

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, impounded, immobilized, or forfeited vehicle;	76 77
(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of this section;	78 79 80
(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;	81 82 83 84 85
(k) For use in connection with the operation of a private toll transportation facility;	86 87
(l) For any use not otherwise identified in division (B)(2) of this section that is in response to a request for individual motor vehicle records, if 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 disclosures.	88 89 90 91 92 93
(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.	94 95 96 97 98
(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;	99 100 101 102
(o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.	103 104

(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 contractor of the bureau of motor vehicles, may disclose an individual's photograph or digital image to the department of job and family services for purposes of section 5101.331 of the Revised Code.

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

rediscover 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 rediscover 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 rediscover 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 disability information." 195
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In line 109, after "sections" insert "4501.27,"; after 197
"5101.33" insert a comma 198

The motion was _____ agreed to.