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Senate Bill 148
Sponsor testimony
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Senate Local Government, Public Safety & Veterans Affairs Committee

Chairman Uecker, Vice Chair Wilson, Ranking Member Thomas and members of the Ohio Senate Local Government, Public Safety & Veterans Affairs Committee. Thank you for allowing us to present sponsor testimony on Senate Bill 148, legislation that if enacted into law, would require an accident report to indicate whether any person involved in the accident wishes to be contacted for commercial solicitation purposes, prohibit any person from using the information contained in an accident report for those purposes with regard to a person who did not agree to be contacted, and to allow a person to submit emergency contact information upon vehicle registration for inclusion in the next of kin database.

During the 127th Ohio General Assembly, legislation was enacted to create a next of kin database within the Ohio Bureau of Motor Vehicles (Senate Bill 249) to allow Ohioans to voluntarily submit information about their next of kin through an online portal. The legislative goal was to create a secure online database that provides information to law enforcement officials and others with access to the LEADS network to help them identify and notify in a more immediate manner accident victims' next of kin. During the committee hearings on Senate Bill 249, families shared their horror stories about how their loved ones were involved in serious automobile accidents and they did not receive any notification until several hours after the accident occurred as law enforcement officials could not identify who they should contact. When the family members finally received information and would arrive at the hospitals, it was often too late as their loved one had died as a result of the accident.

This legislation, if enacted into law, would update R.C. 4501.81 that was created with the passage of Senate Bill 249 to add vehicle VIN numbers to the database. A constituent reached out to us to ask that this information be added to the next of kin database. Sometimes, victims of automobile accidents do not have their identification on them, making it difficult for law enforcement officials to identify the victim and what next of kin should be notified. What we propose to do is to add the VIN number of the automobile to the database to help law enforcement officers identify next of kin sooner, when in some instances, time is of the essence for their loved ones to reach the victim.

Another component of this legislative proposal was also brought to our attention by a constituent. When an individual is involved in an automobile accident, as you know an accident report is completed by law enforcement, it is posted online as routine offense and incident reports are generally subject to disclosure under the public records law. See *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 435 (1994)(overruled on other grounds in *State el rel. Caster v. Columbus*, 2016-Ohio-8394) and *State ex rel. Beacon Journal Publishing Co. v. Maurer*, 91 Ohio St.3d 54, 56-58 (2001).

These accident reports contain the name, address and phone numbers of those involved in the accident. A constituent complained as his wife was taken to the hospital as a result of the accident, her cell phone was barraged with unwanted solicitations for legal services, medical services and automobile repair shop services just a few hours after the accident occurred. He was also upset that FedEx boxes began arriving at their front door and packages of mail soon flooded their mailbox. He contacted us as he felt this unsolicited activity was a violation of their privacy and a nuisance to automobile accident victims across the state, especially when the activity began just a few hours after the accident.

What we are seeking to do is to create a box on the accident report form, which is a form provided by the Ohio Department of Public Safety to law enforcement agencies, to create a “Do Not Solicit” box. We want to be clear: this legislative proposal **does not** shield accident reports from Ohio’s Public Records Law---these reports will still be available to the public online as they are now.

We envision this proposal in the same light as the “Do Not Call Registry.” When we researched this topic, we have discovered that other states have gone about this issue in various ways including: an all-out solicitation ban or making accident reports exempt from public record law. With our testimony, we have provided information on how accident reports are utilized in other states.

We feel that our approach strikes a proper balance as it places the decision on the accident victim if they want to receive solicitations or not. If the accident victim does not want to be solicited, it will save the businesses money and resources on materials and postage on information packets that are mailed to these individuals and are quickly discarded into the trash cans.

Chairman Uecker and members of the Ohio Senate Local Government, Public Safety & Veterans Affairs Committee. Thank you for allowing us to present sponsor testimony on Senate Bill 148. We are happy to answer any questions that the committee might have.