
9-1-1 EMERGENCY TELEPHONE SERVICE LAW

9-1-1 Steering Committee

- Renames the “Emergency Services Internet Protocol Network Steering Committee” as the “9-1-1 Steering Committee” and does the following:
 - Requires the Steering Committee to advise and recommend policies or procedures to effectively govern a statewide next generation 9-1-1 (NG 9-1-1) system.
 - Requires each entity operating a public safety answering point (PSAP) to cooperate with the Steering Committee and provide them with certain data.
 - Requires the Steering Committee to meet at least once a quarter.
- Allows for the Steering Committee’s permanent subcommittees to meet either in person or utilize telecommunication-conferencing technology.
- Establishes that a majority of the voting members of a subcommittee constitutes a quorum.
- Adds to the PSAP Operations subcommittee one member representing the Division of Emergency Medical Services of the Department of Public Safety.
- Requires all PSAPs that answer 9-1-1 calls for service to be subject to the PSAP operation rules, with a two-year compliance window for PSAPs not originally subject to the rules to become compliant.
- Requires the Steering Committee to establish guidelines for the Tax Commissioner regarding disbursing and using funds from the 9-1-1 Government Assistance Fund and to periodically review and adjust those guidelines as well as those for the NG 9-1-1 Fund.
- Requires the Steering Committee to report any adjustments to the Department of Taxation and delays the adjustments from taking effect until six months after the Department has been notified.

Countywide 9-1-1 systems

- Requires a countywide 9-1-1 system to include all of the territory of the townships and municipal corporations, including any portions of a municipal corporation that extend into an adjacent county.
- Allows a countywide 9-1-1 system to be either an enhanced or NG 9-1-1 system, or some combination of the two, and must be designed to provide access to emergency services from all connected communications sources.
- Allows for a countywide 9-1-1 system to be provided directly by the county, by a regional council of governments (RCOG), or by connecting directly to the statewide NG 9-1-1 system for call routing and core services.

- Requires each county to appoint a county 9-1-1 coordinator to serve as the administrative coordinator for all PSAPs participating in a countywide 9-1-1 system final plan, and to serve as liaison with other county coordinators and the 9-1-1 Program Office.
- Requires each county to maintain a county 9-1-1 Program Review Committee consisting of six voting members.
- Changes the provisions governing who may be members of the Review Committee.
- Requires the Review Committee to consist of five members in counties with fewer than five townships, a population in excess of 750,000, and more than one PSAP.
- Requires the Review Committee to consist of three members in counties that contain only one PSAP, or if the PSAP is operated by the board of county commissioners, then the board will serve as the Committee.
- Requires each Review Committee to maintain and amend a final plan for implementing and operating a countywide 9-1-1 system.
- Requires each Review Committee to convene at least once annually for the purposes of maintaining or amending a final plan and requires any amendment to the final plan to receive a two-thirds vote of the Committee.
- Requires, not later than March 1 each year, for each Review Committee to submit a report to the political subdivisions within the county and to the 9-1-1 Program Office detailing the sources and amounts of revenue expended to support, and all costs incurred to operate, the countywide 9-1-1 system.
- Makes various changes regarding countywide final plan, including the following changes to what should be specified in the final plan:
 - Specifies how the PSAPs will be connected to a county's preferred NG 9-1-1 system;
 - Requires either enhanced 9-1-1 or NG 9-1-1 service, repealing the ability to allow basic 9-1-1 service to be provided;
 - Details how originating service providers must connect to the core 9-1-1 system identified by the final plan, and what methods will be used by the providers to communicate with the system;
 - Describes the capability of transferring or otherwise relaying information to the entity that directly dispatches emergency services should a PSAP not properly dispatch the needed services;
 - Explains how each emergency service provider (ESP) will respond to a misdirected call or a false caller location, or if the call fails to meet FCC or accepted national standards.
- Requires, not later than April 3, 2024, each county Review Committee to file a copy of its current final plan with the 9-1-1 Program Office and requires any revisions or amendments to be filed no later than 90 days after adoption.

- Requires an amended final plan whenever there is any upgrade to the countywide 9-1-1 system, and whenever there is a change or removal of a 9-1-1 system service provider as a participant in the countywide 9-1-1 system.
- Repeals the requirement that an entity wishing to be added as a participant in a 9-1-1 system file a letter of intent to the board of county commissioners.

Statewide NG 9-1-1 core services system

- Requires the 9-1-1 Program Office to coordinate and manage a statewide NG 9-1-1 core services system, which must be capable of providing service for the entire state.
- Repeals the requirement that the 9-1-1 Program Office Administrator report directly to the State Chief Information Officer.
- Requires, not later than April 3, 2024, the program Office to draft, submit, or update an Ohio 9-1-1 plan to the Steering Committee, which must include the following:
 - A plan to address amendments made by the act;
 - Specific details regarding interoperability among counties, the states bordering Ohio, and Canada;
 - A progression plan for the system for sustainability within the funding method provided by the act.
- Requires the Steering Committee to review and permits it to make a determination on approval of the plan within six months after it was submitted.
- Requires any Ohio entity operating a 9-1-1 system, ESINET, or PSAP that seeks a state or federal 9-1-1 grant to present a letter of coordination, containing certain information required by the act, from the 9-1-1 Program Office.
- Allows the 9-1-1 Program Office to do the following:
 - Expend funds from the 9-1-1 Program Fund for 9-1-1 public education purposes;
 - Ensure an effective statewide interconnected 9-1-1 system through proper coordination, adoption, and communication of all necessary technical and operational standards and requirements;
 - Collect and distribute data from, and to, PSAPs, service providers, and ESPs regarding both the status and operation of the statewide 9-1-1 system, and certain location information;
 - Ensure that data collection and distribution meets legal privacy and confidentiality requirements;
 - With advice from the 9-1-1 Steering Committee, enter into interlocal, interstate, intrastate, and federal contracts to implement statewide 9-1-1 services.
- Protects all data described above in accordance with relevant Ohio law and grants the Steering Committee jurisdiction over the use of that data for purposes of 9-1-1.

