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Representative Schaffer

Cosponsors: Representatives Roegner, Koehler, Retherford, McColley, Brenner, Conditt, Thompson, Becker, Wiggam, Riedel, Blessing, Henne, Dean, Seitz, Merrin, Goodman, LaTourette, Hambley, Antani, Young, Brinkman, Cupp, Faber, Ginter, Greenspan, Hagan, Householder, Huffman, Johnson, Keller, Landis, Lang, Lipps, Patton, Pelanda, Perales, Reineke, Romanchuk, Slaby, Smith, R., Stein, Vitale

A BILL

To amend sections 4501.27, 5101.33, and 5101.542 1
and to enact section 5101.331 of the Revised 2
Code to establish requirements for electronic 3
benefit transfer cards issued under the 4
Supplemental Nutrition Assistance Program. 5

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

Section 1. That sections 4501.27, 5101.33, and 5101.542 be 6
amended and section 5101.331 of the Revised Code be enacted to 7
read as follows: 8

Sec. 4501.27. (A) Except as provided in division (B) of 9
this section, on and after September 13, 1997, the registrar of 10
motor vehicles, and any employee or contractor of the bureau of 11
motor vehicles, shall not knowingly disclose or otherwise make 12
available to any person or entity any personal information about 13
an individual that the bureau obtained in connection with a 14
motor vehicle record. 15

(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
connection with a motor vehicle record, for use in connection
with any of the following matters to carry out the purposes of
any specified federal automobile-related act:

(a) Motor vehicle or driver safety and theft;

(b) Motor vehicle emissions;

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

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

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

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

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

(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 solicitations, if the individual whose personal information is requested completes and submits to the registrar or a deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures.

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

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

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

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

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

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

(4) Notwithstanding section 4507.53 of the Revised Code or

any provision of this section, the registrar, or an employee or 131
contractor of the bureau of motor vehicles, may disclose an 132
individual's photograph or digital image to the department of 133
job and family services for purposes of section 5101.331 of the 134
Revised Code. 135

(C) On and after September 13, 1997, an authorized 136
recipient of personal information about an individual that the 137
bureau of motor vehicles obtained in connection with a motor 138
vehicle record, other than a recipient under division (B) (2) (l) 139
or (m) of this section, may resell or redisclose the personal 140
information only for a use permitted under division (B) (1), (B) 141
(2) (a) to (k), (B) (2) (n), or (B) (2) (o) of this section. On and 142
after September 13, 1997, an authorized recipient of personal 143
information about an individual under division (B) (2) (l) of this 144
section may resell or redisclose the information for any 145
purpose. On and after September 13, 1997, an authorized 146
recipient of personal information under division (B) (2) (m) of 147
this section may resell or redisclose the information as 148
specified pursuant to that division. On and after September 13, 149
1997, an authorized recipient of personal information about an 150
individual under division (B) of this section, other than a 151
recipient under division (B) (2) (l) of this section, that resells 152
or rediscloses any personal information covered by this section 153
must keep for a period of five years a record that identifies 154
each person or entity that receives any of the personal 155
information and the permitted purpose for which the information 156
is to be used, and must make all such records available to the 157
registrar of motor vehicles upon the registrar's request. 158

(D) The registrar may establish and carry out procedures 159
under which the registrar or the registrar's agents, upon 160
receipt of a request for personal information on or after 161

September 13, 1997, that does not satisfy any of the criteria 162
for disclosure of the information that are set forth in division 163
(B) (1) or (2) of this section, may notify the individual about 164
whom the information was requested, by regular mail, that the 165
request was made. Any procedures so adopted shall provide that, 166
if the registrar or an agent of the registrar mails the notice 167
to the individual, the registrar or agent shall include with the 168
notice a copy of the request and conspicuously shall include in 169
the notice a statement that the information will not be released 170
unless the individual waives the individual's right to privacy 171
regarding the information that is granted under this section. 172

(E) The registrar of motor vehicles may adopt any forms 173
and rules, consistent with but no more restrictive than the 174
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 175
2721-2725, that are necessary to carry out the registrar's 176
duties under this section on and after September 13, 1997. 177

(F) 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. 5101.33. (A) As used in this section, "benefits" 208
means any of the following: 209

