

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501:1-12-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Driver's privacy protection.

**Agency Name:** Department of Public Safety

**Division:** Bureau of Motor Vehicles

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 4/12/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4501.02, 4501.27
5. What statute(s) does the rule implement or amplify? 149.43, 4501.15, 4501.27, 4507.53
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with driver's privacy protection. The rule has been amended to update materials incorporated by reference and remove restrictions.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates the Record Confidentiality Waiver (BMV2095), OBMV Record Request (BMV1173), BMV Record Account Holder - Request and Receive Records (BMV3349), Business Identification Information (BMV3342) agency forms and the "Federal Driver's Privacy Protection Act of 1994," 18 U.S.C. 2721 et seq. and the "Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C. 2701, et seq. To comply with sections 121.71 to 121.74 of the Revised Code, this rule addresses the version/date of the materials, as well as where each may be accessed, at the first mention of each incorporated reference. All agency forms are being filed with this rule. Pursuant to section 121.75 of the Revised Code, the "Federal Driver's Privacy Protection Act of 1994," 18 U.S.C. 2721 et seq. and the "Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C. 2701, et seq. provisions are exempt from compliance with sections 121.71 to 121.74, as long as dates of publication and general availability of the materials are addressed. This rule provides both

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? No
18. Does this rule have an adverse impact on business? No
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
  - A. How many new regulatory restrictions do you propose adding to this rule? 0
  - B. How many existing regulatory restrictions do you propose removing from this rule? 25

Paragraph (B) - "Except as provide... shall not knowingly..."

Paragraph (C), first paragraph - "Pursuant to... the BMV shall disclose..."

Paragraph (C), second paragraph - Notwithstanding any... an individual shall not be disclosed..."

Paragraph (D)(1) - " A requester.... shall make copies of.."

Paragraph (D)(1)(c) - "The BMV shall..."

Paragraph (G)(1)(a) - "If the requester.... which shall be..."

Paragraph (G)(2)(a) stem - "(G)...:(2) .... shall be disclosed...: (a)....:

Paragraph (G)(2)(b) stem - "(G)...:(2) .... shall be disclosed...: (b)....:

Paragraph (G)(2)(c)(i) stem - "(G)...:(2) .... shall be disclosed...: (c).... (i):

Paragraph (G)(2)(c)(il) stem - "(G)...:(2) .... shall be disclosed...: (c).... (il):

Paragraph (G)(2)(d) stem - "(G)...:(2) .... shall be disclosed...: (d)....:

Paragraph (G)(2)(e) stem - "(G)...:(2) .... shall be disclosed...: (e)....:

Paragraph (G)(2)(f) stem - "(G)...:(2) .... shall be disclosed...: (f)....:

Paragraph (G)(2)(g) stem - "(G)...:(2) .... shall be disclosed...: (g)....:

Paragraph (G)(2)(h) stem - "(G)...:(2) .... shall be disclosed...: (h)....:

Paragraph (G)(2)(i) stem - "(G)...:(2) .... shall be disclosed...: (i)....:

Paragraph (G)(2)(j) stem - "(G)...:(2) .... shall be disclosed...: (j)....:

Paragraph (G)(2)(k) stem - "(G)...:(2) .... shall be disclosed...: (k)....:

Paragraph (G)(2)(l) stem - "(G)...:(2) .... shall be disclosed...: (l)....:

Paragraph (G)(2)(m) stem - "(G)...:(2) .... shall be disclosed...: (m)....:

Paragraph (G)(2)(n) stem - "(G)...:(2) .... shall be disclosed...: (n).....:

Paragraph (G)(2)(o) stem - "(G)...:(2) .... shall be disclosed...: (o).....:

Paragraph (I), third sentence - "A rescinded.... shall take effect..."

Paragraph (J) , first sentence - "An express.... shall apply to....:

Paragraph (K) - The BMV ... shall regulate...

