

As Introduced

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H. B. No. 763

Representative Brinkman

Cosponsors: Representatives Becker, Vitale

A BILL

To amend sections 4501.27 and 4507.53 of the
Revised Code to require the Department of Public
Safety, including the Bureau of Motor Vehicles,
to place an image of the Bureau's seal or emblem
in a corner of any photograph or digital image
of a person under certain circumstances.

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

Section 1. That sections 4501.27 and 4507.53 of the
Revised Code be amended to read as follows:

Sec. 4501.27. (A) Except as provided in division (B) of
this section, on and after September 13, 1997, the registrar of
motor vehicles, and any employee or contractor of the bureau of
motor vehicles, shall not knowingly disclose or otherwise make
available to any person or entity any personal information about
an individual that the bureau obtained in connection with a
motor vehicle record.

(B) (1) On and after September 13, 1997, the registrar, or
an employee or contractor of the bureau of motor vehicles, shall
disclose personal information, other than sensitive personal

information, about an individual that the bureau obtained in 19
connection with a motor vehicle record, for use in connection 20
with any of the following matters to carry out the purposes of 21
any specified federal automobile-related act: 22

(a) Motor vehicle or driver safety and theft; 23

(b) Motor vehicle emissions; 24

(c) Motor vehicle product alterations, recalls, or 25
advisories; 26

(d) Performance monitoring of motor vehicles and dealers 27
by motor vehicle manufacturers; 28

(e) Removal of non-owner records from the original owner 29
records of motor vehicle manufacturers. 30

(2) In addition to the disclosure required under division 31
(B) (1) of this section, on and after September 13, 1997, the 32
registrar, or an employee or contractor of the bureau of motor 33
vehicles, may disclose personal information, other than 34
sensitive personal information, about an individual that the 35
bureau obtained in connection with a motor vehicle record, as 36
follows: 37

(a) For the use of a government agency, including, but not 38
limited to, a court or law enforcement agency, in carrying out 39
its functions, or for the use of a private person or entity 40
acting on behalf of an agency of this state, another state, the 41
United States, or a political subdivision of this state or 42
another state in carrying out its functions; 43

(b) For use in connection with matters regarding motor 44
vehicle or driver safety and theft; motor vehicle emissions; 45
motor vehicle product alterations, recalls, or advisories; 46

performance monitoring of motor vehicles, motor vehicle parts, 47
and dealers; motor vehicle market research activities, 48
including, but not limited to, survey research; and removal of 49
non-owner records from the original owner records of motor 50
vehicle manufacturers; 51

(c) For use in the normal course of business by a 52
legitimate business or an agent, employee, or contractor of a 53
legitimate business, but only for one of the following purposes: 54

(i) To verify the accuracy of personal information 55
submitted to the business, agent, employee, or contractor by an 56
individual; 57

(ii) If personal information submitted to the business, 58
agent, employee, or contractor by an individual is incorrect or 59
no longer is correct, to obtain the correct information, but 60
only for the purpose of preventing fraud, by pursuing legal 61
remedies against, or recovering on a debt or security interest 62
against, the individual. 63

(d) For use in connection with a civil, criminal, 64
administrative, or arbitral proceeding in a court or agency of 65
this state, another state, the United States, or a political 66
subdivision of this state or another state or before a self- 67
regulatory body, including, but not limited to, use in 68
connection with the service of process, investigation in 69
anticipation of litigation, or the execution or enforcement of a 70
judgment or order; 71

(e) Pursuant to an order of a court of this state, another 72
state, the United States, or a political subdivision of this 73
state or another state; 74

(f) For use in research activities or in producing 75

statistical reports, provided the personal information is not 76
published, redisclosed, or used to contact an individual; 77

(g) For use by an insurer, insurance support organization, 78
or self-insured entity, or by an agent, employee, or contractor 79
of that type of entity, in connection with any claims 80
investigation activity, anti-fraud activity, rating, or 81
underwriting; 82

(h) For use in providing notice to the owner of a towed, 83
impounded, immobilized, or forfeited vehicle; 84

(i) For use by any licensed private investigative agency 85
or licensed security service for any purpose permitted under 86
division (B) (2) of this section; 87

(j) For use by an employer or by the agent or insurer of 88
an employer to obtain or verify information relating to the 89
holder of a commercial driver's license or permit that is 90
required under the "Commercial Motor Vehicle Safety Act of 91
1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or 92
hereafter amended; 93

(k) For use in connection with the operation of a private 94
toll transportation facility; 95

(l) For any use not otherwise identified in division (B) 96
(2) of this section that is in response to a request for 97
individual motor vehicle records, if the individual whose 98
personal information is requested completes and submits to the 99
registrar or deputy registrar a form prescribed by the registrar 100
by rule giving express consent to such disclosures. 101

(m) For bulk distribution for surveys, marketing, or 102
solicitations, if the individual whose personal information is 103
requested completes and submits to the registrar or a deputy 104

registrar a form prescribed by the registrar by rule giving 105
express consent to such disclosures. 106