- Allows for data and information that contributes to more effective 9-1-1 services and emergency response to be accessed and shared among 9-1-1 and emergency response functions.
- Requires every telecommunication service provider able to generate 9-1-1 traffic to do the following:
 - Register with the 9-1-1 Program Office and provide the Program Office a single point of contact who has authority to assist in location-data discrepancies;
 - Provide accurate and valid location data for all 9-1-1 traffic to ensure proper routing to the most appropriate PSAP or local NG 9-1-1 system.
- Requires service providers to correct any discrepancy in location data within 72 hours after notification by the Program Office.
- Subjects all the data described above to all applicable privacy laws and exempts it from being a public record under Ohio's Public Record Law.
- Requires each operator of a multiline telephone system (MTS) that was installed or substantially renovated on or after October 3, 2023 to do the following:
 - Provide the end user the same level of 9-1-1 service that is provided to other in-state end users of 9-1-1, which includes the provision of certain services and data;
 - Provide an emergency-response-location identifier as part of the location transmission to the PSAP using certain technologies;
 - Identify the caller's specific location using an emergency response location that includes the public street address of the building from which the call originated and other specific location data.
- Provide locations that are either master-street-address-guide valid or next-generation-9-1-1-location-validation-function valid.
- Exempts from the above requirements MTS in a workplace of less than 7,000 square feet in a single building, on a single level of a structure, and having a single public street address.
- Requires, not later than October 3, 2024, a business service user (BSU) that provides residential or business facilities, owns or controls a MTS or voice over internet protocol (VOIP) system in those facilities, and provides outbound dialing capacity from those facilities, to ensure the following:
 - For a MTS that can initiate a 9-1-1 call, that the system is connected so a caller using 9-1-1 is connected to the PSAP without requiring the user to dial any additional digit or code;
 - The system is configured to provide notification of any 9-1-1 call made through it to a centralized location on the same site as the system and the BSU is not required to have a person available at the location to receive a notification.

- Exempts a BSU, until after October 3, 2025, from those requirements if all of the following apply:
 - The requirements would be unduly and unreasonably burdensome;
 - The MTS or VOIP needs to be reprogrammed or replaced;
 - The BSU made a good-faith attempt to reprogram or replace the system;
 - The BSU agrees to place an instructional sticker next to the telephones that explains how to access 9-1-1 and other information.
- Requires the BSU to submit an affidavit affirming that the conditions described above apply to the BSU and must include the manufacturer and model number of the system the BSU uses.
- Specifies that the provisions described above regarding MTS and BSU do not to apply if they are preempted by, or in conflict with, federal law.
- Requires the following regarding participation in statewide 9-1-1:
 - Counties must provide a single point of contact to the 9-1-1 Program Office that can assist in location-data discrepancies, 9-1-1 traffic misroutes, and boundary disputes between PSAPs;
 - Requires, not later than five years after operational availability of the statewide NG 9-1-1 core services system to all counties, each county, or RCOG, if applicable, to provide NG 9-1-1 service for all areas to be covered as set forth in the county's final plan or the RCOG's agreement.
- Requires a service provider operating within a county, or an area served by a RCOG, that is participating in the statewide NG 9-1-1 core services system to deliver the 9-1-1 traffic that originates in that geographic area to the NG 9-1-1 core for that area.
- Requires such service providers and counties participating in the statewide NG 9-1-1 core services system to adhere to the standards of the 9-1-1 Program Office, including standards created by the National Emergency Number Association and the Internet Engineering Task Force.

Monthly charges

Wireless 9-1-1 charges

- Terminates, after January 1, 2024, the wireless 9-1-1 charges imposed on both wireless service subscribers and customers for the retail sale of prepaid wireless calling services under prior law.
- Exempts subscribers of wireless lifeline service and providers of such service from these charges prior to termination.

NG 9-1-1 access fee for subscribers

- Replaces the wireless 9-1-1 charge on subscribers (being terminated as described above) with a NG 9-1-1 access fee of 40¢ that is imposed on certain communications services as follows:
 - For wireless telephone service, the fee is imposed on each wireless telephone number that is assigned to the subscriber for which the subscriber is billed;
 - For VOIP, the subscriber must pay a separate fee for each voice channel provided to the subscriber, up to 100 channels per network;
 - For MTS, the fee must be paid with a separate fee per line, with a maximum of 100 separate fees per building for a single subscriber.
- Beginning October 1, 2025, the NG 9-1-1 is reduced to 25¢, but is imposed in the same manner as described immediately above.
- Exempts the following from the NG 9-1-1 access fee for subscribers:
 - A subscriber of wireless lifeline service;
 - Wholesale transactions between telecommunications service providers where the service is a component of a service provided to an end user, as well as network access and interconnection charges paid to a local exchange carrier.
- Specifies that a wireless service that is priced lower than \$5 per month is not subject to the NG 9-1-1 access fee.
- Requires service providers and resellers to collect the NG 9-1-1 access fee as a specific line item on each subscriber's monthly bill or point of sale invoice.
- Requires, by February 1, 2025, the Auditor of State to conduct an audit and deliver a report to the General Assembly detailing any legislative recommendations concerning the collection of the monthly NG 9-1-1 access fees and to make a determination regarding the amount of the monthly NG 9-1-1 access fee.