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4501:1-12-02

**Driver's privacy protection.**

(A) As used in this rule:

- (1) "Personal information" means information contained in a motor vehicle record that identifies an individual person, including but not limited to, the person's photograph, digital image, digitalized photograph, social security number, driver or driver's license identification number, name, date of birth, telephone number, medical or disability information, or a person's address other than the county and five-digit zip code. "Personal information" does not include information pertaining to a vehicular accident, driving or traffic violation, or driver's status, or a name that is provided by the requester.
- (2) "Motor vehicle record" means a record that pertains to a driver's or commercial driver's license or permit, an identification card, a certificate of title, a motor vehicle registration, or motor vehicle identification license plates, including an enumeration of the motor vehicle accidents in which the driver has been involved, except accidents certified in division (D) of section 3937.41 of the Revised Code, and the driver's record of convictions for violation of the motor vehicle laws.
- (3) "Requester" means a person who requests release of a motor vehicle record.
- (4) "Application" means an application for a driver's or commercial driver's license or permit, an identification card, a certificate of title, or a motor vehicle registration regardless of whether it is made to the bureau of motor vehicles (BMV), a deputy registrar, or a clerk of court of common pleas, and regardless of whether it is made in person with the assistance of a clerk, by mail, or by any other permissible means.
- (5) "Applicant" means a person who submits an application.
- (6) "Express consent" means an affirmative choice on a "Record Confidentiality Waiver," form "BMV2095," (8/12) which may be obtained via the BMV's website at <http://publicsafety.ohio.gov/links/bmv2095.pdf> by an applicant or other person regarding whom the BMV has a motor vehicle record to authorize disclosure by the BMV, a deputy registrar, or a clerk of court of common pleas of his or her personal information in response to a request under section 4501.27 of the Revised Code. "Express consent" is also known as "opt-in."
- (7) "Medical and disability information express consent" means an affirmative choice on form "BMV2095" by an applicant or other person regarding whom the BMV has a motor vehicle record to authorize disclosure by the BMV, a deputy registrar, or a clerk of court of common pleas of his or her medical and disability

information in response to a motor vehicle record request under section 4501.27 of the Revised Code. "Medical and disability information express consent" is also known as "medical and disability information opt-in."

- (8) "Sensitive personal information" means an individual's photograph, digital image, digitalized photograph, social security number, or medical or disability information.
  - (9) "Deputy registrar" means a person appointed in accordance with section 4503.03 of the Revised Code.
  - (10) "BMV record account holder" means a requester who has entered into a memorandum of understanding or contract with the Ohio department of public safety, bureau of motor vehicles, for the release of information.
  - (11) "Bulk request" means a request for copies of an entire set or subset of the database of motor vehicle records maintained by the BMV.
- (B) Except as provided for by this rule, the registrar of motor vehicles, and any employee or contractor of the BMV, ~~shall will~~ not knowingly disclose or otherwise make available to any person or entity any personal information about an individual that the BMV obtained in connection with a motor vehicle record.
- (C) Pursuant to section 149.43 of the Revised Code, the BMV ~~shall may~~ disclose personal information and/or sensitive personal information if the requester is eligible under division (B)(2) or (B)(3) of section 4501.27 of the Revised Code and disclosure is not prohibited by section 4501.15, section 4507.53, or another section of the Revised Code, other state law, the "Federal Driver's Privacy Protection Act of 1994", 18 U.S.C. 2721 et seq., as amended, which may be obtained through the "U.S. Government Publishing Office" at <http://gpo.gov>, or other federal law.
- Notwithstanding any other provision in this section, sensitive personal information about an individual ~~shall may~~ not be disclosed unless the requirements of division (B) (3)(a) of section 4501.27, and division (B) of section 4501.15, and section 4507.53 of the Revised Code are met.
- (D) A requester, including a BMV record account holder with the BMV, may request release of a motor vehicle record pertaining to a specified person by either submitting a public records request or by completing an "OBMV Record Request," form "BMV1173," ~~(July, 2014)~~ (1/23), which may be obtained via the BMV's website at <http://publicsafety.ohio.gov/links/bmv1173pdf> and submitting any required documentation.

