



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Margaret E. Marcy

### **H.B. 115**

132nd General Assembly  
(As Introduced)

**Reps.** Gavarone and Wiggam, Ryan, Greenspan, Kick, Goodman, Hambley, Thompson, Arndt, Lipps, Patton, Stein, Riedel

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### **BILL SUMMARY**

- Requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability.
  - Requires DPS make the database available to state and local law enforcement officers through the Law Enforcement Automated Data System (LEADS).
  - Specifies that information in the database is not a public record.
  - Requires the Opportunities for Ohioans with Disabilities Agency to develop a verification form for a person diagnosed with a communication disability, or the person's parent or guardian, to submit to DPS for purposes of including that person in the database.
  - Establishes the information that must be included on the verification form, including driver's license or identification card numbers, license plate numbers of vehicles owned or operated by the person, and certification by a physician, psychiatrist, or psychologist.
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### **CONTENT AND OPERATION**

#### **Communication disability database**

The bill requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability, and requires DPS to make the database available to state and local law enforcement

officers through the Law Enforcement Automated Data System (LEADS).<sup>1</sup> Under the bill, a communication disability is a human condition involving an impairment in the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems. The communication disability can either result in a primary disability or may be secondary to other disabilities.<sup>2</sup> Either the person who has been diagnosed with the communication disability (diagnosed person), if the person is 18 years old or older, or the diagnosed person's parent or guardian, if the diagnosed person is a minor or is a ward under a guardianship, may register the person with DPS to be included in the database.<sup>3</sup>

### **Verification form**

As part of registering for the database, the diagnosed person or the person's parent or guardian must complete and submit a verification form to DPS.<sup>4</sup> Under the bill, the verification form must be developed by the Opportunities for Ohioans with Disabilities Agency (OODA).<sup>5</sup> The form must include all of the following information:

- (1) The name of the diagnosed person;
- (2) The name of the person completing the form on behalf of the diagnosed person (if a parent or guardian is filling out the form);
- (3) The relationship between the person completing the form and the diagnosed person (if a parent or guardian is filling out the form);
- (4) The driver's license or state identification card number issued to the diagnosed person (if the person has one);
- (5) The license plate number of each vehicle owned or operated or registered in the name of the diagnosed person;
- (6) A physician, psychiatrist, or psychologist's signed certification that the diagnosed person has been diagnosed with a communication disability;

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<sup>1</sup> R.C. 5502.08(B) and (E)(1).

<sup>2</sup> R.C. 3304.23(A)(1).

<sup>3</sup> R.C. 5502.08(C) and (D).

<sup>4</sup> R.C. 5502.08(C)(1) and (D)(1).

<sup>5</sup> R.C. 3304.23(B).



(7) The name, business address, business telephone number, and medical license number of the certifying physician, psychiatrist, or psychologist;

(8) The signature of the diagnosed person or person completing the form on behalf of the diagnosed person; and

(9) Any other information required by OODA.<sup>6</sup>

As indicated above, a diagnosed person may complete the verification form, if that person is 18 years old or older and is not under a guardianship. A diagnosed person's parent or parents may complete the form, if the diagnosed person is a minor (for example, a 16 year old who has just obtained his or her own driver's license). A guardian may complete the form, regardless of the age of the diagnosed person, if the diagnosed person is under a guardianship.<sup>7</sup> A guardian may be any person, association, or corporation assigned by the probate court to care for and manage the diagnosed person, the diagnosed person's property, or both.<sup>8</sup>

### **Information in the database**

The database must include the information provided on the verification form, particularly the diagnosed person's driver's license or state identification card number and the license plate numbers of each vehicle the diagnosed person owns, operates, or that is registered in the person's name.<sup>9</sup> Thus, if a state or local law enforcement officer enters either the driver's license number, the identification card number, or the license plate number associated with the diagnosed person into LEADS, the information regarding the person's diagnosis with a communication disability should be available to the officer.<sup>10</sup> Under the bill, the information included in the database is not a public record subject to inspection or copying under the Public Records Law.<sup>11</sup>

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<sup>6</sup> R.C. 3304.23(C).

<sup>7</sup> R.C. 3304.23(D).

<sup>8</sup> R.C. 3304.23(A)(2); R.C. 2111.01(A), not in the bill.

<sup>9</sup> R.C. 5502.08(B) to (D).

<sup>10</sup> R.C. 5502.08(E)(1).

<sup>11</sup> R.C. 5502.08(E)(2).

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## HISTORY

ACTION

DATE

Introduced

03-07-17

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