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

- Imposes after January 1, 2024, a separate NG 9-1-1 access fee of .005% of the sale price of a prepaid wireless calling service for retail sales that occur in Ohio.
- Requires the seller of the prepaid calling service to collect the NG 9-1-1 access fee from the customer, and disclose the amount of the fee at the time of the retail sale.
- Provides that the NG 9-1-1 access fee generally applies to the entire nonitemized price when a prepaid calling service is sold alongside other products or services for a single, nonitemized price.
- Provides that a prepaid wireless calling service priced below a single fee of \$10 does not constitute a retail sale for purposes of the NG 9-1-1 access fee for such services.

Tax exemption

- Exempts the NG 9-1-1 access fees for subscribers and for prepaid wireless service from state and local taxation.

Administration of charges or fees

- Instructs each entity required to collect the wireless 9-1-1 charge (being terminated as described above) or NG 9-1-1 access fees to keep complete and accurate records relating to sales with respect to the charges and fees.
- Requires all records kept by entities regarding wireless 9-1-1 charges (being terminated as described above) and NG 9-1-1 access fees be open to inspection by the Tax Commissioner during business hours, and generally retained for four years.

Collection of charges or fees

- Provides that NG 9-1-1 access fees are subject to the same collection processes and are subject to the same procedures as wireless 9-1-1 charges under continuing law.
- Removes the option of filing the required return using the Ohio Telefile system for the wireless 9-1-1 charges (being terminated as described above) or NG 9-1-1 access fees.
- Changes to “Special Judgments for 9-1-1 Charges and Fees” the name of the loose-leaf book that an appropriate court of common pleas clerk may enter judgment in following a final assessment against an entity regarding 9-1-1 charges and fees.

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

- Removes “wireless” from the names of three of the four funds established to receive the 9-1-1 charges and fees to be the 9-1-1 Government Assistance Fund, 9-1-1 Administrative Fund, and the 9-1-1 Program Fund.
- Changes deposits into the 9-1-1 Government Assistance Fund to be 72% of the 9-1-1 charges and fees instead of the current 97% and retains, as ongoing law, the provision that all interest earned on the fund must be credited to the fund.
- Changes deposits into the NG 9-1-1 Fund to be 25% of the 9-1-1 charges, but retains as ongoing law, the provision that all interest earned on the fund must be credited to the fund and regarding transfers made to the fund.
- Allows the Department of Administrative Services to move funds between the NG 9-1-1 Fund and the 9-1-1 Government Assistance Fund to ensure funding remains sustainable for both.
- Specifies that disbursements from the 9-1-1 Government Assistance Fund to each county treasurer must be made not later than the tenth day of the month succeeding the month in which the 9-1-1 charges and fees are remitted.

- Requires the Department of Administrative Services to administer the NG 9-1-1 Fund, which fund must be used exclusively to pay costs of installing, maintaining, and operating the call routing and core services statewide NG 9-1-1 system.
- Extends existing allowable costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for PSAPs of the 9-1-1 system to the allowable costs for the provision of NG 9-1-1.
- Adds, as allowable costs, the costs for:
 - Processing 9-1-1 emergency calls from point of origin to include expenses for interoperable bidirectional computer aided dispatch data transfers with other PSAPs or emergency services organizations, exclusive of mobile radio service costs; and
 - Transferring and receiving law enforcement, fire, and emergency medical service data transfers via wireless or internet connections from PSAPs or emergency services organizations to all applicable emergency responders.
- Repeals certain statutory limitations on allowable costs for wireless enhanced 9-1-1 and repeals the requirement that a RCOG operating a PSAP must consider the technical and operational standards before incurring the designing, upgrading, purchasing, leasing, and other costs listed in ongoing law.
- Requires all funds from the NG 9-1-1 access fees to be used only for 9-1-1 related expenses.
- Specifies that, after January 1, 2024, sellers of a prepaid wireless access calling service that collect a NG 9-1-1 access fees are subject to the state sales tax, as those provisions apply to the audit, assessment, appeals, enforcement, liability, and penalty provisions of the sales tax law.

Tax Refund Fund

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

Commercial Activity Tax

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

Civil liability

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

MTS penalties

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

Laws repealed by the act

- Repeals provisions of law, including the law that:
 - Allows a municipal corporation or township that contains at least 30% of the county's population, or a group of contiguous municipal corporations or townships, to establish, within their boundaries, a 9-1-1 system and to enter into an agreement with one or more telephone companies and repeals related provisions.
 - Requires wireline service providers designated in a final 9-1-1 plan to install the wireline telephone network portion of the system within three years from the date the initial final plan and repeals the provisions regarding the placement, maintenance, and design of county 9-1-1 system highway and road signs.
 - With one exception, limits to three the number of PSAPs within a 9-1-1 system that may use disbursements from the Wireless 9-1-1 Government Assistance Fund.
 - Requires the amounts of the wireless 9-1-1 charges to be prescribed by the General Assembly.
 - Establishes provisions governing emergency service telecommunicators (ESTs) for training, curriculum, certification, and continuing education and certain training for ESTs, who are PSAP employees, handling 9-1-1 calls about an apparent drug overdose.