(1) Cash assistance paid under Chapter 5107. or 5115. of 210
the Revised Code; 211

(2) Supplemental nutrition assistance program benefits 212
provided under section 5101.54 of the Revised Code; 213

(3) Any other program administered by the department of 214
job and family services under which assistance is provided or 215
service rendered; 216

(4) Any other program, service, or assistance administered 217
by a person or government entity that the department determines 218
may be delivered through the medium of electronic benefit 219

transfer.	220
(B) The <u>Subject to section 5101.331 of the Revised Code,</u>	221
<u>the</u> department of job and family services may make any payment	222
or delivery of benefits to eligible individuals through the	223
medium of electronic benefit transfer by doing all of the	224
following:	225
(1) Contracting with an agent to supply debit cards to the	226
department of job and family services for use by such	227
individuals in accessing their benefits and to credit such cards	228
electronically with the amounts specified by the director of job	229
and family services pursuant to law;	230
(2) Informing such individuals about the use of the	231
electronic benefit transfer system and furnishing them with	232
debit cards and information that will enable them to access	233
their benefits through the system;	234
(3) Arranging with specific financial institutions or	235
vendors, county departments of job and family services, or	236
persons or government entities for individuals to have their	237
cards credited electronically with the proper amounts at their	238
facilities;	239
(4) Periodically preparing vouchers for the payment of	240
such benefits by electronic benefit transfer;	241
(5) Satisfying any applicable requirements of federal and	242
state law.	243
(C) The department may enter into a written agreement with	244
any person or government entity to provide benefits administered	245
by that person or entity through the medium of electronic	246
benefit transfer. A written agreement may require the person or	247
government entity to pay to the department either or both of the	248

following:	249
(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;	250 251 252 253
(2) A fee for having the benefits provided through the electronic benefit transfer system.	254 255
(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.	256 257 258 259 260
(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section <u>and section 5101.331 of the Revised Code.</u>	261 262 263 264
<u>Sec. 5101.331. (A) Except as otherwise provided in this section, each debit card used to access supplemental nutrition assistance program benefits shall include both of the following:</u>	265 266 267
<u>(1) On the front of the card, a color photograph of at least one adult member of the household for which the debit card is issued;</u>	268 269 270
<u>(2) On the back of the card, a telephone number that can be called to report suspected fraud under the supplemental nutrition assistance program and the address of a web site where suspected fraud can be reported.</u>	271 272 273 274
<u>(B) Subject to division (C) of this section, both of the following apply:</u>	275 276

(1) All new debit cards issued on or after the date that 277
is six months after the effective date of this section shall 278
meet the requirements of division (A) of this section. 279

(2) Not later than twelve months after the effective date 280
of this section, each debit card issued before the date that is 281
six months after the effective date of this section shall be 282
replaced with a debit card that meets the requirements of 283
division (A) of this section if the household for which the 284
debit card was issued continues to participate in the 285
supplemental nutrition assistance program. 286

(C) The requirement of division (A) (1) of this section 287
does not apply to a debit card issued for a household to which 288
either of the following applies: 289

(1) The household does not include any adult members. 290

(2) Each of the adult members of the household is sixty 291
years of age or older; is blind, disabled, or a victim of 292
domestic violence; or has religious objections to being 293
photographed. 294

(D) An adult who meets any of the exemption criteria 295
specified in division (C) (2) of this section may volunteer to 296
have a color photograph of the adult included on the front of 297
the debit card of the adult's household. 298

Sec. 5101.542. Immediately following a county department 299
of job and family services' certification that a household 300
determined under division (B) of section 5101.54 of the Revised 301
Code to be in immediate need of nutrition assistance is eligible 302
for the supplemental nutrition assistance program, the 303
department of job and family services shall provide for the 304
household to be sent by regular United States mail an electronic 305

benefit transfer card containing the amount of benefits the 306
household is eligible to receive under the program. The card 307
shall be sent to the member of the household in whose name 308
application for the supplemental nutrition assistance program 309
was made or that member's authorized representative. Section 310
5101.331 of the Revised Code applies to the card. 311

Section 2. That existing sections 4501.27, 5101.33, and 312
5101.542 of the Revised Code are hereby repealed. 313