

**As Introduced**

**132nd General Assembly**

**Regular Session**

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**H. B. No. 763**

**Representative Brinkman**

**Cosponsors: Representatives Becker, Vitale**

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**A BILL**

To amend sections 4501.27 and 4507.53 of the  
Revised Code to require the Department of Public  
Safety, including the Bureau of Motor Vehicles,  
to place an image of the Bureau's seal or emblem  
in a corner of any photograph or digital image  
of a person under certain circumstances.

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

**Section 1.** That sections 4501.27 and 4507.53 of the  
Revised Code be amended to read as follows:

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

(B) (1) On and after September 13, 1997, the registrar, or  
an employee or contractor of the bureau of motor vehicles, shall  
disclose personal information, other than sensitive personal

information, about an individual that the bureau obtained in 19  
connection with a motor vehicle record, for use in connection 20  
with any of the following matters to carry out the purposes of 21  
any specified federal automobile-related act: 22

(a) Motor vehicle or driver safety and theft; 23

(b) Motor vehicle emissions; 24

(c) Motor vehicle product alterations, recalls, or 25  
advisories; 26

(d) Performance monitoring of motor vehicles and dealers 27  
by motor vehicle manufacturers; 28

(e) Removal of non-owner records from the original owner 29  
records of motor vehicle manufacturers. 30

(2) In addition to the disclosure required under division 31  
(B)(1) of this section, on and after September 13, 1997, the 32  
registrar, or an employee or contractor of the bureau of motor 33  
vehicles, may disclose personal information, other than 34  
sensitive personal information, about an individual that the 35  
bureau obtained in connection with a motor vehicle record, as 36  
follows: 37

(a) For the use of a government agency, including, but not 38  
limited to, a court or law enforcement agency, in carrying out 39  
its functions, or for the use of a private person or entity 40  
acting on behalf of an agency of this state, another state, the 41  
United States, or a political subdivision of this state or 42  
another state in carrying out its functions; 43

(b) For use in connection with matters regarding motor 44  
vehicle or driver safety and theft; motor vehicle emissions; 45  
motor vehicle product alterations, recalls, or advisories; 46

performance monitoring of motor vehicles, motor vehicle parts, 47  
and dealers; motor vehicle market research activities, 48  
including, but not limited to, survey research; and removal of 49  
non-owner records from the original owner records of motor 50  
vehicle manufacturers; 51

(c) For use in the normal course of business by a 52  
legitimate business or an agent, employee, or contractor of a 53  
legitimate business, but only for one of the following purposes: 54

(i) To verify the accuracy of personal information 55  
submitted to the business, agent, employee, or contractor by an 56  
individual; 57

(ii) If personal information submitted to the business, 58  
agent, employee, or contractor by an individual is incorrect or 59  
no longer is correct, to obtain the correct information, but 60  
only for the purpose of preventing fraud, by pursuing legal 61  
remedies against, or recovering on a debt or security interest 62  
against, the individual. 63

(d) For use in connection with a civil, criminal, 64  
administrative, or arbitral proceeding in a court or agency of 65  
this state, another state, the United States, or a political 66  
subdivision of this state or another state or before a self- 67  
regulatory body, including, but not limited to, use in 68  
connection with the service of process, investigation in 69  
anticipation of litigation, or the execution or enforcement of a 70  
judgment or order; 71

(e) Pursuant to an order of a court of this state, another 72  
state, the United States, or a political subdivision of this 73  
state or another state; 74

(f) For use in research activities or in producing 75

statistical reports, provided the personal information is not published, redisclosed, or used to contact an individual;	76 77
(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;	78 79 80 81 82
(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;	83 84
(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B) (2) of this section;	85 86 87
(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;	88 89 90 91 92 93
(k) For use in connection with the operation of a private toll transportation facility;	94 95
(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.	96 97 98 99 100 101
(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	102 103 104

registrar a form prescribed by the registrar by rule giving 105  
express consent to such disclosures. 106

(n) For use by a person, state, or state agency that 107  
requests the information, if the person, state, or state agency 108  
demonstrates that it has obtained the written consent of the 109  
individual to whom the information pertains; 110

(o) For any other use specifically authorized by law that 111  
is related to the operation of a motor vehicle or to public 112  
safety. 113

(3) (a) Except as provided in division (B) (3) (b) of this 114  
section, the registrar, or an employee or contractor of the 115  
bureau of motor vehicles, may disclose sensitive personal 116  
information about an individual that the bureau obtained in 117  
connection with a motor vehicle record, only if either of the 118  
following conditions are satisfied: 119

(i) The individual whose personal information is requested 120  
completes and submits to the registrar or deputy registrar a 121  
form prescribed by the registrar by rule giving express consent 122  
to such disclosure; 123

