

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**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

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