



S.B. 181

124th General Assembly
(As Introduced)

Sens. Mead, Spada, Goodman, Harris, Robert Gardner, Herington, Brady

BILL SUMMARY

- Provides for enhanced wireless 9-1-1 service in accordance with federal requirements and specifies local authority to request the wireless and wireline portions of enhanced wireless 9-1-1.
- Creates the Enhanced Wireless 9-1-1 Government Assistance Fund to be used to pay for costs incurred in the implementation of countywide enhanced wireless 9-1-1.
- Creates the Ohio 9-1-1 Council and requires the Council to make recommendations to the General Assembly regarding the amount of funding and sources of revenue for the Enhanced Wireless 9-1-1 Government Assistance Fund, based on providing adequate statewide coverage of enhanced wireless 9-1-1 by the fewest number of public safety answering points in Ohio.
- Authorizes the use of an existing excise tax credit mechanism to cover the nonrecurring charges for an updating or modernization of the wireline telephone network portion of a 9-1-1 system or a modification of that telephone network to provide wireless 9-1-1 service.

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CONTENT AND OPERATION

BACKGROUND

General background on 9-1-1 service

9-1-1 service generally consists of two components: a local government component and a telecommunications component. The services rendered in the local government component generally are the receiving of 9-1-1 emergency calls and the dispatch of appropriate emergency services. The services rendered in the telecommunications component are the transmission and appropriate routing of a 9-1-1 call to the local government receiving point, called a public safety answering point (PSAP). Currently, with any 9-1-1 call made through a wireline telephone company, the PSAP also has an automatic, electronic capability to identify the telephone number of the phone from which the call is made and, thus, to obtain identifying information, such as the associated address, that may be useful in locating the site of the emergency. With any 9-1-1 call made through a wireless telephone company, such as a cellular call, most PSAPs in Ohio do not have the capability to obtain any identifying information regarding the telephone number, and no PSAPs have the ability to discern automatically any location information; instead the PSAP must rely on the caller to supply the information.

In 1996, the Federal Communications Commission (FCC) issued an order and regulations requiring certain facilities-based wireless service providers to install the telecommunications component necessary to enable a PSAP to obtain



telephone number identification (often referred to as "Phase I" automatic number identification (ANI) capability) and location information ("Phase II" automatic location identification (ALI) capability) for wireless 9-1-1 calls. The FCC has revised the original order several times, but the general requirement remains that all such wireless companies must install necessary technology pursuant to a schedule and standards the FCC has prescribed.¹

The bill contains state law changes related to this federal initiative to institute Phase I and Phase II capabilities for PSAPs, including a change in funding sources for local governments.

General background on Ohio 9-1-1 law

9-1-1 service was initiated in Ohio pursuant to a body of law (secs. 4931.40 to 4931.54 and 5727.39) that became effective in 1985, prior to the general availability of any telephone technology beyond traditional wireline technology. Under the 9-1-1 law, the decision to institute 9-1-1 service is a local one. Generally, 9-1-1 systems are established on a countywide basis, although a large municipal corporation or township under specific circumstances also may establish a 9-1-1 system within its boundaries (sec. 4931.48). By the end of 2001, 9-1-1 service will be available in 80 of Ohio's 88 counties. Factors generally

¹ *Phase I, ANI capability (with an accompanying requirement that a PSAP be able to determine the cell site of the caller's location, as a rough indicator of caller location) is required by FCC rule and order to be implemented by the later of April 1, 1998 or within six months of a request from a PSAP, but only if the administrator of a particular PSAP requests it and the PSAP is capable of receiving and using the data elements associated with the service.*

Phase II, ALI capability may be achieved by network-based location technology (such as a global positioning system) or by handset-based location technology. Network modification is required by October 1, 2001, but, as with ANI capability, also is subject to PSAP request and capability. For initial implementation under Phase II, the FCC permits a phase-in of new or upgraded handsets. Handset implementation must begin no later than October 1, 2001; by December 31, 2005, 95% of the subscribers to companies using a handset-based method must have location-capable handsets. Additionally, companies using a handset-based method must comply with the phase-in dates regardless of whether the PSAP has requested ALI capability. Handset-based ALI methods, which have a higher accuracy standard, may be used, alone or in combination with network-based methods.