(ii) The disclosure is for one or more of the purposes 124  
described in division (B) (2) (a), (d), (g), or (j) of this 125  
section. 126

(b) Division (B) (3) (a) of this section does not apply to 127  
the disclosure of sensitive personal information that is subject 128  
to section 4501.15 or 4507.53 of the Revised Code. 129

(C) On and after September 13, 1997, an authorized 130  
recipient of personal information about an individual that the 131  
bureau of motor vehicles obtained in connection with a motor 132  
vehicle record, other than a recipient under division (B) (2) (1) 133

or (m) of this section, may resell or redisclose the personal 134  
information only for a use permitted under division (B) (1), (B) 135  
(2) (a) to (k), (B) (2) (n), or (B) (2) (o) of this section. On and 136  
after September 13, 1997, an authorized recipient of personal 137  
information about an individual under division (B) (2) (l) of this 138  
section may resell or redisclose the information for any 139  
purpose. On and after September 13, 1997, an authorized 140  
recipient of personal information under division (B) (2) (m) of 141  
this section may resell or redisclose the information as 142  
specified pursuant to that division. On and after September 13, 143  
1997, an authorized recipient of personal information about an 144  
individual under division (B) of this section, other than a 145  
recipient under division (B) (2) (l) of this section, that resells 146  
or rediscloses any personal information covered by this section 147  
must keep for a period of five years a record that identifies 148  
each person or entity that receives any of the personal 149  
information and the permitted purpose for which the information 150  
is to be used, and must make all such records available to the 151  
registrar of motor vehicles upon the registrar's request. 152

(D) The registrar may establish and carry out procedures 153  
under which the registrar or the registrar's agents, upon 154  
receipt of a request for personal information on or after 155  
September 13, 1997, that does not satisfy any of the criteria 156  
for disclosure of the information that are set forth in division 157  
(B) (1) or (2) of this section, may notify the individual about 158  
whom the information was requested, by regular mail, that the 159  
request was made. Any procedures so adopted shall provide that, 160  
if the registrar or an agent of the registrar mails the notice 161  
to the individual, the registrar or agent shall include with the 162  
notice a copy of the request and conspicuously shall include in 163  
the notice a statement that the information will not be released 164

unless the individual waives the individual's right to privacy 165  
regarding the information that is granted under this section. 166

(E) The registrar of motor vehicles may adopt any forms 167  
and rules, consistent with but no more restrictive than the 168  
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 169  
2721-2725, that are necessary to carry out the registrar's 170  
duties under this section on and after September 13, 1997. 171

(F) If the registrar, or an employee or contractor of the 172  
bureau of motor vehicles, discloses an individual's photograph 173  
or digital image under division (B) of this section, the 174  
registrar or an employee or contractor of the bureau shall 175  
ensure that there is an image of the bureau's seal or emblem 176  
placed in a corner of the photograph or digital image. 177

(G) As used in this section: 178

(1) "Motor vehicle record" means a record that pertains to 179  
a motor vehicle driver's or commercial driver's license or 180  
permit, a motor vehicle certificate of title, a motor vehicle 181  
registration or motor vehicle identification license plates, or 182  
an identification card issued by the bureau of motor vehicles. 183

(2) "Person" has the same meaning as in section 1.59 of 184  
the Revised Code and does not include this state, another state, 185  
or an agency of this state or another state. 186

(3) "Personal information" means information that 187  
identifies an individual, including, but not limited to, an 188  
individual's photograph or digital image, social security 189  
number, driver or driver's license identification number, name, 190  
telephone number, or medical or disability information, or an 191  
individual's address other than the five-digit zip code number. 192  
"Personal information" does not include information pertaining 193

to a vehicular accident, driving or traffic violation, or 194  
driver's status. 195

(4) "Specified federal automobile-related act" means the 196  
~~"automobile information disclosure act"~~ Automobile Information 197  
Disclosure Act, 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 198  
Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 199  
U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle 200  
Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the 201  
"Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et 202  
seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et 203  
seq., all as now or hereafter amended. 204

(5) "Sensitive personal information" means an individual's 205  
photograph or digital image, social security number, or medical 206  
or disability information. 207

**Sec. 4507.53.** Digitalized photographic records of the 208  
department of public safety may be released only to state, 209  
local, or federal governmental agencies for criminal justice 210  
purposes and to any court. 211

If the department releases a digitalized photographic 212  
record under this section, the department shall ensure that 213  
there is an image of the bureau of motor vehicles' seal or 214  
emblem placed in a corner of the record. 215

**Section 2.** That existing sections 4501.27 and 4507.53 of 216  
the Revised Code are hereby repealed. 217