

As Introduced

134th General Assembly

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H. B. No. 288

Representative Koehler

Cosponsors: Representatives Merrin, Stoltzfus, Riedel, Fowler Arthur

A BILL

To amend sections 4501.27, 5101.33, and 5101.542 1
and to enact section 5101.331 of the Revised 2
Code to establish requirements for electronic 3
benefit transfer cards issued under the 4
Supplemental Nutrition Assistance Program. 5

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

Section 1. That sections 4501.27, 5101.33, and 5101.542 be 6
amended and section 5101.331 of the Revised Code be enacted to 7
read as follows: 8

Sec. 4501.27. (A) Except as provided in division (B) of 9
this section, on and after September 13, 1997, the registrar of 10
motor vehicles, and any employee or contractor of the bureau of 11
motor vehicles, shall not knowingly disclose or otherwise make 12
available to any person or entity any personal information about 13
an individual that the bureau obtained in connection with a 14
motor vehicle record. 15

(B) (1) On and after September 13, 1997, the registrar, or 16
an employee or contractor of the bureau of motor vehicles, shall 17
disclose personal information, other than sensitive personal 18

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

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| 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

(4) Notwithstanding section 4507.53 of the Revised Code or 130
any provision of this section, the registrar, or an employee or 131
contractor of the bureau of motor vehicles, may disclose an 132
individual's photograph or digital image to the department of 133

job and family services for purposes of section 5101.331 of the 134
Revised Code. 135

(C) On and after September 13, 1997, an authorized 136
recipient of personal information about an individual that the 137
bureau of motor vehicles obtained in connection with a motor 138
vehicle record, other than a recipient under division (B) (2) (l) 139
or (m) of this section, may resell or redisclose the personal 140
information only for a use permitted under division (B) (1), (B) 141
(2) (a) to (k), (B) (2) (n), or (B) (2) (o) of this section. On and 142
after September 13, 1997, an authorized recipient of personal 143
information about an individual under division (B) (2) (l) of this 144
section may resell or redisclose the information for any 145
purpose. On and after September 13, 1997, an authorized 146
recipient of personal information under division (B) (2) (m) of 147
this section may resell or redisclose the information as 148
specified pursuant to that division. On and after September 13, 149
1997, an authorized recipient of personal information about an 150
individual under division (B) of this section, other than a 151
recipient under division (B) (2) (l) of this section, that resells 152
or rediscloses any personal information covered by this section 153
must keep for a period of five years a record that identifies 154
each person or entity that receives any of the personal 155
information and the permitted purpose for which the information 156
is to be used, and must make all such records available to the 157
registrar of motor vehicles upon the registrar's request. 158

(D) The registrar may establish and carry out procedures 159
under which the registrar or the registrar's agents, upon 160
receipt of a request for personal information on or after 161
September 13, 1997, that does not satisfy any of the criteria 162
for disclosure of the information that are set forth in division 163
(B) (1) or (2) of this section, may notify the individual about 164

whom the information was requested, by regular mail, that the 165
request was made. Any procedures so adopted shall provide that, 166
if the registrar or an agent of the registrar mails the notice 167
to the individual, the registrar or agent shall include with the 168
notice a copy of the request and conspicuously shall include in 169
the notice a statement that the information will not be released 170
unless the individual waives the individual's right to privacy 171
regarding the information that is granted under this section. 172

(E) The registrar of motor vehicles may adopt any forms 173
and rules, consistent with but no more restrictive than the 174
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 175
2721-2725, that are necessary to carry out the registrar's 176
duties under this section on and after September 13, 1997. 177

(F) 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. 5101.33. (A) As used in this section, "benefits" 208
means any of the following: 209

(1) Cash assistance paid under Chapter 5107. of the 210
Revised Code; 211

(2) Supplemental nutrition assistance program benefits 212
provided under section 5101.54 of the Revised Code; 213

(3) Any other program administered by the department of 214
job and family services under which assistance is provided or 215
service rendered; 216

(4) Any other program, service, or assistance administered 217
by a person or government entity that the department determines 218
may be delivered through the medium of electronic benefit 219
transfer. 220

(B) ~~The~~ Subject to section 5101.331 of the Revised Code, 221

the department of job and family services may make any payment 222
or delivery of benefits to eligible individuals through the 223
medium of electronic benefit transfer by doing all of the 224
following: 225