The FCC required wireless carriers to report, by November 9, 2000, their plans for implementing Phase II ALI capability, including the technology they plan to use. (47 C.F.R. 20.18.)

affecting implementation of 9-1-1 service statewide are local jurisdictional issues and issues of funding for the local governmental component.

Under current law, 9-1-1 service not only is provided locally, but, for the most part, it also is funded locally. As explained in more detail below, current law gives local governments various funding mechanisms for 9-1-1. Additionally, current law provides two special mechanisms for wireline telephone companies to recoup their costs: use of an excise tax credit to cover their nonrecurring costs and a charge on telephone bills to cover their recurring costs. The 9-1-1 charge on wireline telephone bills is subject to approval of the Public Utilities Commission (PUCO), as generally are any other rates charged by those companies. Current law, however, provides no special mechanism by which wireless companies may recover any 9-1-1 costs they incur; wireless service is deemed a competitive service, and rates for that service generally are market-determined and are not government-regulated.

Current funding of PSAP costs

Currently, PSAPs receive and respond to both wireline and wireless 9-1-1 calls. Subdivisions fund PSAPs using existing sources of funding available to them.

Current law requires that the PSAP costs of providing 9-1-1 service be funded through local revenues of a subdivision.² A subdivision that operates a PSAP must pay all the costs associated with establishing, equipping, furnishing, operating, and maintaining that facility and allocate those costs among itself and the subdivisions served by the PSAP, based on an allocation formula in a statutorily required final plan under which the features of the 9-1-1 system and the obligations of the subdivisions and emergency service providers participating in it are established in accordance with the 9-1-1 law. In addition, current law requires that each subdivision served by a PSAP must pay the subdivision operating the PSAP the amount computed in accordance with the allocation formula.

Ultimately, each subdivision decides for itself the sources of funds it will use to pay its particular obligation for PSAP costs as prescribed in the final 9-1-1 plan. How PSAPs are funded may depend partly on what funding mechanisms

² "Subdivision" is defined as a county, municipal corporation, township, township fire district, joint fire district, township police district, joint ambulance district, or joint emergency medical services district that provides emergency service within its territory, or that contracts with another municipal corporation, township, or district or with a private entity to provide such service. "Subdivision" also means a state college or university, port authority, or park district of any kind that employs law enforcement officers that act as its primary police force. (Sec. 4931.40.)

were available under state law at the time a 9-1-1 system was set up. The sources may be general operating funds of the subdivision or revenues the use of which is not otherwise prohibited. Other statutory sources of funding authority may be earmarked for 9-1-1 systems or PSAP costs. These include voter approval of a tax on real and personal property within the subdivision in excess of the ten-mill limitation on such tax (sec. 5705.19(BB), not in the bill) and voter approval of a sales tax of 1/4 or 1/2 of 1% on retail sales in the county or an increase to 1/2 of 1% (sec. 5739.026(A)(6), not in the bill).

The 9-1-1 law also authorizes two additional funding mechanisms relating to PSAP costs for a countywide system. First, authority exists to impose a uniform assessment on each lot or parcel of real property in the county that is owned by a person or political subdivision and is improved, or in the process of being improved. The assessment must reflect reasonable charges sufficient to pay only the estimated allowed costs of (1) establishing, equipping, and furnishing one or more PSAPs or (2) operating and maintaining the PSAPs, or both (1) and (2). The resolution imposing the assessment is subject to referendum, unless there is an election on the question of the assessment. (Sec. 4931.51, not in the bill.)

