

H.B. 50  
As Introduced

**Topic:** Registrar of motor vehicles - authority to disclose photographs to JFS

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "4501.27,"; 1  
after "5101.33" insert a comma 2

In line 6, after "sections" insert "4501.27,"; after 3  
"5101.33" insert a comma 4

Between lines 8 and 9, insert: 5

"**Sec. 4501.27.** (A) Except as provided in division (B) of this 6  
section, on and after September 13, 1997, the registrar of motor 7  
vehicles, and any employee or contractor of the bureau of motor 8  
vehicles, shall not knowingly disclose or otherwise make available 9  
to any person or entity any personal information about an 10  
individual that the bureau obtained in connection with a motor 11  
vehicle record. 12

(B)(1) On and after September 13, 1997, the registrar, or an 13  
employee or contractor of the bureau of motor vehicles, shall 14  
disclose personal information, other than sensitive personal 15  
information, about an individual that the bureau obtained in 16  
connection with a motor vehicle record, for use in connection with 17  
any of the following matters to carry out the purposes of any 18

specified federal automobile-related act:	19
(a) Motor vehicle or driver safety and theft;	20
(b) Motor vehicle emissions;	21
(c) Motor vehicle product alterations, recalls, or advisories;	22 23
(d) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers;	24 25
(e) Removal of non-owner records from the original owner records of motor vehicle manufacturers.	26 27
(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:	28 29 30 31 32 33
(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;	34 35 36 37 38 39
(b) For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;	40 41 42 43 44 45 46

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

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

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

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

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

(f) For use in research activities or in producing statistical reports, provided the personal information is not published, redisclosed, or used to contact an individual;

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

- (h) For use in providing notice to the owner of a towed, 76  
impounded, immobilized, or forfeited vehicle; 77
- (i) For use by any licensed private investigative agency or 78  
licensed security service for any purpose permitted under division 79  
(B)(2) of this section; 80
- (j) For use by an employer or by the agent or insurer of an 81  
employer to obtain or verify information relating to the holder of 82  
a commercial driver's license or permit that is required under the 83  
"Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 84  
49 U.S.C. 2701, et seq., as now or hereafter amended; 85
- (k) For use in connection with the operation of a private 86  
toll transportation facility; 87
- (l) For any use not otherwise identified in division (B)(2) 88  
of this section that is in response to a request for individual 89  
motor vehicle records, if the individual whose personal 90  
information is requested completes and submits to the registrar or 91  
deputy registrar a form prescribed by the registrar by rule giving 92  
express consent to such disclosures. 93
- (m) For bulk distribution for surveys, marketing, or 94  
solicitations, if the individual whose personal information is 95  
requested completes and submits to the registrar or a deputy 96  
registrar a form prescribed by the registrar by rule giving 97  
express consent to such disclosures. 98
- (n) For use by a person, state, or state agency that requests 99  
the information, if the person, state, or state agency 100  
demonstrates that it has obtained the written consent of the 101  
individual to whom the information pertains; 102
- (o) For any other use specifically authorized by law that is 103  
related to the operation of a motor vehicle or to public safety. 104

(3)(a) Except as provided in division (B)(3)(b) of this 105  
section, the registrar, or an employee or contractor of the bureau 106  
of motor vehicles, may disclose sensitive personal information 107  
about an individual that the bureau obtained in connection with a 108  
motor vehicle record, only if either of the following conditions 109  
are satisfied: 110

(i) The individual whose personal information is requested 111  
completes and submits to the registrar or deputy registrar a form 112  
prescribed by the registrar by rule giving express consent to such 113  
disclosure; 114

(ii) The disclosure is for one or more of the purposes 115  
described in division (B)(2)(a), (d), (g), or (j) of this section. 116

(b) Division (B)(3)(a) of this section does not apply to the 117  
disclosure of sensitive personal information that is subject to 118  
section 4501.15 or 4507.53 of the Revised Code. 119

(4) Notwithstanding section 4507.53 of the Revised Code or 120  
any provision of this section, the registrar, or an employee or 121  
contractor of the bureau of motor vehicles, may disclose an 122  
individual's photograph or digital image to the department of job 123  
and family services for purposes of section 5101.331 of the 124  
Revised Code. 125

(C) On and after September 13, 1997, an authorized recipient 126  
of personal information about an individual that the bureau of 127  
motor vehicles obtained in connection with a motor vehicle record, 128  
other than a recipient under division (B)(2)(l) or (m) of this 129  
section, may resell or redisclose the personal information only 130  
for a use permitted under division (B)(1), (B)(2)(a) to (k), 131  
(B)(2)(n), or (B)(2)(o) of this section. On and after September 132  
13, 1997, an authorized recipient of personal information about an 133  
individual under division (B)(2)(l) of this section may resell or 134

redisclose the information for any purpose. On and after September 13, 1997, an authorized recipient of personal information under division (B)(2)(m) of this section may resell or redisclose the information as specified pursuant to that division. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B) of this section, other than a recipient under division (B)(2)(l) of this section, that resells or rediscloses any personal information covered by this section must keep for a period of five years a record that identifies each person or entity that receives any of the personal information and the permitted purpose for which the information is to be used, and must make all such records available to the registrar of motor vehicles upon the registrar's request.

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

(E) The registrar of motor vehicles may adopt any forms and rules, consistent with but no more restrictive than the requirements of Public Law No. 130-322, Title XXX, 18 U.S.C.

2721-2725, that are necessary to carry out the registrar's duties 166  
under this section on and after September 13, 1997. 167

(F) As used in this section: 168

(1) "Motor vehicle record" means a record that pertains to a 169  
motor vehicle driver's or commercial driver's license or permit, a 170  
motor vehicle certificate of title, a motor vehicle registration 171  
or motor vehicle identification license plates, or an 172  
identification card issued by the bureau of motor vehicles. 173

(2) "Person" has the same meaning as in section 1.59 of the 174  
Revised Code and does not include this state, another state, or an 175  
agency of this state or another state. 176

(3) "Personal information" means information that identifies 177  
an individual, including, but not limited to, an individual's 178  
photograph or digital image, social security number, driver or 179  
driver's license identification number, name, telephone number, or 180  
medical or disability information, or an individual's address 181  
other than the five-digit zip code number. "Personal information" 182  
does not include information pertaining to a vehicular accident, 183  
driving or traffic violation, or driver's status. 184

(4) "Specified federal automobile-related act" means the 185  
"~~automobile information disclosure act~~ Automobile Information 186  
Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 187  
Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 188  
1901, et seq., the "National Traffic and Motor Vehicle Safety Act 189  
of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car 190  
Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and 191  
the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as 192  
now or hereafter amended. 193

(5) "Sensitive personal information" means an individual's 194

photograph or digital image, social security number, or medical or 195  
disability information." 196

In line 109, after "sections" insert "4501.27,"; after 197  
"5101.33" insert a comma 198

The motion was \_\_\_\_\_ agreed to.