(n) For use by a person, state, or state agency that 107
requests the information, if the person, state, or state agency 108
demonstrates that it has obtained the written consent of the 109
individual to whom the information pertains; 110

(o) For any other use specifically authorized by law that 111
is related to the operation of a motor vehicle or to public 112
safety. 113

(3) (a) Except as provided in division (B) (3) (b) of this 114
section, the registrar, or an employee or contractor of the 115
bureau of motor vehicles, may disclose sensitive personal 116
information about an individual that the bureau obtained in 117
connection with a motor vehicle record, only if either of the 118
following conditions are satisfied: 119

(i) The individual whose personal information is requested 120
completes and submits to the registrar or deputy registrar a 121
form prescribed by the registrar by rule giving express consent 122
to such disclosure; 123

(ii) The disclosure is for one or more of the purposes 124
described in division (B) (2) (a), (d), (g), or (j) of this 125
section. 126

(b) Division (B) (3) (a) of this section does not apply to 127
the disclosure of sensitive personal information that is subject 128
to section 4501.15 or 4507.53 of the Revised Code. 129

(C) On and after September 13, 1997, an authorized 130
recipient of personal information about an individual that the 131
bureau of motor vehicles obtained in connection with a motor 132
vehicle record, other than a recipient under division (B) (2) (1) 133

or (m) of this section, may resell or redisclose the personal 134
information only for a use permitted under division (B) (1), (B) 135
(2) (a) to (k), (B) (2) (n), or (B) (2) (o) of this section. On and 136
after September 13, 1997, an authorized recipient of personal 137
information about an individual under division (B) (2) (l) of this 138
section may resell or redisclose the information for any 139
purpose. On and after September 13, 1997, an authorized 140
recipient of personal information under division (B) (2) (m) of 141
this section may resell or redisclose the information as 142
specified pursuant to that division. On and after September 13, 143
1997, an authorized recipient of personal information about an 144
individual under division (B) of this section, other than a 145
recipient under division (B) (2) (l) of this section, that resells 146
or rediscloses any personal information covered by this section 147
must keep for a period of five years a record that identifies 148
each person or entity that receives any of the personal 149
information and the permitted purpose for which the information 150
is to be used, and must make all such records available to the 151
registrar of motor vehicles upon the registrar's request. 152

(D) The registrar may establish and carry out procedures 153
under which the registrar or the registrar's agents, upon 154
receipt of a request for personal information on or after 155
September 13, 1997, that does not satisfy any of the criteria 156
for disclosure of the information that are set forth in division 157
(B) (1) or (2) of this section, may notify the individual about 158
whom the information was requested, by regular mail, that the 159
request was made. Any procedures so adopted shall provide that, 160
if the registrar or an agent of the registrar mails the notice 161
to the individual, the registrar or agent shall include with the 162
notice a copy of the request and conspicuously shall include in 163
the notice a statement that the information will not be released 164

unless the individual waives the individual's right to privacy 165
regarding the information that is granted under this section. 166

(E) The registrar of motor vehicles may adopt any forms 167
and rules, consistent with but no more restrictive than the 168
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 169
2721-2725, that are necessary to carry out the registrar's 170
duties under this section on and after September 13, 1997. 171

(F) If the registrar, or an employee or contractor of the 172
bureau of motor vehicles, discloses an individual's photograph 173
or digital image under division (B) of this section, the 174
registrar or an employee or contractor of the bureau shall 175
ensure that there is an image of the bureau's seal or emblem 176
placed in a corner of the photograph or digital image. 177

(G) As used in this section: 178

(1) "Motor vehicle record" means a record that pertains to 179
a motor vehicle driver's or commercial driver's license or 180
permit, a motor vehicle certificate of title, a motor vehicle 181
registration or motor vehicle identification license plates, or 182
an identification card issued by the bureau of motor vehicles. 183

(2) "Person" has the same meaning as in section 1.59 of 184
the Revised Code and does not include this state, another state, 185
or an agency of this state or another state. 186

(3) "Personal information" means information that 187
identifies an individual, including, but not limited to, an 188
individual's photograph or digital image, social security 189
number, driver or driver's license identification number, name, 190
telephone number, or medical or disability information, or an 191
individual's address other than the five-digit zip code number. 192
"Personal information" does not include information pertaining 193

to a vehicular accident, driving or traffic violation, or 194
driver's status. 195

(4) "Specified federal automobile-related act" means the 196
~~"automobile information disclosure act"~~ Automobile Information 197
Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 198
Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 199
U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle 200
Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the 201
"Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et 202
seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et 203
seq., all as now or hereafter amended. 204

(5) "Sensitive personal information" means an individual's 205
photograph or digital image, social security number, or medical 206
or disability information. 207

Sec. 4507.53. Digitalized photographic records of the 208
department of public safety may be released only to state, 209
local, or federal governmental agencies for criminal justice 210
purposes and to any court. 211

If the department releases a digitalized photographic 212
record under this section, the department shall ensure that 213
there is an image of the bureau of motor vehicles' seal or 214
emblem placed in a corner of the record. 215

Section 2. That existing sections 4501.27 and 4507.53 of 216
the Revised Code are hereby repealed. 217