Secondly, current 9-1-1 law authorizes imposition of a monthly charge, not exceeding 50¢ per month, on residential and business customer access lines, or their equivalent, to pay only for the equipment costs of establishing and maintaining no more than three PSAPs of a countywide system. Such a charge may be imposed only by voter approval and only in a county that meets both of the following conditions: (1) a 9-1-1 final plan has not been approved, or has been approved but not implemented for lack of funding, and (2) voters, at least once, have rejected funding through the authorized property assessment or property or sales tax described above. (Sec. 4931.52, not in the bill.) A telephone company billing the monthly charge may retain 3% of any such charge as compensation for its collection costs (sec. 4931.53, not in the bill).

Aside from the above-described local, statutory funding mechanisms, certain counties in Ohio have been provided special funding to cover their equipment costs in initiating 9-1-1 service. That funding was provided pursuant to a decision by the PUCO in an ongoing complaint proceeding concerning adequacy of telephone service. The funding is directed at enabling the statewide implementation of 9-1-1 service in Ohio.³

³ See In the Matter of the Commission-Ordered Investigation of Ameritech Ohio Relative to its Compliance with Certain Provisions of the Minimum Telephone Service Standards Set Forth in Chapter 4901:1-5, Ohio Administrative Code, *Case No. 99-938-TP-COI, Opinion and Order (July 12, 2001), Entry on Rehearing (September 5, 2001)*. The PUCO determined that Ameritech was liable for \$3.65 million for violating the minimum

Current funding of wireline costs

Current law provides funding mechanisms for the recurring and nonrecurring charges for the "telephone network portion" of a 9-1-1 system.

The funding mechanism for the recurring rates for the operation and maintenance of the telephone network is an amount imposed on each residential and business customer access line, or its equivalent, within the area served by the particular 9-1-1 system. The amount appears on the subscriber's monthly bill. (Subscribers in Franklin County, for instance, currently are charged 12¢ per month for such recurring costs.) The PUCO must approve the amount billed. A company is prohibited from including the amount on a customer bill until its portion of the 9-1-1 telephone network is completed.

A company may recover the nonrecurring charges for the 9-1-1 telephone network through a tax credit against its public utility excise tax liability. The costs are recoverable only upon completion of the company's portion of the network. Certain restrictions apply to the use of the credit, and there is a statutory cap on the aggregate amount of the credit that may be taken each year, which is calculated by the Tax Commissioner, using a statutory formula indexed to inflation.

PROVISIONS OF THE BILL

The bill makes a number of changes to existing law to recognize wireless 9-1-1 calling and enacts several related sections of 9-1-1 law in contemplation of a new source of funding for the local government component of 9-1-1 service. The analysis that follows covers the general service provisions of the bill relating to the local government component of 9-1-1; the new local government funding mechanism contemplated by the bill; provisions relating to a new Ohio 9-1-1 Council created by the bill, including its duties regarding local funding; information requirements established by the bill; other provisions of the bill relating to the telecommunications component of 9-1-1 service as provided by wireless and wireline service providers, including an expanded use of the existing excise tax credit by wireline service providers; provisions relating to immunity from civil liability with respect to a 9-1-1 system; provisions establishing new prohibited practices with respect to a 9-1-1 system and establishing related

standards, and for \$2.82 million for improperly claiming waivers and not paying credits to its customers. It ordered the company to set aside the total liability of \$6.47 million in a special fund and made Washington, Columbiana, and Monroe counties each eligible for a \$400,000 payment from the fund, to cover their equipment costs in initiating 9-1-1 service.

criminal penalties; provisions regarding enforcement of 9-1-1 obligations; and provisions regarding 9-1-1 systems and competitive bidding.

Local government component of 9-1-1

General service provisions

(secs. 4931.40, 4931.41(B), (D)(2), and (J), and 4931.45)

The bill expressly provides that a countywide 9-1-1 system must be for the purpose of providing both wireline 9-1-1 and wireless 9-1-1, and that "enhanced 9-1-1" means a system capable of providing both enhanced wireline 9-1-1 and enhanced wireless 9-1-1. The bill authorizes service agreements between wireless service providers and subdivisions operating PSAPs for a countywide 9-1-1 system.

