tax purposes 4102
changes, its method of accounting for gross receipts under this 4103
chapter shall be changed accordingly. 4104

(G) "Taxable gross receipts" means gross receipts sitused 4105
to this state under section 5751.033 of the Revised Code. 4106

(H) A person has "substantial nexus with this state" if 4107
any of the following applies. The person: 4108

(1) Owns or uses a part or all of its capital in this 4109
state; 4110

(2) Holds a certificate of compliance with the laws of 4111
this state authorizing the person to do business in this state; 4112

(3) Has bright-line presence in this state; 4113

(4) Otherwise has nexus with this state to an extent that 4114

the person can be required to remit the tax imposed under this 4115
chapter under the Constitution of the United States. 4116

(I) A person has "bright-line presence" in this state for 4117
a reporting period and for the remaining portion of the calendar 4118
year if any of the following applies. The person: 4119

(1) Has at any time during the calendar year property in 4120
this state with an aggregate value of at least fifty thousand 4121
dollars. For the purpose of division (I) (1) of this section, 4122
owned property is valued at original cost and rented property is 4123
valued at eight times the net annual rental charge. 4124

(2) Has during the calendar year payroll in this state of 4125
at least fifty thousand dollars. Payroll in this state includes 4126
all of the following: 4127

(a) Any amount subject to withholding by the person under 4128
section 5747.06 of the Revised Code; 4129

(b) Any other amount the person pays as compensation to an 4130
individual under the supervision or control of the person for 4131
work done in this state; and 4132

(c) Any amount the person pays for services performed in 4133
this state on its behalf by another. 4134

(3) Has during the calendar year taxable gross receipts of 4135
at least five hundred thousand dollars. 4136

(4) Has at any time during the calendar year within this 4137
state at least twenty-five per cent of the person's total 4138
property, total payroll, or total gross receipts. 4139

(5) Is domiciled in this state as an individual or for 4140
corporate, commercial, or other business purposes. 4141

(J) "Tangible personal property" has the same meaning as 4142
in section 5739.01 of the Revised Code. 4143

(K) "Internal Revenue Code" means the Internal Revenue 4144
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 4145
used in this chapter that is not otherwise defined has the same 4146
meaning as when used in a comparable context in the laws of the 4147
United States relating to federal income taxes unless a 4148
different meaning is clearly required. Any reference in this 4149
chapter to the Internal Revenue Code includes other laws of the 4150
United States relating to federal income taxes. 4151

(L) "Calendar quarter" means a three-month period ending 4152
on the thirty-first day of March, the thirtieth day of June, the 4153
thirtieth day of September, or the thirty-first day of December. 4154

(M) "Tax period" means the calendar quarter or calendar 4155
year on the basis of which a taxpayer is required to pay the tax 4156
imposed under this chapter. 4157

(N) "Calendar year taxpayer" means a taxpayer for which 4158
the tax period is a calendar year. 4159

(O) "Calendar quarter taxpayer" means a taxpayer for which 4160
the tax period is a calendar quarter. 4161

(P) "Agent" means a person authorized by another person to 4162
act on its behalf to undertake a transaction for the other, 4163
including any of the following: 4164

(1) A person receiving a fee to sell financial 4165
instruments; 4166

(2) A person retaining only a commission from a 4167
transaction with the other proceeds from the transaction being 4168
remitted to another person; 4169

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	4170 4171
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	4172 4173
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	4174 4175
(Q) "Received" includes amounts accrued under the accrual method of accounting.	4176 4177
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	4178 4179 4180 4181 4182 4183 4184
(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.	4185 4186 4187
Section 2. That existing sections 128.01, 128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052, 5733.55, and 5751.01 of the Revised Code are hereby repealed.	4188 4189 4190 4191 4192 4193 4194
Section 3. That sections 128.04, 128.09, 128.15, 128.571, 4742.01, 4742.02, 4742.03, 4742.04, 4742.05, 4742.06, and 4742.07 of the Revised Code are hereby repealed.	4195 4196 4197

Section 4. Not later than twenty-four months after the	4198
effective date of this section, the 9-1-1 steering committee, in	4199
consultation with the Tax Commissioner, shall deliver a report	4200
to the General Assembly detailing any legislative	4201
recommendations to address issues concerning the collection and	4202
use of the next generation 9-1-1 access fees, including auditing	4203
carriers and other companies subject to collect such fees.	4204