

As Introduced

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H. B. No. 991

Representative Stephens

To amend sections 2108.25, 4501.80, and 4501.81 and 1
to enact section 313.141 of the Revised Code 2
regarding organ donation and family notification 3
after a death resulting from a motor vehicle 4
accident. 5

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

Section 1. That sections 2108.25, 4501.80, and 4501.81 be 6
amended and section 313.141 of the Revised Code be enacted to 7
read as follows: 8

Sec. 313.141. (A) A coroner shall make a reasonable 9
effort, including searching the next of kin database developed 10
by the bureau of motor vehicles pursuant to section 4501.81 of 11
the Revised Code, to promptly inform the following next of kin 12
of an individual who died due to a motor vehicle accident of the 13
option to request a private autopsy: 14

(1) The surviving spouse of the decedent; 15

(2) If there is no surviving spouse, any child of the 16
decedent over eighteen years of age; 17

(3) If there is no surviving spouse or child over eighteen 18
years of age, any parent of the decedent; 19

(4) If there is no surviving spouse, child over eighteen 20
years of age, or parent of the decedent, any brother or sister 21
of the decedent, whether of the whole or the half blood. 22

(B) At the request of a decedent's next of kin, a coroner 23
shall assist the next of kin in facilitating a private autopsy 24
with the appropriate organization. 25

(C) Next of kin are responsible for the cost of obtaining 26
a private autopsy. 27

Sec. 2108.25. (A) As used in this section and sections 28
2108.26 to 2108.272 of the Revised Code, "coroner" includes a 29
medical examiner. 30

(B) A coroner shall cooperate with procurement 31
organizations as described in sections 2108.26 to 2108.271 of 32
the Revised Code to maximize the opportunity to recover 33
anatomical gifts for the purpose of transplantation, therapy, 34
research, or education. 35

(C) If a decedent's body is under the jurisdiction of a 36
coroner, the individual has been identified as a donor pursuant 37
to section 2108.12 of the Revised Code, and the decedent was not 38
referred to a procurement organization pursuant to section 39
2108.14 of the Revised Code, upon taking possession of the body 40
the coroner shall immediately consult with a procurement 41
organization regarding medical suitability for donation. 42

(D) A procurement organization consulted by a coroner 43
under this section shall conform to all requirements established 44
for a procurement organization under section 2108.14 of the 45
Revised Code. 46

Sec. 4501.80. (A) Every law enforcement agency whose law 47
enforcement officers investigate motor vehicle accidents shall 48

develop and adopt a written policy establishing reasonable 49
procedures for determining and notifying the next of kin of any 50
person who is found dead or is pronounced dead at the scene of a 51
motor vehicle accident or who suffers a serious, life- 52
threatening injury in a motor vehicle accident and who the 53
investigating law enforcement officer reasonably determines in 54
all probability will not be able to notify the person's next of 55
kin within ~~a reasonable time~~ two hours after the motor vehicle 56
accident. 57

After a law enforcement agency adopts a written policy as 58
required by this division, the law enforcement officers employed 59
by that agency shall make a good faith effort to follow the 60
procedures contained in the policy. 61

(B) The notification under this section of the next of kin 62
of persons who are killed or injured in motor vehicle accidents 63
is hereby deemed to be a governmental function for purposes of 64
Chapter 2744. of the Revised Code. 65

Sec. 4501.81. (A) The bureau of motor vehicles shall 66
establish a database of the next of kin of persons who are 67
issued driver's licenses, commercial driver's licenses, 68
temporary instruction permits, motorcycle operator's licenses 69
and endorsements, and identification cards. Information in the 70
database shall be accessible only to employees of the bureau~~and~~ 71
, to criminal justice agencies, and to county coroners for 72
purposes of section 313.141 of the Revised Code and is not a 73
public record for purposes of section 149.43 of the Revised 74
Code. 75

(B) When an individual submits an application to the 76
registrar of motor vehicles or a deputy registrar for a driver's 77
license, commercial driver's license, temporary instruction 78

permit, motorcycle operator's license or endorsement, or 79
identification card, or renewal of any of them, the individual 80
shall be furnished with a next of kin information form on which 81
the individual may list the name, address, telephone number, and 82
relationship to the individual of at least one contact person 83
whom the individual wishes to be contacted if the individual is 84
involved in a motor vehicle accident or emergency situation and 85
the individual dies or is seriously injured or rendered 86
unconscious and is unable to communicate with the contact 87
person. The contact person may or may not be the next of kin of 88
the applicant, except that if the applicant is under eighteen 89
years of age and is not emancipated, the contact person shall 90
include the parent, guardian, or custodian of the applicant. 91

The form described in this division shall inform the 92
individual that, after completing the form, the individual may 93
return the form to the registrar or any deputy registrar, each 94
of whom shall accept the form from the individual without 95
payment of any fee. The form also shall contain the mailing 96
address of the bureau, to which the individual may mail the 97
completed form, and also instructions whereby the individual may 98
furnish the information described in this division to the 99
registrar through use of the internet. 100

(C) The bureau, in accordance with Chapter 119. of the 101
Revised Code, shall adopt rules to implement this section. The 102
rules shall address all of the following: 103

(1) The methods whereby a person who has submitted the 104
name of a contact person for inclusion in the database may make 105
changes to that entry; 106

(2) The contents of the next of kin information form; 107

(3) Any other aspect of the database or its operation that 108
the registrar determines is necessary in order to implement this 109
section. 110

(D) In the event of a motor vehicle accident or emergency 111
situation in which a person dies or is seriously injured or 112
rendered unconscious and is unable to communicate with the 113
contact person specified in the database, an employee of a 114
criminal justice agency shall make a good faith effort to notify 115
the contact person of the situation within two hours, but 116
neither the bureau nor the employee nor the criminal justice 117
agency that employs that employee incurs any liability if the 118
employee is not able to make contact with the contact person. 119

Section 2. That existing sections 2108.25, 4501.80, and 120
4501.81 of the Revised Code are hereby repealed. 121