Definition changes

(R.C. 128.01)

The act makes a number of changes to universal definitions governing emergency service communications (other definitional changes made by the act are explained throughout this analysis). These changes are as follows:

- "Basic 9-1-1" is defined to mean an emergency telephone system to which all of the following apply: (1) it automatically connects to a designated public safety answering point (PSAP), (2) call routing is determined by a central office only, and (3) automatic number identification (ANI) and automatic location information (ALI) may or may not need to be supported.
- "Enhanced 9-1-1" is defined to mean an emergency telephone system that includes both (1) network switching, and (2) database and PSAP premise elements capable of providing ALI data, selective routing, selective transfer, fixed transfer, and a call back number.
- Adds to the definition of "wireless service" that paging or any service that cannot be used to call, *or contact* 9-1-1 is not subject to the 9-1-1 Emergency Telephone Service Law.

- “Wireless service provider” is defined to mean any of the following that provides wireless service to one or more end users in Ohio: a facilities-based provider, mobile virtual network, or mobile other licensed operator.
- A PSAP is defined to mean an entity responsible for receiving requests for emergency services sent by dialing 9-1-1 within a specified territory and processing those requests for emergency services according to a specific operational policy that includes directly dispatching the appropriate emergency service provider, relaying a message to the appropriate emergency service provider, or transferring the request for emergency services to the appropriate emergency services provider. Under the definition, a PSAP may be either of the following: (1) located in a specific facility, or (2) virtual, if telecommunicators are geographically dispersed and do not work from the same facility. The virtual workplace may be a logical combination of physical facilities, an alternate work environment such as a satellite facility, or a combination of the two. Workers may be connected and interoperate via internet-protocol connectivity.

9-1-1 Steering Committee

(R.C. 128.01, 128.02, 128.021, and 128.022)

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

Duties

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

Advising the state

The act requires the Steering Committee to generally advise the state on the implementation, operation, and maintenance of (1) a statewide emergency services internet protocol network (ESINET), (2) a statewide Next Generation 9-1-1 core-services system, and (3) the dispatch of emergency services providers.

The act defines “ESINET” to mean a managed internet-protocol network that is used for emergency services communications and provides the internet-protocol transport infrastructure upon which independent application platforms and core services can be deployed, including those necessary for providing next generation 9-1-1 services. The term designates the network and not the services that ride on the network. “Next generation 9-1-1 (NG 9-1-1)” is defined by the act as an internet-protocol based system comprised of managed emergency services internet-protocol networks, functional elements, and databases that replicate traditional enhanced 9-1-1 features and functions and provide additional capabilities. “Core services” means the base set of services needed to process a 9-1-1 call on an emergency services internet protocol network. It includes all of the following: (1) emergency services routing proxy, (2) emergency call routing function, (3) location validation function, (4) border control function, (5) bridge, policy-store, and logging services, and (6) typical internet-protocol services such as domain name

system and dynamic host configuration protocol. The term includes the services and not the network on which they operate.

PSAP consolidation and operation recommendations

The act changes the requirement for the Steering Committee to make recommendations for consolidation of PSAP operations to accommodate NG 9-1-1 technology and to facilitate a more efficient and effective emergency services system. The act only requires the recommendations to be made “where feasible.” The act also requires the Steering Committee to recommend policies, procedures, and statutory or regulatory authority to effectively govern a statewide NG 9-1-1 system.

Steering Committee meetings

The act requires the Steering Committee to meet at least once a quarter, rather than at least once a month as prior law required.

Subcommittees

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

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

PSAPs subject to operating rules

The act requires all PSAPs that answer 9-1-1 calls from wireless services to be subject to the PSAP Operation Rules developed by the Steering Committee as of October 3, 2023. Under the act, PSAPs that were not originally required to be compliant must comply with the standards not later than October 3, 2025.

Guidelines for distribution of funds

The act requires the Steering Committee to develop guidelines for the Tax Commissioner to use when distributing money from the 9-1-1 Government Assistance Fund. This new requirement is in addition to the continuing law requirement that the Steering Committee develop guidelines for the distribution of money from the NG 9-1-1 Fund.

Under the act, the Steering Committee must also periodically review and adjust those new guidelines, as well as the NG 9-1-1 Fund guidelines, as needed. The act further requires the Steering Committee to report any adjustments to the guidelines to the Department of Taxation. The adjustments take effect six months from the date the Department is notified of the adjustments.

Countywide 9-1-1 systems

(R.C. 128.02, 128.03, 128.05, 128.06, 128.07, and 128.12)

The act makes a number of changes regarding countywide 9-1-1 systems.

Repeal of territorial exclusion

The act repeals all of the prior law that requires exclusion of territory served by a wireline service provider (which is a facilities-based provider of Basic Local Exchange Service transmitted by interconnected wires or cables) that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of the countywide system or enhanced 9-1-1 for that territory. As a result of these repeals, a countywide 9-1-1 system must include all of the territory of the townships and municipal corporations in the county and any portion of such a municipal corporation that extends into an adjacent county.

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

The act allows a countywide 9-1-1 system to be either an enhanced or NG 9-1-1 system, or some combination of the two, and must be designed to provide access to emergency services from all connected communications sources. Basic 9-1-1 may not be utilized in the countywide system.

Providing the system

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

County 9-1-1 coordinator

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

Geographic location and population

The act requires the entity operating a PSAP to provide the Steering Committee the geographic location and population of the area for which the entity is responsible.

County 9-1-1 Program Review Committee

The act requires every county to maintain a county 9-1-1 Program Review Committee. Prior law allowed a board of county commissioners or the legislative authority of any municipal corporation in the county that contains at least 30% of the county's population, to adopt a resolution to convene a 9-1-1 planning committee. The act replaces the option for a planning committee with the Review Committee and repeals provisions governing planning committees that are not incorporated in the act's scheme for Review Committees.

