



Phil Mullin

## *Bill Analysis*

*Legislative Service Commission*

### **Am. H.B. 392**

127th General Assembly

(As Reported by H. State Government and Elections)

**Reps. J. McGregor, Peterson, Evans, Hughes, Wagoner, Gibbs, Chandler, J. Stewart, D. Stewart, Bacon, Zehringer, R. McGregor, Wolpert, Combs, Okey, Bulp, Collier, Stebelton, Batchelder, Strahorn, Adams, Latta, Daniels, Hite, Book, Brown, Carmichael, Domenick, Flowers, Lundy, Reinhard, Schlichter, Skindell, Sykes**

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#### **BILL SUMMARY**

- Establishes a next of kin database within the Bureau of Motor Vehicles.

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#### **CONTENT AND OPERATION**

The bill requires the Bureau of Motor Vehicles to establish a database of the next of kin of persons who are issued driver's licenses, commercial driver's licenses, temporary instruction permits, and state identification cards. Information in the database must be accessible only to employees of the Bureau and to criminal justice agencies and is not a public record for purposes of the Open Records Law. (R.C. 4501.81(A).)

An individual holding a valid Ohio driver's license, commercial driver's license, temporary instruction permit, or identification card must be afforded the opportunity to list the name, address, telephone number, and relationship to the individual of at least one contact person whom the individual wishes to be contacted if the individual is involved in a motor vehicle accident or emergency situation and the individual dies or is seriously injured or rendered unconscious and is unable to communicate with the contact person. The contact person need not be the next of kin of the applicant. (R.C. 4501.81(B).)

The Bureau, in accordance with the Administrative Procedure Act, must adopt rules to implement the bill. These rules must address both of the following: (1) the methods whereby a person who has submitted the name of a contact person for inclusion in the database may make changes to the entry and (2) any other aspect of the database or its operation that the Registrar of Motor Vehicles determines is necessary in order to implement the bill. (R.C. 4501.81(C).) The

Bureau must adopt these rules, and the database must be operational, within 180 days after the bill's effective date (Section 2).

In the event of a motor vehicle accident or emergency situation in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the contact person specified in the database, an employee of a criminal justice agency must make a good faith effort to notify the contact person of the situation, but neither the Bureau of Motor Vehicles nor employee nor the criminal justice agency that employs the employee incurs any liability if the employee is unable to make contact with the contact person (R.C. 4501.81(D)).

The bill specifies that it is to be known as the "Money-Burge Act" (Section 3).

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## **HISTORY**

| <b>ACTION</b>                        | <b>DATE</b> |
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| Introduced                           | 11-15-07    |
| Reported, H. State Gov't & Elections | 01-31-08    |

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