- (1) Upon the receipt of a public records request, the BMV will promptly prepare and make available for inspection a motor vehicle record to any person at all reasonable times during regular business hours, or ~~shall~~may make copies of the motor vehicle record available at cost within a reasonable period of time.
  - (a) The BMV will not provide personal information in response to a public records request for a motor vehicle record. The BMV will provide a redacted copy of the motor vehicle record.
  - (b) A requester will be charged the appropriate fees statutorily authorized in section 149.43, section 4503.26, section 4505.14, section 4506.08, or section 4509.05 of the Revised Code.
  - (c) The BMV ~~shall~~may not limit or condition the availability of a motor vehicle record by requiring the disclosure of the requester's identity or the intended use of the requested public record. The BMV may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the BMV to identify, locate, or deliver the public records sought by the requester.
- (2) Upon receipt of a request for a specific motor vehicle record submitted on form BMV1173, and accompanied by the fees statutorily authorized in section 149.43, section 4501.34, section 4503.26, section 4505.14, section 4506.08, or section 4509.05 of the Revised Code, the BMV will provide personal information to requesters authorized by law to receive such information.
  - (a) The BMV will provide un-redacted paper copies of records in a format designed to make duplication or retransmission of any personal information contained on the motor vehicle record difficult. The copies provided to the requester shall indicate the name of the requester.
  - (b) The BMV will provide electronic copies of records to requesters who have provided satisfactory assurances of security and confidentiality to the registrar.
- (E) A requester who requests his or her own personal information contained in his or her own motor vehicle record at a deputy registrar shall prove his or her identity through presentation of a driver's license, identification card, or social security number. A



request submitted by mail shall be fulfilled by mailing the motor vehicle record only to the address provided on the completed form "BMV1173." A requester who requests his or her own personal information is not eligible to receive copies of the individual's photographic images contained in the BMV databases pursuant to section 4507.53 of the Revised Code.

(F) Upon receipt of a bulk records request, the BMV will provide personal information to a BMV record account holder who is authorized by law to receive personal information, and who has completed form "BMV1173," and who has submitted any additional documentation the BMV may require.

(1) The BMV record account holder will be charged the appropriate fees statutorily authorized in section 149.43, section 4501.34, section 4503.14, section 4506.08, or section 4509.05 of the Revised Code.

(2) The BMV will provide electronic copies of uncertified records only to data account holders who have provided satisfactory assurances of security and confidentiality to the registrar, as well as satisfactory proof of authorization to receive personal information.

(3) Requests for certified records submitted by BMV record account holders shall be submitted and received in a manner as listed on the "BMV Record Account Holder - Request and Receive Records," form "BMV3349," ~~(April 2015)~~ (7/20), ~~which shall be~~ provided by the BMV upon creation of the BMV record account holder's account.

(G) Form "BMV1173" shall include the following information:

(1) The identity of the requester:

(a) If the requester is a sole proprietorship or individual, the requester shall provide a driver's license number or identification card number and submit any additional required documents listed on the "Business Identification Information," form "BMV3342," ~~(April, 2014)~~ (6/19), which ~~shall be~~ is provided by the BMV upon a request to establish a BMV record account. If the requester does not possess a driver's license or identification card, the requester shall provide proof of identity and social security number in accordance with the acceptable documents set forth in rule 4501:1-1-21 of the Administrative Code.

(b) If the requester is a corporation, the requester shall provide a tax identification number, a certified copy of the "Certificate of Good

Standing" from the office of the secretary of state or equivalent state agency in which it is incorporated, and the name of its statutory agent.