Review Committee composition – generally

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

- A member of the board of county commissioners, or a designee (prior law required the president or other presiding officer of the board);
- The chief executive officer (CEO) of the most populous municipal corporation in the county (unchanged from continuing law, including the requirement that population residing outside the county be excluded when calculating population);
- A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board (The act, eliminates the option for the CEO of the second most populous municipal corporation in the county to be selected instead of the township trustee member if the municipal corporation is more populous. In addition, the requirement that counties with a population of 175,000 or more had to have two more voting members than the primary three – a township trustee and municipal chief executive officer – is being eliminated. Finally, the requirement to exclude population outside the county is being removed from the most populous township calculation.);
- A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt;
- A member of the legislative authority of a municipal corporation in the county selected by a majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;
- An elected official from within the county appointed by the board of county commissioners.

Review Committee composition for large counties

The act requires counties with fewer than five townships, a population exceeding 750,000, and containing more than one PSAP, to have five members for their Review Committee composed of the following:

- A member of the board of county commissioners, or a designee, to serve as chairperson;
- The CEO of the most populous municipal corporation in the county (population residing outside the county is excluded from the count);
- A member from one of the following, whichever is more populous:
 - The CEO of the second most populous municipal corporation in the county;
 - A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board;
- The CEO of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;

- A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt.

Review Committee composition for counties with one PSAP

The act requires counties that contain only one PSAP to have three members for their Review Committee composed of the following, provided the county's PSAP is not operated by a board of county commissioners:

- A member of the board of county commissioners, or a designee, who will serve as chairperson of the Committee;
- One of the following:
 - If the PSAP is operated by a township, then a member of the board of township trustees;
 - If the PSAP is operated by a municipal corporation, the CEO of the municipal corporation;
 - If the PSAP is operated by a subdivision that is not a township or municipal corporation or is operated by a RCOG, then an elected official of that subdivision or RCOG.
- A member who is an elected official of the most populous township or municipal corporation in the county that does not operate a PSAP (population residing outside the county is excluded for purposes of determining population).

The act further requires that if the single PSAP in a county is operated by the board of county commissioners, then that board is to serve as the Review Committee instead.

Final plan for countywide 9-1-1

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

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

County 9-1-1 Technical Advisory Committee terminated

The act repeals in its entirety the requirements for each county to have a 9-1-1 technical advisory committee. Under prior law, the advisory committee assisted the 9-1-1 planning committee in planning the countywide 9-1-1 system.

Final plan specifics

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

- Does not permit the plan to use “basic 9-1-1” since the act does not allow countywide 9-1-1 systems to include that type of service;
- Specifies how PSAPs will be connected to the county’s preferred NG 9-1-1 system;
- Details how originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by such providers to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system;
- Requires, in instances where a PSAP does not directly dispatch the appropriate emergency service, how that request will be transferred, or the information electronically relayed, to the entity that directly dispatches the potentially needed emergency services;
- Describe how emergency service providers (ESPs, which is the Ohio Highway Patrol and an emergency service department or unit of a subdivision) will respond to a misdirected call or the provision of a caller location that is either misrepresented, or does not meet federal requirements or accepted national standards.

The act further requires each county Review Committee to file a copy of its current final plan with the 9-1-1 Program Office not later than April 3, 2024. Any revisions or amendments are to be filed not later than 90 days after adoption.

Amending the final plan

The act alters some of the scenarios in which an amended final plan is required under continuing law. Under the act, upgrading any part or all of the countywide 9-1-1 system requires an amendment. Additionally, under the act, adding, changing or removing a 9-1-1 system service provider as a participant in the countywide 9-1-1 system would require an amendment. Under the act, “9-1-1 system service provider” means a company or entity engaged in the business of providing all or part of the emergency services internet-protocol network, software applications, hardware, databases, customer premises equipment components and operations, and management procedures required to support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, wireless enhanced 9-1-1, or next generation 9-1-1 systems. Prior law did not require an amendment for changing or removing a provider – only if a telephone company is added as a system participant.

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

Statewide NG 9-1-1 core services system

(R.C. 128.01 and 128.20 to 128.28)

Administrator of 9-1-1 Program Office

The 9-1-1 Program Office is headed by an administrator, who is appointed by and serves at the pleasure of the Department of Administrative Services (DAS) Director. The act eliminates the requirement of prior law that the administrator report directly to the State Chief Information Officer.

Core services

The act requires the state 9-1-1 Program Office to coordinate and manage a statewide NG 9-1-1 core services system, which must interoperate with Canada and the states bordering Ohio. The Office must also manage the vendors supplying the equipment and services for the system to DAS.

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

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

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

Ohio 9-1-1 plan

The act requires, not later than April 3, 2024, the 9-1-1 Program Office to draft, submit, or update an Ohio 9-1-1 plan to the Steering Committee, which must include the following:

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

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

Letter of coordination

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

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

9-1-1 Program Office powers

The act allows the Program Office to do the following:

- Expend funds from the 9-1-1 Program Fund for the purposes of 9-1-1 public education;
- Coordinate, adopt, and communicate all necessary technical and operational standards and requirements to ensure an effective model for a statewide interconnected 9-1-1 system;
- Collect and distribute data from, and to, PSAPs, service providers, and ESPs for both:
 - The status and operation of the components of the statewide 9-1-1 system, including the aggregate number of access lines the provider maintains in Ohio, aggregate costs and cost recovery associated with providing 9-1-1 service, and any other information the Steering Committee requests and deemed necessary (presumably deemed by the Committee) to support NG 9-1-1 transition;
 - Location information necessary for the reconciliation and synchronization of NG 9-1-1 location information, including all of the following: address location information, master street address guide, service order inputs, geographic information system files, street center lines, response boundaries, administrative boundaries, and address points.
- Require, coordinate, oversee, and limit data collection and distribution to ensure that legal privacy and confidentiality requirements are met;
- Enter into interlocal, interstate, intrastate, and federal contracts to implement statewide 9-1-1 services, with advice from the Steering Committee.