(1) Contracting with an agent to supply debit cards to the 226
department of job and family services for use by such 227
individuals in accessing their benefits and to credit such cards 228
electronically with the amounts specified by the director of job 229
and family services pursuant to law; 230

(2) Informing such individuals about the use of the 231
electronic benefit transfer system and furnishing them with 232
debit cards and information that will enable them to access 233
their benefits through the system; 234

(3) Arranging with specific financial institutions or 235
vendors, county departments of job and family services, or 236
persons or government entities for individuals to have their 237
cards credited electronically with the proper amounts at their 238
facilities; 239

(4) Periodically preparing vouchers for the payment of 240
such benefits by electronic benefit transfer; 241

(5) Satisfying any applicable requirements of federal and 242
state law. 243

(C) The department may enter into a written agreement with 244
any person or government entity to provide benefits administered 245
by that person or entity through the medium of electronic 246
benefit transfer. A written agreement may require the person or 247
government entity to pay to the department either or both of the 248
following: 249

(1) A charge that reimburses the department for all costs 250

the department incurs in having the benefits administered by the 251
person or entity provided through the electronic benefit 252
transfer system; 253

(2) A fee for having the benefits provided through the 254
electronic benefit transfer system. 255

(D) The department may designate which counties will 256
participate in the medium of electronic benefit transfer, 257
specify the date a designated county will begin participation, 258
and specify which benefits will be provided through the medium 259
of electronic benefit transfer in a designated county. 260

(E) The department may adopt rules in accordance with 261
Chapter 119. of the Revised Code for the efficient 262
administration of this section and section 5101.331 of the 263
Revised Code. 264

Sec. 5101.331. (A) Except as otherwise provided in this 265
section, each debit card used to access supplemental nutrition 266
assistance program benefits shall include both of the following: 267

(1) On the front of the card, a color photograph of at 268
least one adult member of the household for which the debit card 269
is issued; 270

(2) On the back of the card, a telephone number that can 271
be called to report suspected fraud under the supplemental 272
nutrition assistance program and the address of a web site where 273
suspected fraud can be reported. 274

(B) Not later than one year after the effective date of 275
this section, the department of job and family services, in 276
consultation with the bureau of motor vehicles and the food and 277
nutrition services of the United States department of 278
agriculture, shall develop a strategy for issuing debit cards 279

that meet the requirements of division (A) of this section. 280

(C) Subject to division (D) of this section, both of the 281
following apply: 282

(1) All new debit cards issued on or after the date that 283
is six months after the date the department develops the 284
strategy under division (B) of this section shall meet the 285
requirements of division (A) of this section. 286

(2) Not later than twelve months after the date the 287
department develops the strategy under division (B) of this 288
section, each debit card issued before the date that is six 289
months after the date the department develops the strategy under 290
division (B) of this section shall be replaced with a debit card 291
that meets the requirements of division (A) of this section if 292
the household for which the debit card was issued continues to 293
participate in the supplemental nutrition assistance program. 294

(D) The requirement of division (A) (1) of this section 295
does not apply to a debit card issued for a household to which 296
either of the following applies: 297

(1) The household does not include any adult members. 298

(2) Each of the adult members of the household is sixty 299
years of age or older; is blind, disabled, or a victim of 300
domestic violence; or has religious objections to being 301
photographed. 302

(E) An adult who meets any of the exemption criteria 303
specified in division (D) (2) of this section may volunteer to 304
have a color photograph of the adult included on the front of 305
the debit card of the adult's household. 306

Sec. 5101.542. Immediately following a county department 307

of job and family services' certification that a household 308
determined under division (B) of section 5101.54 of the Revised 309
Code to be in immediate need of nutrition assistance is eligible 310
for the supplemental nutrition assistance program, the 311
department of job and family services shall provide for the 312
household to be sent by regular United States mail an electronic 313
benefit transfer card containing the amount of benefits the 314
household is eligible to receive under the program. The card 315
shall be sent to the member of the household in whose name 316
application for the supplemental nutrition assistance program 317
was made or that member's authorized representative. Section 318
5101.331 of the Revised Code applies to the card. 319

Section 2. That existing sections 4501.27, 5101.33, and 320
5101.542 of the Revised Code are hereby repealed. 321