By agreement included in the final plan, the bill also allows the state highway patrol or one or more PSAPs of another countywide 9-1-1 system to be the PSAP for the provision of basic or enhanced 9-1-1, including enhanced wireless 9-1-1, for a particular county. If the highway patrol or another county is the PSAP for another county, the county for which wireless 9-1-1 is provided is deemed by the bill to be the subdivision operating the PSAP for purposes of the law regulating 9-1-1 services; except that, in regard to the obligation of a county to pay all of the 9-1-1 costs, the county is required to pay only so much of the costs associated with establishing, equipping, furnishing, operating, or maintaining any such facility as are specified in the agreement.

The bill also adds several purposes for which a final 9-1-1 plan must be amended, including for the purpose of providing enhanced wireless 9-1-1 or adding a telephone company as a participant in a countywide 9-1-1 system after the implementation of wireline 9-1-1 or enhanced wireless 9-1-1. It authorizes the convening of a 9-1-1 planning committee for purposes of adopting an amended final plan. The bill provides an exception to the general amendment procedure if the purpose of the amendment is adding a telephone company as a participant in a countywide 9-1-1 system after wireline or enhanced wireless 9-1-1 service implementation.

Definitions

The bill adds or amends several definitions and amends several provisions of existing 9-1-1 law to reflect the bill's distinction between wireless service providers and wireline service providers and the characteristics of their separate 9-1-1 services.

In particular, "wireline 9-1-1" means the emergency call response service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider. "Wireline service provider" is defined as a facilities-based provider of wireline service to one or more end users in Ohio. "Wireline service" means basic local exchange service, as defined in existing Ohio alternative regulation law (sec. 4927.01, not in the bill), that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the PUCO.

In contrast to the wireline definitions, the bill defines "wireless 9-1-1" to mean the emergency call response service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider. A "wireless service provider" is defined under the bill as a provider of wireless service to one or more end users in Ohio. "Wireless service" means federally licensed commercial mobile service as defined in federal law, and includes service provided by any wireless, two-way communications device, including a radio-telephone communications line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line.

Under the bill, "enhanced wireline 9-1-1" means a 9-1-1 system in which the telephone network system automatically routes the call to the appropriate emergency service providers and immediately provides to subdivision personnel answering the 9-1-1 call information on the location and the telephone number from which the call is being made. "Enhanced wireless 9-1-1" means a 9-1-1 system that, in providing wireless 9-1-1 has the Phase I ANI capability and, to the extent available, Phase II ALI, as described in federal law.

The definition of "telephone company" under the bill specifically states that the term includes a wireline service provider and a wireless service provider unless otherwise expressly specified or unless, for purposes of three statutes related to charges for a countywide 9-1-1 system (secs. 4931.52 to 4931.54, not in the bill), it expressly means a wireline service provider.

New local government funding provision

(secs. 4931.56 and 4931.57)

The bill creates the Enhanced Wireless 9-1-1 Government Assistance Fund in the state treasury; it directs the disbursement of any moneys in the fund but does not specify a source for moneys in the fund. (However, see the discussion of a proposed funding provision in "Duties," in the "Ohio 9-1-1 Council" portion of this analysis, below.)

The fund, which the Director of Public Safety administers, must be used exclusively to pay for costs incurred in the implementation of countywide enhanced wireless 9-1-1. As to any particular countywide system, the bill specifies that those costs may include only certain specified one-time costs required for any PSAP of the countywide 9-1-1 system to initiate the provision of enhanced wireless 9-1-1 (Phase I ANI and Phase II ALI costs) and the costs of training PSAP personnel to provide enhanced wireless 9-1-1 using that technology and equipment. The costs may be costs incurred before the bill's effective date and also may include any of the allowable costs payable pursuant to an agreement when the highway patrol or another PSAP serves as the PSAP for a different county.