Protection of data

The act provides that all data described above is protected by all applicable provisions of Ohio law. Charges, terms, and conditions for the disclosure or use of that data provided by PSAPs,

service providers, and ESPs for the purpose of 9-1-1 are subject to the Steering Committee's jurisdiction.

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

Telecommunication service providers

The act requires telecommunication service providers able to generate 9-1-1 traffic within Ohio to do the following:

- Register with the 9-1-1 Program Office;
- Provide a single point of contact to the Program Office who has the authority to assist in location-data discrepancies, including 9-1-1 traffic misroutes and no-record-found errors;
- Provide location data for all 9-1-1 traffic with the accuracy and validity necessary to ensure proper routing to the most appropriate PSAP or local NG 9-1-1 system, which may include:
 - Preprovisioning of location data into a state-operated database utilizing industry standard protocols;
 - Providing a routable location with the 9-1-1 traffic at call time utilizing approved standards for both legacy and NG 9-1-1.
- Correct any location discrepancies within 72 hours, after notification by the program Office.

The act further declares all data described above to be private and subjects the data to all applicable privacy laws and excludes it from being a public record under Ohio's Public Records Law.

Multiline telephone system requirements

The act requires each operator of a multiline telephone system (MTS) that was installed, or substantially renovated, on or after October 3, 2023, to provide the end user the same level of 9-1-1 service that is provided to other in-state end users of 9-1-1. The act defines "MTS" as a system that (1) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises-based systems, and (2) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone and "operator of a MTS" as an entity to which both of the following apply: (1) the entity manages or operates a MTS through which an end user may initiate 9-1-1 system communication, and (2) the entity owns, leases, or rents a MTS through which an end user may initiate 9-1-1 system communication.

The service described above must include the following:

- Either legacy ANI and ALI or NG 9-1-1 location data;

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

Exemption

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

Business service user

The act requires, not later than October 3, 2024, a BSU that provides residential or business facilities, owns or controls a MTS or VOIP system in those facilities, and provides outbound dialing capacity from those facilities to ensure the following:

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

Under the act, a BSU is a user of business service that provides telecommunications service, including 9-1-1 service, to end users through a publicly or privately owned or controlled telephone switch. VOIP means technologies for the delivery of voice communications and multimedia sessions over internet-protocol networks, including private networks or the internet.

Exemption

The act exempts a BSU from the requirements described above, until October 3, 2025, if all of the following apply:

- The requirements would be unduly and unreasonably burdensome;
- The MTS or VOIP system needs to be reprogrammed or replaced;
- The BSU made a good-faith attempt to reprogram or replace the system;

- The business service agrees to place an instructional sticker next to the telephone that explains how to access 9-1-1, provides the specific location where the device is installed, and reminds the caller to give the location information to the 9-1-1 call taker (the instructions must be printed in at least 16-point boldface type in a contrasting color using an easily readable font);
- The BSU affirms in an affidavit that the above conditions apply (an affidavit must include the manufacturer and model number of the system the BSU uses).

Preemption

The act specifies that the provisions described above (“**Multiline telephone system requirements**” and “**Business service user**”) do not to apply if they are preempted by, or in conflict with, federal law.

Other requirements for 9-1-1 operation

The act requires the following:

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

Monthly charges

(R.C. 128.01, 128.40, and 128.41 to 128.43; Section 130.63)¹⁹⁰

The act alters the law regarding monthly charges for 9-1-1 service, as well as adds new provisions, as described in the following discussion.

Wireless 9-1-1 charge

The act terminates, as of January 1, 2024, the wireless 9-1-1 charge in favor of the new NG 9-1-1 access fees (discussed below). The wireless 9-1-1 charge being terminated is imposed

¹⁹⁰ R.C. 5739.033 and 5739.034, not in the act.

on each wireless telephone number (25¢/billed number) of a subscriber (person with a contract for monthly service) whose billing address is in the state, and on each retail sale (0.005% of the sale price) to a purchaser of prepaid wireless calling service (person who purchases services periodically, such as month-to-month, by appearing in person at a seller's business, or if the sale is sourced to the state under continuing law) occurring in state.

The act adds that the wireless 9-1-1 charges described above that are scheduled to terminate cannot be imposed on subscribers of wireless lifeline service or providers of such a service.

NG 9-1-1 access fee for subscribers

The act replaces the wireless 9-1-1 charge being terminated as described above with a NG 9-1-1 access fee of 40¢ imposed on each communications service, which is wireless service, MTS, and VOIP where: (1) the service or system is registered to the subscriber's address in Ohio or the subscriber's primary place of using the service is in Ohio, and (2) the system or service is capable of initiating a direct connection to 9-1-1. The fee is to be imposed as follows:

- For wireless telephone service, a subscriber will pay a separate NG 9-1-1 access fee for each wireless telephone number assigned to the subscriber.
- For VOIP, a subscriber will pay a separate fee for each voice channel provided to the subscriber through the system, with the number of voice channels being equal to the number of outbound calls the subscriber can maintain at the same time using the system, but excludes a direct inward dialing number that merely routes an inbound call. The act limits the number of separate fees for VOIP to a maximum of 100 per network.
- For MTS, the subscriber has to pay a separate fee for each line, with the maximum number of separate fees imposed on a single subscriber to not exceed 100 per building with a unique street address or physically identifiable location.
- The act further states that if more than one communications service shares the same telephone number, the NG 9-1-1 access fee cannot exceed 40¢ per month.