(2) If the requester claims to be eligible for the disclosure of personal information, the requester shall provide a statement indicating which of the statutory exceptions to nondisclosure of personal information applies. A requester may indicate eligibility on form "BMV1173" under only one exception. If a requester is eligible under one or more exceptions, he or she must fill out and submit an individual "BMV1173" form for each exception. Personal information ~~shall~~may be disclosed only for the following purposes:

- (a) For the use of a government agency, including, but not limited to, a court or law enforcement agency, in carrying out its functions, or for the use of a private person or entity acting on behalf of an agency of this state, another state, the United States, or a political subdivision of this state or another state in carrying out its functions;
- (b) For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;
- (c) For use in the normal course of business by a legitimate business or an agent, employee, or contractor of a legitimate business, but only for one of the following purposes:
  - (i) To verify the accuracy of personal information submitted to the business, agent, employee, or contractor by an individual;
  - (ii) If personal information submitted to the business, agent, employee, or contractor by an individual is incorrect or no longer correct, to obtain the correct information, but only for the purpose of preventing fraud, by pursuing legal remedies against, or recovering a debt, or security interest against, the individual;
- (d) For use in connection with a civil, criminal, administrative, or arbitral proceeding in a court or agency of this state, another state, the United States, or a political subdivision of this state or another state or before a self-regulatory body, including, but not limited to, use in connection with the service of process, investigation in anticipation of litigation, or the execution or enforcement of a judgment or order;

- (e) Pursuant to an order of a court of this state, another state, the United States, or a political subdivision of this state or another state;
- (f) For use in research activities or in producing statistical reports, provided the personal information is not published, re-disclosed, or used to contact an individual;
- (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;
- (h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;
- (i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of section 4501.27 of the Revised Code;
- (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, 49 U.S.C. 2701, et seq., as amended, which may be obtained through the "U.S. Government Publishing Office" at <http://www.gpo.gov>;
- (k) For use in connection with the operation of a private toll transportation facility;
- (l) For any use not otherwise identified in division (B)(2) of section 4501.27 of the Revised Code 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 form "BMV2095" giving express consent to such disclosures;
- (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 registrar form "BMV2095" giving express consent to such disclosures;
- (n) For use by a person, state, or state agency that requests the information, if the person, state, or state agency demonstrates that it has obtained the written consent of the individual to whom the information pertains;

- (o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.
- (3) Form "BMV1173" shall advise the requester that the requester must comply with the provisions of division (B) or (C) of section 4501.27 of the Revised Code when using, selling, or re-disclosing any personal information pertaining to an individual's motor vehicle record obtained from the BMV.
- (H) Except as provided in section 4501.272 of the Revised Code, the registrar, deputy registrar, or clerk at the title office of a clerk of court of common pleas shall not ask the applicant whether he or she wishes to give express consent or medical and disability express consent, but shall provide form "BMV2095" when requested by the applicant. The individual shall give his or her express consent by affirmatively marking the appropriate choice and filling out the entire form, and submitting the completed form to the registrar, deputy registrar, or clerk.

A person who completes a form "BMV2095" shall mail it, with the proper postage attached, to the address indicated on the form or shall submit it in person at an office of the BMV or of a deputy registrar or of a title office of a clerk of court of common pleas. Each deputy registrar and clerk of court of common pleas shall forward all completed form "BMV2095" to the BMV in the manner prescribed by the registrar. A mail express consent and a medical and disability express consent shall take effect only form "BMV2095" is received by the BMV at its main office and is thereafter processed.

The registrar shall prescribe form "BMV2095" which shall be completed by an individual, the individual's guardian, or an attorney who presents a signed written authorization made by the individual who wishes to give express consent to the release of his or her own personal information. A supply of form "BMV2095" shall be available at each office of the BMV, at each deputy registrar office, and at each title office of a clerk of court of common pleas. The form shall contain a statement that the individual's social security number and digital photo will not be disclosed even if express consent is given to release sensitive personal information. The language regarding giving express consent shall be in writing and shall appear on form "BMV2095" as indicated below:

- (1) The express consent language shall read substantially as follows: "The Ohio Bureau of Motor Vehicles does not release personal information to other individuals or to businesses for bulk distribution for surveys, marketing, and solicitations. However, if you wish to authorize the release of your name and address and other personal information to other persons or businesses or to a specific person or business for these purposes, you may do so. Do you wish to authorize the release of this information?"