The Director must disburse funds upon approval of a completed application submitted by a board of county commissioners. The Director must prescribe the form of the application and must require itemization of the costs, identification of any vendors, and any other information required to ensure verification of costs incurred. An application may cover Phase I or Phase II costs of enhanced wireless 9-1-1, or both such costs, and a board that submits an application for costs incurred for one phase may submit a later application for costs of the other phase.

The Director may make a disbursement to a county only if the county has adopted a final plan for the countywide provision of enhanced wireless 9-1-1. When the Director makes a disbursement from the fund, it must be made to a county and paid to the county treasurer.

The bill requires that a countywide 9-1-1 system of a county receiving a disbursement must provide countywide enhanced wireless 9-1-1, beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, must continue to provide the service. A disbursement must be used solely for the purpose of paying the costs described above.

Immediately upon receipt of a disbursement, the county must redistribute the funds to those subdivisions in the county that pay the costs described above or to other subdivisions that pay such costs pursuant to an agreement for another county to provide the PSAP service. The county must disburse the funds, in accordance with the allocation formula set forth in the final plan.

The bill specifies that a subdivision operating or served by a PSAP of a countywide 9-1-1 system may continue to use any other authorized revenues of the subdivision for the purposes of providing wireline 9-1-1 or wireless 9-1-1.

Ohio 9-1-1 Council

(sec. 4931.60)

Duties

The bill creates the Ohio 9-1-1 Council, whose duties consist of the following:

(1) Arbitrating or establishing technically and competitively neutral, minimum, nonbinding technical standards and guidelines for 9-1-1 systems in Ohio, with the objective of coordinating the effectiveness and compatibility of system technologies;

(2) As necessary, submitting a report to the General Assembly containing any findings and recommendations for improving the provision of service by 9-1-1 systems in Ohio, any findings or recommendations regarding the need for ongoing funding assistance to subdivisions to pay for equipment upgrades for or operating costs of 9-1-1 systems, or any recommendations or review of legislation before the General Assembly concerning such systems;

(3) Submitting a report to the General Assembly on or before July 1, 2002, providing the Council's recommendations, with supporting rationales and documentation, regarding both of the following:

--The amount of funding, if any, for the Enhanced Wireless 9-1-1 Government Assistance Fund and any appropriate conditions upon fund disbursements, which recommendations must be based upon the objective of providing, in the most effective and cost-efficient manner possible, adequate statewide coverage of enhanced wireless 9-1-1 by the fewest number of PSAPs in Ohio;

--Possible sources of revenues sufficient to provide the recommended amount of funding, including, as the Council considers appropriate, recommendations regarding the scope, amount, and duration of a uniform, statewide, wireless subscriber line charge as a possible source of revenues.

Composition

The Ohio 9-1-1 Council must consist of the following 11 members: the Director of Public Safety, serving ex officio; a designee of the PUCO, serving ex officio and selected by the PUCO chairperson; and nine members appointed by the Governor.

In appointing the nine members, the Governor must select the following:



- One representative of public safety communications officials in Ohio;
- One representative of administrators of 9-1-1 service in Ohio;
- One representative of countywide 9-1-1 systems in Ohio;
- Three representatives of wireline service providers in Ohio; and
- Three representatives of wireless service providers in Ohio.

For each such appointment, the Governor must consider a nominee proposed, respectively, by the Ohio Chapter of the Association of Public-Safety Communications Officials, the Ohio Chapter of the National Emergency Number Association, the County Commissioners Association of Ohio; and nominees proposed, respectively by the Ohio Telecommunications Industry Association and the Wireless Operators of Ohio (or any successor of any of the above-named organizations).

Initial appointments must be made not later than 30 days after the bill's effective date. The bill states that its provisions do not prevent the Governor from rejecting any of the nominees or requesting that a nominating entity submit the names of alternative nominees for consideration.

Organization and conditions of service

The Council must select a chairperson from among its appointed members. The PUCO designee is not a voting member of the Council. Each appointed member has one vote in all deliberations. The Director is a voting member only in the case of a tie. A majority of the voting members constitutes a quorum.

