



Ohio Legislative Service Commission

Bill Analysis

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H.B. 20

130th General Assembly
(As Introduced)

Reps. Stinziano, J. Adams, Antonio, Bishoff, Duffey, Henne, Lynch, Mallory, McGregor, Patterson, Pillich, Ramos, Sears

BILL SUMMARY

- Permits a person to present proof of financial responsibility to the Registrar of Motor Vehicles, a peace officer, a traffic violations bureau, or a court through use of an electronic wireless communications device.
- Prohibits the use of an electronic wireless communications device to provide proof of financial responsibility when such proof is required to be filed and maintained with the Registrar during a period of suspension.

CONTENT AND OPERATION

Overview: the Financial Responsibility Law

The Financial Responsibility Law prohibits any person from operating or permitting the operation of a motor vehicle in Ohio unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of the vehicle.¹ A person is required to verify the existence of proof of financial responsibility covering the operation of a motor vehicle or the person's operation of a motor vehicle under any of the following circumstances:

(1) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report;

¹ R.C. 4509.101(A)(1).

(2) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or State Highway Patrol trooper; or

(3) Whenever, in accordance with rules adopted by the Registrar of Motor Vehicles, the person is randomly selected by the Registrar and requested to provide such verification.²

New requirement for insurers that write motor vehicle liability insurance in Ohio

The bill requires each insurer writing motor vehicle liability insurance in Ohio to provide to every Ohio policyholder to whom it has delivered or issued for delivery a motor vehicle liability insurance policy the ability to utilize an electronic wireless communications device to present proof of financial responsibility to the Registrar, a peace officer, a court, or a traffic violations bureau when required to do so by the Financial Responsibility Law. The text or images that are displayed on such a device as the result of the generation and delivery by the insurer of information and data to the device must conform to the requirements applicable to such text or images that the Registrar prescribes in rules adopted under that law.³ This new requirement is in addition to the current requirement that insurers provide such policyholders with financial responsibility identification cards.⁴ The bill defines "electronic wireless communications device" to include any of the following:

(1) A wireless telephone, including a cellular telephone;

(2) A personal digital assistant;

(3) A computer, including a laptop computer, a netbook computer, and a tablet computer; or

(4) Any other substantially similar wireless device that is designed or used to communicate and displays text or images.⁵

The bill provides that the generation and delivery by an insurer of proof of financial responsibility to an electronic wireless communications device that is

² R.C. 4509.101(A)(3)(a) to (c).

³ R.C. 4509.101(M) and 4509.103(C).

⁴ R.C. 4509.103(B).

⁵ R.C. 4509.103(A)(1) to (4).



displayed on the device is the equivalent of the preparation and delivery by an insurer of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility.⁶ In addition, in order for the display of text or images on an electronic wireless communications device to be used for the demonstration of proof of financial responsibility, it must contain the same information as a document that is so used, including the name of the insured and insurer or surety company, effective and expiration dates of coverage, etc.⁷

Providing proof of financial responsibility through use of an electronic wireless communications device

The bill specifically provides that when a person is required to provide proof of financial responsibility to the Registrar, a peace officer, a traffic violations bureau, or a court under the Financial Responsibility Law, the person may do so through use of an electronic wireless communications device.⁸

Under the bill, when a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device may be viewed by the Registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device may be viewed for purposes of obtaining proof of financial responsibility.⁹ In addition, when a person so provides an electronic wireless communications device, the person assumes the risk of any resulting damage to the device unless the Registrar, peace officer, employee or official, or court personnel purposely, knowingly, or recklessly commits an action that results in damage to the device.¹⁰

The bill prohibits any person who has knowingly failed to maintain proof of financial responsibility from presenting to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose of misleading the peace officer. A person who violates this prohibition is guilty of falsification, a first degree misdemeanor.¹¹

⁶ R.C. 4509.101(G)(4)(b) and (c).

⁷ R.C. 4509.101(H).

⁸ R.C. 4509.101(B)(1) and (G)(1)(b) and R.C. 4509.45(C).

⁹ R.C. 4509.101(N)(1).

¹⁰ R.C. 4509.101(N)(2).

¹¹ R.C. 4509.102 and R.C. 2921.13, not in the bill. A first degree misdemeanor is punishable by a jail term of not more than 180 days, a fine of not more than \$1,000, or both.

Circumstances when use of a wireless device is prohibited

In certain situations, before a person's suspended driver's license can be reinstated, the person is required to provide proof of financial responsibility that is certified by the insurer, and in such cases the insurer is required to notify the Bureau of Motor Vehicles prior to terminating the coverage (this type of insurance is known as "SR-22" insurance). These situations include when a person fails to pay a judgment resulting from a motor vehicle accident and serious traffic violations such as OVI. The bill provides that proof of financial responsibility that is required to be filed and maintained with the Registrar during such a period of suspension cannot be given through the use of an electronic wireless communication device.¹²

Miscellaneous provision

The bill clarifies that "peace officer" has the same meaning throughout the Financial Responsibility Law and not just in two divisions of that law.¹³

HISTORY

ACTION	DATE
Introduced	01-30-13

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¹² R.C. 4509.45(D).

¹³ R.C. 4509.101(D)(9).