- (2) The medical and disability express consent language shall read substantially as follows: "The Ohio Bureau of Motor Vehicles does not release personal information to other individuals, businesses, and others who request it. However, if you wish to authorize the release of your medical and disability information to others who request it or to a specific person or business, you may do so. Do you wish to authorize the release of your medical and disability information to individuals, businesses, and others who request it?"
- (I) A person wishing to rescind a mail express consent, individual express consent, or medical and disability express consent may do so at any time by requesting form "BMV2095," and withdrawing his or her express consent by affirmatively marking the appropriate choice and filling out the entire form, and submitting the complete form to the registrar, deputy registrar, or clerk. Each deputy registrar and clerk of court of common pleas shall forward all completed form "BMV2095" to the BMV in the manner prescribed by the registrar. A rescinded mail express consent, individual express consent, or medical and disability express consent ~~shall take~~takes effect only after form "BMV2095" is received by the BMV at its main office and is thereafter processed.
- (J) An express consent or medical and disability information express consent ~~shall apply~~applies to all motor vehicle records containing the person's social security number if the person includes his or her social security number on form "BMV2095." If a particular motor vehicle record of the person does not contain his or her social security number, the express consent or medical and disability express consent ~~shall apply~~applies to the record if the person includes sufficient identifying information with reference to the record on the record confidentiality waiver form.
- (K) The BMV will not give notice of nonconforming record requests as permitted by division (D) of section 4501.27 of the Revised Code, and ~~shall~~ regulate access to personal information as is required by section 1347.15 of the Revised Code and as defined in Chapter 4501-55 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 4/12/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4501.02, 4501.27  
Rule Amplifies: 149.43, 4501.15, 4501.27, 4507.53  
Prior Effective Dates: 09/13/1997, 09/29/1999, 07/15/2000, 03/27/2005,  
05/13/2010, 07/30/2015

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501:1-12-03

**Rule Type:** Amendment

**Rule Title/Tagline:** Peace officer, correctional employee, and youth services employee residence address.

**Agency Name:** Department of Public Safety

**Division:** Bureau of Motor Vehicles

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 4/12/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4501.271
5. What statute(s) does the rule implement or amplify? 4501.27, 4501.271
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The ruled deals with peace officer, correctional employee, and youth services employee residence address. The rule has been amended to update materials incorporated by reference.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates the OBMV Record Request (BMV1173) and the Record Confidentiality Request (BMV2610) agency forms. To comply with sections 121.71 to 121.74 of the Revised Code, this rule addresses the version/date of the materials, as well as where each may be accessed, at the first mention of each incorporated reference. Both forms are also being filed with this rule.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**



16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 1

Paragraph (G) - "An opt-out shall take effect..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4501:1-12-03

**Peace officer, correctional employee, and youth services employee residence address.**

(A) As used in this rule:

- (1) "Motor vehicle record" means a record that pertains to a driver's or commercial driver's license or permit, an identification card, a motor vehicle certificate of title, a motor vehicle registration, or motor vehicle identification plates.
- (2) "Requestor" means a person who requests release of a motor vehicle record in accordance with rule 4501:1-12-02 of the Administrative Code.
- (3) "Application" means an application for a driver's or commercial driver's license or permit, motor vehicle certificate of title, or a motor vehicle registration made in person to a deputy registrar or a clerk of court of common pleas.
- (4) "Applicant" means a peace officer, correctional employee, or youth services employee as defined in section 4501.271 of the Revised Code who submits an application.
- (5) "Opt-out" means an affirmative choice by an applicant on a "Record Confidentiality Request," form "BMV 2610" (~~May, 2015~~)(9/18) or a "OBMV Record Request," form "BMV 1173" (~~July, 2014~~)(1/23). Supply of such forms shall be available at each deputy registrar office or on-line at the bureau's website at [http://www.bmv.ohio.gov/bmv\\_forms.stm](http://www.bmv.ohio.gov/bmv_forms.stm).

(B) A requestor may request release of a motor vehicle record by completing a BMV 1173 and submitting any required documentation.