The bill additionally states that the Council is not an agency for purposes of Ohio statutes governing the sunseting of state agencies.

Appointed members of the Council serve without compensation and may not be reimbursed for expenses.

The term of office of the initial appointee to the Council representing public safety communications officials and the terms of one of the initial appointees representing separately wireline and wireless service providers expire January 31, 2005. The terms of the initial appointee representing 9-1-1 administrators, another representing wireline service providers, and another representing wireless service providers expire January 31, 2006. The term of the initial appointee representing countywide 9-1-1 systems and the terms of the remaining, initial wireline service provider and wireless service provider representatives expire January 31, 2007.

Thereafter, terms of appointed members are for three years, with each term ending on the same day of the same month as the term it succeeds.

Each Council member holds office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies are filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed holds office as a member for the remainder of that term. A member continues in office after the expiration date of the member's term until the member's successor takes office or until a period of 60 days has elapsed, whichever occurs first.

Information requirements

(secs. 4931.59 and 4931.99(E))

The bill requires a wireless service provider to provide an official or employee of a subdivision operating a PSAP with such technical, service, and location information as requested for the purpose of providing wireless 9-1-1.

A subdivision operating one or more PSAPs of a 9-1-1 system, and a telephone company, must provide to the Ohio 9-1-1 Council such information as the Council requests for the purposes of any Council report to the General Assembly authorized under the bill.

The bill requires any of the above information that consists of trade secrets under the Ohio Uniform Trade Secrets Act or regarding the customers, revenues, expenses, or network information of a telephone company to be kept confidential. This information is not a public record under the Ohio Public Records Law.

The bill prohibits any official, employee, agent, or representative of a subdivision operating a PSAP, while acting in that capacity, from disclosing any information regarding a telephone company's customers, revenues, expenses, or network information. However, this prohibition does not preclude any such information from being aggregated and included in a Council report, provided the aggregated information does not identify the number of any particular company's customers or the amount of its revenues or expenses, or identify a particular company. A violation of the disclosure prohibition is a fourth degree misdemeanor on a first offense, and a fifth degree felony on each subsequent offense.

Other telecommunications component provisions

Compliance with federal law

(sec. 4931.58)

To the extent required by federal law, the bill requires a wireless service provider to provide enhanced wireless 9-1-1 upon the request of a PSAP. Additionally, upon such a request, each wireline service provider must provide the wireline telephone network necessary for the provision of that enhanced wireless 9-1-1.

The bill authorizes a wireless service provider to include on a customer bill an indication of the provider's compliance with federal law. That information must be indicated either in the form of an explanatory note of the nature or amount of the provider's compliance costs or a notation or line item identifying the portion or amount of the customer's bill that is directly attributable to those compliance costs.

Expanded use of an existing public utility excise tax credit

(secs. 4931.45(B), 4931.47, and 5727.39)

Under current law, a telephone company generally may fund its nonrecurring charges for the telephone network used in providing 9-1-1 service, by filing for a tax credit against its public utility excise tax liability in the amount of the charges set forth in the rate schedule (tariff) the company must file under current Ohio public utility law. The bill specifies that the tax credit is available to a telephone company that is a wireline service provider.

Continuing law authorizes this funding mechanism when a final plan is amended to expand the territory that receives 9-1-1 service or to upgrade a 9-1-1 system from basic to enhanced 9-1-1. The bill adds two other circumstances: when a final plan is amended (1) to provide for enhanced wireless 9-1-1 or (2) to add a telephone company as a participant in a countywide 9-1-1 system after implementation of wireline 9-1-1 or enhanced wireless 9-1-1.

Additionally, the bill authorizes such funding for the total nonrecurring charges for any updating or modernization of a wireline service provider's wireline telephone network in accordance with a final 9-1-1 plan or an agreement to provide 9-1-1 service within a large municipal corporation or township, as any such charges are set forth in its filed rate schedule. In that instance, the recovery may occur only upon the completion of the updating or modernization.

