

**As Reported by the Senate Government Oversight and Reform
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. H. B. No. 115

Representatives Gavarone, Wiggam

**Cosponsors: Representatives Ryan, Greenspan, Kick, Goodman, Hambley,
Thompson, Arndt, Lipps, Patton, Stein, Riedel, Ginter, Conditt, Boyd, Barnes,
Kent, LaTourette, Sheehy, Anielski, Antonio, Boggs, Brenner, Butler, Carfagna,
Craig, Cupp, Dever, Duffey, Edwards, Galonski, Green, Hagan, Hill, Holmes,
Householder, Howse, Huffman, Hughes, Ingram, Johnson, Keller, Koehler, Landis,
Lanese, Leland, Lepore-Hagan, Manning, McColley, Merrin, O'Brien, Patterson,
Perales, Reineke, Retherford, Rezabek, Rogers, Romanchuk, Schaffer, Scherer,
Schuring, Seitz, Slaby, Smith, K., Smith, R., Sprague, Sweeney, West, Young**

Senators Bacon, Coley

A BILL

| | |
|--|---|
| To enact sections 3304.23 and 5502.08 of the | 1 |
| Revised Code to require the Department of Public | 2 |
| Safety to establish a database of persons who | 3 |
| are diagnosed with a communication disability or | 4 |
| a disability that can impair communication and | 5 |
| to require the Opportunities for Ohioans with | 6 |
| Disabilities Agency to establish a verification | 7 |
| form for persons to voluntarily register for | 8 |
| inclusion in the database. | 9 |

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

| | |
|--|----|
| Section 1. That sections 3304.23 and 5502.08 of the | 10 |
| Revised Code be enacted to read as follows: | 11 |

Sec. 3304.23. (A) As used in this section:

(1) "Communication disability" means a human condition involving an impairment in the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems that may result in a primary disability or may be secondary to other disabilities.

(2) "Disability that can impair communication" means a human condition with symptoms that can impair the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems.

(3) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(B) The opportunities for Ohioans with disabilities agency shall develop a verification form for a person diagnosed with a communication disability or a disability that can impair communication to be submitted voluntarily to the department of public safety so that the person may be included in the database established under section 5502.08 of the Revised Code. The same form shall be used to indicate that the person wishes to be removed from the database in accordance with division (F) of section 5502.08 of the Revised Code.

| | |
|---|----|
| <u>(C) The form shall include the following information:</u> | 40 |
| <u>(1) The name of the person diagnosed with a communication</u> | 41 |
| <u>disability or a disability that can impair communication;</u> | 42 |
| <u>(2) The name of the person completing the form on behalf</u> | 43 |
| <u>of the person diagnosed with a communication disability or a</u> | 44 |
| <u>disability that can impair communication, if applicable;</u> | 45 |
| <u>(3) The relationship between the person completing the</u> | 46 |
| <u>form and the person diagnosed with a communication disability or</u> | 47 |
| <u>a disability that can impair communication, if applicable;</u> | 48 |
| <u>(4) The driver's license number or state identification</u> | 49 |
| <u>card number issued to the person diagnosed with a communication</u> | 50 |
| <u>disability or a disability that can impair communication, if</u> | 51 |
| <u>that person has such a number;</u> | 52 |
| <u>(5) The license plate number of each vehicle owned,</u> | 53 |
| <u>operated, or regularly occupied by the person diagnosed with a</u> | 54 |
| <u>communication disability or a disability that can impair</u> | 55 |
| <u>communication or registered in that person's name;</u> | 56 |
| <u>(6) A physician, psychiatrist, or psychologist's signed</u> | 57 |
| <u>certification that the person has been diagnosed with a</u> | 58 |
| <u>communication disability or a disability that can impair</u> | 59 |
| <u>communication;</u> | 60 |
| <u>(7) The name, business address, business telephone number,</u> | 61 |
| <u>and medical license number of the physician, psychiatrist, or</u> | 62 |
| <u>psychologist making the certification;</u> | 63 |
| <u>(8) The signature of the person diagnosed with a</u> | 64 |
| <u>communication disability or a disability that can impair</u> | 65 |
| <u>communication or the signature of the person completing the form</u> | 66 |
| <u>on behalf of such a person;</u> | 67 |

(9) A place where the person diagnosed with a 68
communication disability or a disability that can impair 69
communication or the person completing the form on behalf of 70
such a person may indicate the desire to be removed from the 71
database. 72

(D) Any of the following persons may complete the 73
verification form: 74

(1) Any person diagnosed with a communication disability 75
or a disability that can impair communication who is eighteen 76
years of age or older; 77

(2) The parent or parents of a minor child diagnosed with 78
a communication disability or a disability that can impair 79
communication; 80

(3) The guardian of a person diagnosed with a 81
communication disability or a disability that can impair 82
communication, regardless of the age of the person. 83

(E) The opportunities for Ohioans with disabilities agency 84
and the department of public safety shall make the verification 85
form electronically available on each of their respective web 86
sites. 87

Sec. 5502.08. (A) As used in this section: 88

(1) "Communication disability" has the same meaning as in 89
section 3304.23 of the Revised Code. 90

(2) "Disability that can impair communication" has the 91
same meaning as in section 3304.23 of the Revised Code. 92

(3) "Guardian" has the same meaning as in section 2111.01 93
of the Revised Code. 94

(4) "Ward" has the same meaning as in section 2111.01 of 95
the Revised Code. 96

(B) The department of public safety shall establish and 97
maintain a database of persons who register under this section 98
as being diagnosed with a communication disability or a 99
disability that can impair communication. 100

(C) Any person diagnosed with a communication disability 101
or a disability that can impair communication who is eighteen 102
years of age or older may register with the department for 103
inclusion in the database by submitting a completed verification 104
form established by the opportunities for Ohioans with 105
disabilities agency under section 3304.23 of the Revised Code. 106

(D) Any parent or guardian of a minor child or a ward 107
diagnosed with a communication disability or a disability that 108
can impair communication may register the minor child or the 109
ward with the department for inclusion in the database by 110
submitting a completed verification form established by the 111
opportunities for Ohioans with disabilities agency under section 112
3304.23 of the Revised Code. 113

(E) (1) The department shall include in the database 114
information provided on a completed verification form that the 115
department determines is necessary for a law enforcement officer 116
to identify a person as diagnosed with a communication 117
disability or a disability that can impair communication. The 118
department shall make the database available to state and local 119
law enforcement officers through the law enforcement automated 120
data system. 121

(2) Information in the database is not a public record 122
subject to inspection or copying under section 149.43 of the 123

Revised Code. 124

125 (F) A person diagnosed with a communication disability or
126 a disability that can impair communication who is included in
127 the database or the parent or guardian of a minor child or a
128 ward diagnosed with a communication disability or a disability
129 that can impair communication who is included in the database
130 may request removal of the person, minor, or ward, as
131 applicable, from the database. The person, parent, or guardian
132 shall do so by completing the verification form with only the
133 information required under divisions (C)(1), (2), (3), (8), and
134 (9) of section 3304.23 of the Revised Code, as applicable, and
135 submitting the form to the department. Upon receipt of a
136 properly completed verification form requesting the removal of a
137 person with a communication disability or a disability that can
138 impair communication from the database, the department shall
139 immediately remove that person from the database.