

H. B. No. 357
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "5502.81, 5502.82" and insert "4927.31"; delete "5502.83" and insert "4927.32" 1
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In line 2 of the title, delete "5502.84" and insert "4927.33"; delete "5502.85" and insert "4927.34" 3
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In line 4, delete "5502.81, 5502.82" and insert "4927.31"; delete "5502.83" and insert "4927.32" 5
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In line 5, delete "5502.84" and insert "4927.33"; delete "5502.85" and insert "4927.34" 7
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After line 6, insert: 9

"Sec. 4927.31. As used in sections 4927.31 to 4927.34 of the Revised Code: 10
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(A) "Consumer" means an individual human user of a smart device. 12
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(B) "Encrypted" means processing plaintext data into ciphertext with the goal of ensuring that the plaintext data is accessible only to parties authorized by the plaintext data's 14
15
16



owner. 17

(C) "Message" means a consumer-to-consumer text-based 18
message, with or without associated multimedia content. 19

(D) "Messaging provider" means an entity that provides 20
messaging software to smart devices. 21

(E) "Messaging software" means the software that comes 22
preloaded on a smart device, and any subsequent updates to the 23
software, that enables the smart device to send and receive 24
messages to consumers using United States telephone numbers. 25

(F) "Mobile network operator" means an entity that 26
provides wireless voice and data communications for its 27
subscribers and other authorized users over telecommunications 28
infrastructure the entity owns or contracts to use. 29

(G) "Smart device" means a communications device used by a 30
consumer to send and receive messages using messaging software. 31
"Smart device" includes a smartphone, tablet, wearable device, 32
or computer. "Smart device" excludes a device that does not use 33
messaging software to send or receive messages. 34

Sec. 4927.32. Except as provided in section 4927.33 of the 35
Revised Code, when a consumer sends or receives a message from 36
another consumer or a group of other consumers, the messaging 37
provider shall ensure all of the following: 38

(A) The data sent in the message is encrypted by default; 39

(B) A photograph, video, or other media sent in the 40
message is sent in its original quality without degradation; 41

(C) That the consumer who sent the message receives a 42
real-time notification that the recipient of the message has 43
viewed it, if the message recipient has enabled such a 44

notification function on the smart device; 45

(D) That the intended recipient of a message is sent a 46
real-time notification that a consumer is typing text, if the 47
message sender has enabled such a notification function on the 48
smart device. 49

Sec. 4927.33. The requirements of section 4927.32 of the 50
Revised Code do not apply in either of the following situations: 51

(A) The messages sent to or received by a consumer do not 52
utilize messaging software and such messages were sent or 53
received using a device other than a smart device. 54

(B) A consumer sends or receives a message in which 55
encryption of such message is technically infeasible or 56
commercially unreasonable. 57

Sec. 4927.34. (A) The attorney general may bring an action 58
against a messaging provider that has failed to comply with 59
section 4927.32 of the Revised Code and may require a corrective 60
action plan for addressing the failure, provided that the 61
messaging provider shall not be subject to financial liability 62
under this section. 63

(B) No mobile network operator shall be subject to any 64
action or corrective action plan under this section. " 65

Delete lines 7 through 62 66

The motion was _____ agreed to.

SYNOPSIS 67

Safe and Reliable Texting Act changes	68
R.C. 4927.31, 4927.32, 4928.33, and 4927.34; R.C. 5502.81	69
to 5502.85 removed	70
Revises the bill by removing all the current provisions	71
and adding provisions that do all of the following:	72
- Require a messaging provider to ensure that certain	73
actions take place when a consumer sends or receives a text	74
message from another consumer or group of consumers, including,	75
for example, that the data sent in the message is encrypted by	76
default.	77
- Exempt a messaging provider from the requirements	78
immediately above if either: (1) the messages sent to or	79
received by a consumer do not utilize messaging software and	80
such messages were sent or received using a device other than a	81
smart device; or (2) a consumer sends or receives a message	82
where encryption of the message is technically infeasible or	83
commercially unreasonable.	84
- Permit the Attorney General to bring an action against a	85
messaging provider for failure to comply with the bill's	86
requirements and to require a corrective action plan for	87
addressing the failure, provided that the provider cannot be	88
subject to financial liability.	89
- Exempt a mobile network operator from any action or	90
corrective action plan.	91