

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 331

Representative Ingram

Cosponsors: Representatives Lepore-Hagan, Reece

A BILL

To amend section 5502.12 of the Revised Code to
prohibit the use of information obtained from an
accident report by any person for commercial
solicitation purposes.

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

Section 1. That section 5502.12 of the Revised Code be
amended to read as follows:

Sec. 5502.12. (A) The accident reports submitted pursuant
to section 5502.11 of the Revised Code shall be for the use of
the director of public safety for purposes of statistical,
safety, and other studies. The law enforcement agency that
submitted a report shall furnish a copy of such report and
associated documents to any person claiming an interest arising
out of a motor vehicle accident, or to the person's attorney,
upon the payment of a nonrefundable fee of four dollars or the
amount approved by the board of county commissioners of the
county in which the law enforcement agency is located as
provided in division (B) of this section. With respect to
accidents investigated by the state highway patrol, the director

of public safety shall furnish to such person all related 19
reports and statements upon the payment of a nonrefundable fee 20
of four dollars. The cost of photographs or any other electronic 21
format shall be in addition to the nonrefundable four-dollar fee 22
for the accident report, whether the report was submitted by the 23
state highway patrol or another law enforcement agency. A law 24
enforcement agency may charge a fee that is in excess of four 25
dollars for photographs and other electronic formats if such a 26
fee is approved by a board of county commissioners of the county 27
in which the law enforcement agency is located as provided in 28
division (B) of this section. 29

Such state highway patrol reports, statements, and 30
photographs, in the discretion of the director of public safety, 31
may be withheld until all criminal prosecution has been 32
concluded; the director of public safety may require proof, 33
satisfactory to the director, of the right of any applicant to 34
be furnished such documents. 35

(B) If, after ~~the effective date of this amendment~~ July 36
17, 2009, the state highway patrol is authorized to charge a 37
nonrefundable fee in excess of four dollars for an accident 38
report relating to an accident investigated by the state highway 39
patrol and all related reports and statements or a fee in excess 40
of four dollars for photographs or other electronic formats 41
related to an accident report, a law enforcement agency 42
described in section 5502.11 of the Revised Code shall be 43
authorized to charge that same fee for an accident report 44
relating to an accident investigated by that law enforcement 45
agency and all related reports and statements or for photographs 46
or other electronic formats related to an accident report 47
investigated by that law enforcement agency upon approval of the 48
board of county commissioners of the county in which that law 49

enforcement agency is located.

(C) (1) Except as otherwise provided in division (C) (2) of this section, no person shall use any information that is collected and available from an accident report for the purpose of soliciting business for pecuniary gain.

(2) Division (C) (1) of this section does not apply if the person soliciting business contacts a person listed on an accident report with whom the person soliciting business has a business relationship that predates the creation of the accident report.

(D) The attorney general shall establish a hotline telephone number at which a person may report a violation of division (C) (1) of this section. For purposes of establishing the hotline, the attorney general shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish procedures by which the attorney general shall investigate a reported violation;

(2) Establish a process by which a person who is found to have violated division (C) (1) of this section is placed on a list that is publicly accessible on the attorney general's internet web site. The list shall include information concerning the nature of the violation and the date of the violation.

(3) Establish a process by which a person that the attorney general determines has violated division (C) (1) of this section may object to that determination. The rules shall provide that, if a person objects to the attorney general's determination, the attorney general shall conduct an adjudication under Chapter 119. of the Revised Code. If a person

who makes an objection is found not to have violated division 79
(C) (1) of this section, the attorney general shall not place 80
that person on the list established under division (D) (2) of 81
this section. 82

Section 2. That existing section 5502.12 of the Revised 83
Code is hereby repealed. 84