NG 9-1-1 access fee to be reduced

The act reduces, beginning October 1, 2025, the monthly NG 9-1-1 fee to 25¢ and imposes it in the same manner as described immediately above.

Exemptions from the fee

The act exempts the following from the NG 9-1-1 access fee for subscribers:

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

Collection of NG 9-1-1 access fee

The act requires each service provider and reseller to collect the NG 9-1-1 access fee as a specific line item on each subscriber's monthly bill or point of sale invoice. The line item must state in some manner "Ohio Next Generation 9-1-1 Access Fee ([amount]/ service/month)." Should a provider bill a subscriber for any other 9-1-1 cost, that charge or amount may appear in the same line item as the NG 9-1-1 access fee line item. Separate charges must be designated "[Name of Provider] [Description of charge or amount]."

Audit and reporting requirements

The act requires, not later than February 1, 2025, the Auditor of State to conduct an audit and issue a report to the General Assembly regarding the collection of the monthly NG 9-1-1 access fees for subscribers. The audit must also determine whether the obligations of the 9-1-1 Government Assistance Fund and the NG 9-1-1 Fund can be met with a lower monthly NG 9-1-1 access fee for subscribers or if the monthly fee should be increased or remain unchanged.

Communications services priced under \$5 exempt

The act provides that wireless service priced lower than \$5 is not subject to the subscriber NG 9-1-1 access fee.

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

The act imposes, after January 1, 2024, an NG 9-1-1 access fee of 0.005% of the sale price of a prepaid wireless calling service retail sale that occurs in Ohio. A retail sale occurs in Ohio if one of the following applies in the priority order provided:

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

The act exempts a prepaid wireless calling service priced below a single fee of less than \$10 from being considered a retail sale for purposes of imposing the fee.

Collection of the fee

Under the act, the seller of the prepaid calling service must collect the NG 9-1-1 access fee from the customer in the same manner as the collection of the subscriber NG 9-1-1 access fee described above. However, if a minimal amount (either ten minutes or less) of a prepaid

calling service is sold with a prepaid wireless calling device for a single, nonitemized price, then the seller may choose not to collect the fee.

Sale of prepaid calling service with other products

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

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

Tax exemption

The act exempts the NG 9-1-1 access fees imposed under the act (see “**NG 9-1-1 access fee for subscribers**” and “**NG 9-1-1 access fee for prepaid wireless retail sales**” above) from both state and local taxation.

Administration of charges and fees

(R.C. 128.44, 128.45, and 128.451)

Notice

The act requires the Tax Commissioner to provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either the subscriber or prepaid NG 9-1-1 access fee. Each notice must be provided at least 30 days before the effective date of the increase or decrease.

Recordkeeping

The act directs each entity required to bill and collect a wireless 9-1-1 charge (being terminated as described above) or NG 9-1-1 access fee, and each seller of prepaid wireless calling services required to do the same, to keep the following:

- Complete and accurate records, as applicable, of bills that include charges or fees or complete and accurate records of retail sales of prepaid wireless calling service;
- A record of the charges and fees collected;
- All related invoices and other pertinent documents.

Continuing law requires the records described above to be open to the inspection of the Tax Commissioner during business hours, and are to be retained for four years unless the Tax Commissioner consents to their destruction in writing, or by order, requires that the records be kept for longer.

Collection of charges or fees

(R.C. 128.46, 128.461, 128.462, and 128.47)

The act applies the law regarding the collection, filing, and remittance of wireless 9-1-1 charges to NG 9-1-1 access fees. The act also makes various other changes to that law as discussed next.

Electronic filing

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

Liability

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

Filing judgment

The act retitles the loose-leaf book used by clerks to enter a judgment for the state against the assessed entity to “Special Judgments for 9-1-1 Charges and Fees.” Prior law named it “Special Judgments for Wireless 9-1-1 Charges.”

Miscellaneous changes

The act makes various other changes regarding collection, filing, and remittance of the charges and fees that include the following:

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

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

(R.C. 128.52)

As described above (“**NG 9-1-1 access fee for prepaid wireless retail sales**”), the act requires each seller of a prepaid wireless access calling service to collect NG 9-1-1 access fees equal to 0.005% of the sale price after January 1, 2024. Those sellers are subject to the state sales tax on retail sales, as those provisions apply to audits, assessments, appeals, enforcement,

liability, and penalties. Previously, such sellers were required to collect only a *wireless 9-1-1 charge* of 0.005% of the sale price and are subject to these sales tax provisions ending January 1, 2024.

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

(R.C. 128.40, 128.42, and 128.54 to 128.63)

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

Fund name and deposit % under H.B. 33		Fund name and deposit % under former law	
Fund name	% of charges and fees to be deposited in fund	Fund name	% of charges to be deposited in fund
9-1-1 Government Assistance Fund	72% plus interest earned on the fund	Wireless 9-1-1 Government Assistance Fund	97%, plus interest earned on the fund
9-1-1 Administrative Fund	1%	Wireless 9-1-1 Administrative Fund	1%
9-1-1 Program Fund	2%	Wireless 9-1-1 Program Fund	2%
NG 9-1-1 Fund	25%, plus interest earned on the NG 9-1-1 Fund; At the direction of the Tax Commissioner, any excess remaining in the 9-1-1 Administrative Fund after paying administrative costs; At the direction of the Steering Committee, funds remaining in the 9-1-1 Government Assistance Fund.	NG 9-1-1 Fund	Interest earned on the NG 9-1-1 Fund; At the direction of the Tax Commissioner, any excess remaining in the Wireless 9-1-1 Administrative Fund after paying administrative costs; At the direction of the Steering Committee, funds remaining in the Wireless 9-1-1 Government Assistance Fund.

