



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Margaret E. Marcy

Sub. H.B. 115

132nd General Assembly
(As Passed by the General Assembly)

- Reps.** Gavarone and Wiggam, Ryan, Greenspan, Kick, Goodman, Hambley, Thompson, Arndt, Lipps, Patton, Stein, Riedel, Ginter, Conditt, Boyd, Barnes, Kent, LaTourette, Sheehy, Anielski, Antonio, Boggs, Brenner, Butler, Carfagna, Craig, Cupp, Dever, Duffey, Edwards, Galonski, Green, Hagan, Hill, Holmes, Householder, Howse, Huffman, Hughes, Ingram, Johnson, Keller, Koehler, Landis, Lanese, Leland, Lepore-Hagan, Manning, McColley, Merrin, O'Brien, Patterson, Perales, Reineke, Retherford, Rezabek, Rogers, Romanchuk, Schaffer, Scherer, Schuring, Seitz, Slaby, K. Smith, R. Smith, Sprague, Sweeney, West, Young
- Sens.** Bacon, Coley, Beagle, Brown, Dolan, Eklund, Gardner, Hackett, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Williams, Yuko

Effective date: August 1, 2018

ACT SUMMARY

- Requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability or a disability that can impair communication.
- Authorizes a person diagnosed with a communication disability or a disability that can impair communication, or the person's parent or guardian, to register the person to be included in the database.
- Requires DPS to 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.
- Establishes a process by which a person can be removed from the database.

* This version updates the effective date.

- Requires the Opportunities for Ohioans with Disabilities Agency (OODA) to develop a verification form for registration.
- Specifies what information 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 with a communication disability or disability that can impair communication, and certification by a health care professional.
- Requires OODA and DPS to make the verification form available on their websites.

CONTENT AND OPERATION

Communication disability database

The act requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability or a disability that can impair communication (diagnosed person). DPS must make the database available to state and local law enforcement officers through the Law Enforcement Automated Data System (LEADS).¹ By having the database available through LEADS, a law enforcement officer approaching a vehicle during a routine traffic stop is aware of the disability in advance. A communication disability or disability that can impair communication can hinder certain social interactions or bring with it symptoms that mirror those of an impaired driver. A law enforcement officer being aware of the disability in advance assists in avoiding an escalated situation resulting from the officer's interactions with the diagnosed person.²

For purposes of the database, 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.³ Likewise, a "disability that can impair communication" is a human condition with *symptoms* that can impair the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems. A disability that

¹ R.C. 5502.08(B) and (E)(1).

² Representative Scott Wiggam and Representative Theresa Gavarone. Sponsor Testimony for H.B. 115. Community and Family Advancement Committee, March 22, 2017.

³ R.C. 3304.23(A)(1).



can impair communication is meant to encompass conditions such as post-traumatic stress disorder.⁴

Verification form

To register for the database, the diagnosed person or the person's parent or guardian must submit a verification form to DPS.⁵ The Opportunities for Ohioans with Disabilities Agency (OODA) must develop the verification form.⁶ The form must include:

- (1) The name of the diagnosed person;
- (2) The name of the person completing the form on the diagnosed person's behalf (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, operated, regularly occupied, 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 or disability that can impair communication;
- (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 the diagnosed person's behalf; and
- (9) A place where the diagnosed person or person completing the form on the diagnosed person's behalf may indicate the desire to be removed from the database.⁷

⁴ R.C. 3304.23(A)(2).

⁵ R.C. 5502.08(C) and (D).

⁶ R.C. 3304.23(B).

⁷ R.C. 3304.23(C).



A diagnosed person may complete the verification form if that person is 18 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 diagnosed person's age, if the diagnosed person is under a guardianship.⁸ 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.⁹

The act requires DPS and OODA to make the verification form available on their websites.¹⁰

Information in the database

The database must include the information that DPS determines is necessary for a law enforcement officer to identify a person as diagnosed with a communication disability or disability that can impair communication.¹¹ Thus, DPS will determine which information from the verification form will be included in LEADS and made available to state or local law enforcement officers.¹² The information included in the database is not a public record subject to inspection or copying under the Public Records Law.¹³

Removal from database

A diagnosed person, or the person's parent or guardian, may request to have the diagnosed person removed from the database. To request removal, the person, parent, or guardian must submit the verification form, but is only required to fill out the information pertaining to the names, relationship, signature, and indication of desired removal. On receipt of the properly completed form, DPS must remove the diagnosed person from the database.¹⁴

⁸ R.C. 3304.23(D).

⁹ R.C. 3304.23(A)(3); R.C. 2111.01(A), not in the bill.

¹⁰ R.C. 3304.23(E).

¹¹ R.C. 5502.08(B) to (D).

¹² R.C. 5502.08(E)(1).

¹³ R.C. 5502.08(E)(2).

¹⁴ R.C. 5502.08(F).

HISTORY

ACTION	DATE
Introduced	03-07-17
Reported, H. Community & Family Advancement	05-01-17
Passed House (96-0)	05-17-17
Reported, S. Gov't Oversight & Reform	02-22-18
Passed Senate (33-0)	04-11-18
House concurred in Senate amendments (91-0)	04-11-18

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