Current law specifies circumstances under which use of the tax credit is not allowed. The bill prohibits use of the credit for any portion of the total nonrecurring charges for the telephone network used in providing wireless 9-1-1, as set forth in the filed rate schedule, to the extent that the wireline service provider, in otherwise providing 9-1-1 service, previously recovered those charges through the tax credit or recovers or recovered those charges from a wireless service provider pursuant to a tariff or contract.

Immunity from civil liability

(sec. 4931.49)

Continuing law provides immunity from civil liability to the state, the state highway patrol, a subdivision participating in a 9-1-1 system established under the Ohio 9-1-1 Law, and to any officer, agent, or employee of the state, state highway patrol, or participating subdivision, in the event of 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 9-1-1 plan or otherwise bringing into operation a 9-1-1 system.

The bill extends this immunity to any independent contractor, and also extends immunity with respect to any other emergency calling system provided in cooperation with state or local government. Further, the existing immunity from civil liability of an individual who gives emergency instructions through a 9-1-1 system, and the principals for whom the person acts, and the existing immunity for a telephone company, or other installer, maintainer, or provider of customer premises equipment, are extended to specified activities involving any other emergency calling system provided in cooperation with state or local government.

The bill provides immunity from civil liability to the Ohio 9-1-1 Council and any Council member, 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 the 9-1-1 law.

Prohibited practices

(secs. 2913.01(E), 4931.49(D), (E), and (F), and 4931.99(A) and (E))

Current law prohibits a person from knowingly using the telephone number of a 9-1-1 system to report an emergency if the person knows no emergency exists. The bill adds a prohibition against knowingly using the telephone number of any other emergency calling system provided in cooperation with state or local government to report an emergency under the same circumstances. A violation is a fourth degree misdemeanor.

The bill also prohibits a person from knowingly using 9-1-1 service or any other emergency calling system provided in cooperation with state or local government for a purpose other than obtaining emergency service. A violation is punishable as a fourth degree misdemeanor on the first offense and a fifth degree felony on each subsequent offense.

The bill adds the following to the current list of purposes or circumstances under which it is permissible to disclose or use information concerning telephone numbers, addresses, or names obtained from a 9-1-1 database serving a PSAP: (1) for the purpose of another emergency calling system provided in cooperation with state or local government, (2) for the purpose of responding to an emergency call to an emergency service provider, and (3) in the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the database to be restricted to 9-1-1-specific answering lines at a PSAP.

Additionally, the bill expressly defines "services" for purposes of the Theft and Fraud Law as including wireless services as defined in the Ohio 9-1-1 Law.

Enforcement of 9-1-1 obligations

(sec. 4931.50)

Under current law, the Attorney General, upon the PUCO's request or the Attorney General's own initiative, must begin proceedings against a telephone company to enforce compliance with the 9-1-1 law or with the terms, conditions, requirements, or specifications of a final plan or an agreement to provide 9-1-1 service within a large municipal corporation or township. The bill specifies that that authority may be exercised against a telephone company that is a wireline service provider as to wireline or wireless 9-1-1, or against a wireless service provider as to wireless 9-1-1.

Additionally, the bill authorizes the Attorney General, upon the Attorney General's own initiative, or any prosecutor, upon the prosecutor's initiative, to begin proceedings against a subdivision as to wireline or wireless 9-1-1 to enforce compliance with the Ohio 9-1-1 Law or a final 9-1-1 plan or agreement to provide 9-1-1 service within a large municipal corporation or township. Under current law, the authority to begin proceedings against a subdivision to enforce compliance with such law or a final plan or agreement lies with the Attorney General, upon request of the PUCO or the Attorney General's own initiative.

Exemption from competitive bidding

(sec. 4931.41(F))

Under continuing law, the purchase, installation, or maintenance of customer premises equipment at a PSAP made in compliance with a final plan is not subject to competitive bidding requirements. The bill includes in this exemption customer premises equipment used to provide enhanced wireless 9-1-1 service.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-16-01	pp. 975-976

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