Moving funds

The act permits the Department of Administrative Services (DAS) to move funds between the NG 9-1-1 Fund and the 9-1-1 Government Assistance Fund to ensure funding remains sustainable for both funds.

Disbursements from the 9-1-1 funds

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

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

Allowable uses of disbursements

The act modifies the types of costs for which disbursements for a countywide wireless enhanced 9-1-1 system may be used. It allows, for the provision of wireless 9-1-1 service, enhanced 9-1-1 service, and NG 9-1-1 service, the costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for PSAPs of the 9-1-1 system. Under former law, these costs were allowed for just wireless enhanced 9-1-1 service.

The act also adds the following as costs, exclusive of mobile radio service costs, for which disbursements may be expended for a countywide 9-1-1 system:

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

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

Excess NG 9-1-1 access fee

The act requires that all funds generated from the NG 9-1-1 access fees to be used only for 9-1-1 related expenses.

Information for Steering Committee and Tax Commissioner

Continuing law requires telephone companies, the State Highway Patrol, and each subdivision or RCOG operating one or more PSAPs for a countywide system providing wireless 9-1-1 to provide the Steering Committee and Tax Commissioner with information that the Steering Committee and Tax Commissioner request to carry out their duties under the Emergency Telephone Number System Law, including duties regarding collection of wireless 9-1-1 charges. The act adds to the information that may be requested, information related to their duties regarding the collection of NG 9-1-1 access fees.

The act retains the authority for the Tax Commissioner to adopt rules needed to account for the collection fees retained by wireless service providers, resellers, and sellers. Under law that the act keeps in effect up to January 1, 2024, wireless service providers, resellers, and sellers may each retain as a collection fee 3% of the wireless 9-1-1 charges collected. After that date, they may retain 3% of the NG 9-1-1 access fees.

Tax Refund Fund

(R.C. 5703.052)

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

Commercial Activity Tax (CAT)

(R.C. 5751.01)

The act specifies that receipts from NG 9-1-1 access fees imposed are not included as “gross receipts” under the commercial activity tax (CAT) law. The CAT is the tax levied on persons with taxable gross receipts for the privilege of doing business in Ohio to fund state and local government needs.¹⁹¹

Civil liability

(R.C. 128.96)

The act extends protection from civil liability to 9-1-1 system service providers, except for willful or wanton misconduct. Specifically, it extends protection to a “9-1-1 system service provider and the provider’s respective officers, directors, employees, agents, and suppliers.” Under the act they are protected from liability for “any damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from developing, adopting,

¹⁹¹ R.C. 5751.02.

implementing, maintaining, or operating a 9-1-1 system, or from complying with emergency-related information requests from state or local government officials.”

MTS penalties

(R.C. 128.99)

Failure to provide ANI and ALI

Under the act, an operator of a MTS may be assessed a fine of up to \$5,000 per offense, if the operator fails to comply with the MTS location requirements imposed under the act (see, “**Multiline telephone system requirements**,” above). The act does not specify who assesses or collects the fine.

Failure of BSU to ensure 9-1-1

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

Federal law preemption or conflict

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

Laws repealed

(R.C. 128.63; repealed R.C. 128.04, 128.09, 128.15, 128.571, and 4742.01 to 4742.07; conforming changes in numerous other R.C. sections)

Municipal or township 9-1-1 systems

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

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

The act repeals the law that required wireline service providers designated in a final 9-1-1 plan to install the wireline telephone network portion of the system within three years from the date the initial final plan becomes effective. Also repealed are the provisions that (1) upon installation of a countywide 9-1-1 system, the board of county commissioners may direct the county engineer to erect and maintain, at county expense, signs indicating the availability of a countywide 9-1-1 system at county boundaries on highways and county roads and (2) the

Director of Transportation develop sign specifications for the signs and standards for their erection and specify where signs cannot be erected.

Limitation on PSAPs using disbursements

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

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

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

The act repeals the law requiring the amounts of the wireless 9-1-1 charges to be prescribed by the General Assembly.

Emergency service telecommunicator law

The act repeals law regarding emergency service telecommunicators (ESTs). Repealed provisions include, for example, an EST training program and curriculum developed by the State Board of Education in conjunction with emergency service providers; the Emergency Service Telecommunicator Training Fund for the development of the program and the costs of running it; requirements for EST certification and continuing education; and EST certification by the Board, an emergency service provider, or a career school. In a conforming change, the act repeals the requirement that those entities that certify ESTs (the Board, emergency service providers, and career schools) must comply with the law regarding the suspensions of certificates upon a conviction of, or plea of guilty to, a trafficking in persons violation.

The act retains the provision in the public records law that designates an EST as a designated public service worker for whom a residential address and familial information is not a public record. The act incorporates without changes the definition of an EST in R.C. 4742.01 into the Public Records Law in R.C. 149.43. An EST is “an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.”

Requirements for providing drug offense immunity information

To conform to the repeal of the EST law, the act repeals the law that requires PSAP personnel who are certified ESTs to receive certain training when someone calls 9-1-1 about an apparent drug overdose.

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