



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **Sub. H.B. 331**

132nd General Assembly  
(L\_132\_1095-4)

**Reps.** Ingram, Lepore-Hagan, Reece

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### **BILL SUMMARY**

- Requires a motor vehicle accident report to include a place where a person involved in an accident may indicate whether the person wishes to be contacted by verbal or in-person communication for commercial solicitation purposes.
  - If the person indicates that they do not wish to be contacted, prohibits verbal or in-person communication for commercial solicitation purposes with the person for 30 days after the generation of the accident report.
  - Specifically authorizes mail communication for commercial solicitation purposes, including during the 30-day restricted period.
  - Establishes procedures by which the Ohio Attorney General must investigate and enforce the prohibition.
  - Imposes a civil penalty of not more than \$100 on a person who violates the prohibition.
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### **CONTENT AND OPERATION**

#### **Background**

Under current law, a law enforcement agency investigating certain motor vehicle accidents (involving fatality, personal injury, or serious property damage) must, within five days, forward a written accident report to the Director of Public Safety. The Director must establish the form of the accident report.<sup>1</sup> There are currently no

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<sup>1</sup> R.C. 5502.11 (this applies to law enforcement agencies representing a township, county, municipal corporation, or other political subdivision).

restrictions on the type of communication people can engage in based on information contained in an accident report.

### **Accident report statement and communication restriction**

Beginning July 1, 2019, the bill requires a motor vehicle accident report to include a place where a person involved in an accident may indicate whether the person wishes to be contacted for commercial solicitation purposes through verbal or in-person communication. If the person indicates that they do not wish to be contacted, the bill prohibits verbal or in-person communication for 30 days after the date on which the accident report is generated. The bill specifically authorizes the use of mail communication for commercial solicitation purposes, including during the 30-day restricted period.<sup>2</sup>

The bill defines "commercial solicitation" as "any proposal to sell or offer goods or services." Further, "verbal or in-person communication" means any of the following:

- Telephone, including texts;
- Skype, FaceTime, and similar live electronic media;
- Person-to-person communication at a person's home, place of business, or other public or private location; or
- Any other communication that is not mail communication.

"Mail communication" is defined as written communication sent through a nationally recognized delivery service, or through electronic mail.<sup>3</sup>

### **Enforcement and penalty**

The bill requires the Ohio Attorney General to establish an internet tip line (on the Attorney General's website) and a hotline telephone number for people to report violations of the bill's provisions. The bill also requires the Attorney General to adopt rules under the Administrative Procedure Act (R.C. Chapter 119.) establishing the following:

- Procedures to investigate reported violations;

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<sup>2</sup> R.C. 5502.11(C) and 5502.12(C) and (D).

<sup>3</sup> R.C. 5502.11(A).

--Procedures by which a person determined by the Attorney General to have violated the bill's provisions is placed on a publicly accessible list on the Attorney General's website that includes the nature and date of the violation;

--Procedures by which a person may object to the determination;

--A requirement that the Attorney General conduct an adjudication under the Administrative Procedure Act if a person objects to the determination; and

--A requirement that the Attorney General not include a person on the list who is found not to have violated the bill's provisions.<sup>4</sup>

Additionally, upon request of the aggrieved person, the Attorney General may commence a civil action in a court of competent jurisdiction for civil penalties against a violator. The bill requires a violator to pay a civil penalty of not more than \$100 per violation. Civil penalties collected under the bill must be deposited in the Telephone Solicitation Protection Fund, which the Attorney General uses to enforce laws governing telemarketing and consumer protection.<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	08-30-17

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<sup>4</sup> R.C. 5502.12(E).

<sup>5</sup> R.C. 5502.12(G) and (F); R.C. 109.87, not in the bill.