(C) The bureau will not provide the residence address of an applicant, who has exercised an opt-out, to any requestor except to a requestor defined in division (B)(1), (B)(2)(e), or (B)(2)(n) of section 4501.27 of the Revised Code and to requestors making a request pursuant to paragraph (D) of this rule.

Pursuant to section 149.43 of the Revised Code, the bureau shall disclose an applicant's residence address to a requestor defined in division (B)(1), (B)(2)(e), or (B)(2)(n) of section 4501.27 of the Revised Code, and when disclosure is not prohibited by application of state or federal law.

(D) A requestor, who is a peace officer, correctional employee, or youth services employee, and requests in person, his or her residence address contained in his or her own motor vehicle record, shall in order to be eligible for disclosure, prove his or her identity through presentation of his or her driver's license or identification card. Compliance with such a request by mail shall be accomplished by mailing back

the motor vehicle record only to the requestor's last known residence address as determined in accordance with rule 4501:1-10-01 of the Administrative Code.

- (E) An applicant who completes a BMV 2610 shall submit it in person at a deputy registrar office and present for inspection his or her peace officer, correctional employee, or youth services employee identification card with photograph.
- (F) Each deputy registrar shall forward all completed BMV 2610s to the bureau by U.S. mail.
- (G) An opt-out ~~shall take~~takes effect only after the BMV 2610 is received by the bureau at its main office and is thereafter processed. An opt-out expires on the expiration date of the applicant's driver's license, identification card, or commercial driver's license. Upon each renewal of the applicant's driver's license, identification card, or commercial driver's license, a new BMV 2610 must be completed and submitted in accordance with paragraph (E) of this rule.
- (H) The clerk taking an application from an applicant applying on his or her own behalf for a driver's license or permit or motor vehicle registration shall not ask the applicant orally whether he or she wishes to exercise an opt-out. Once an applicant has exercised an opt-out and the opt-out has expired, the clerk taking a later application shall ascertain continued eligibility. If any applicant indicates to any clerk who takes an application that he or she wishes to exercise an opt-out, the clerk shall give the applicant a BMV 2610. An applicant who fails or refuses to affirmatively mark the form shall be deemed not to have exercised an opt-out.
- (I) An applicant wishing to rescind an opt-out may do so at any time by requesting and completing a BMV 2610.
- (J) The applicant shall include his or her social security number on the BMV 2610, and the opt-out shall apply to the driver's license and all motor vehicle records containing the applicant's social security number as indicated clearly on the form.
- (K) Neither the bureau, nor any deputy registrar, nor any clerk of court of common pleas, nor any contractor with the bureau, nor any on-line motor vehicle record access provider, nor any employee of any of them, shall knowingly disclose any applicant's residence address contained in a motor vehicle record if the applicant has exercised an opt-out in accordance with this rule.
- (L) An applicant, at the time of an application, may request that his or her Ohio business address be displayed on his or her driver's license or certificates of registration, or both. The applicant shall complete a BMV 2610, and shall present for inspection, his

or her peace officer, correctional employee, or youth services employee identification card with photograph.

Upon properly completing and submitting the BMV 2610, the bureau shall issue a physical driver's license or identification card that displays the business address, but the bureau shall retain the residence address in its database.

- (M) Eligibility to have the business address displayed on a driver's license expires with the license. Eligibility to have the business address displayed on certificates of registration expires on the expiration date of the applicant's driver's license, identification card, or commercial driver's license.
- (N) The clerk taking an application from an applicant applying on his or her own behalf for a driver's license or permit or motor vehicle registration shall not be required to ask the applicant orally whether he or she wishes to request the use of his or her business address. Once an applicant has received a driver's license or certificate of registration with the business address displayed, the clerk taking a later application shall ascertain continued eligibility for display of the business address with the applicant by asking the applicant to complete the BMV 2610, and present for inspection, his or her peace officer, correctional employee, or youth services employee identification card with photograph.
- (O) If any applicant indicates to any clerk who takes an application that he or she wishes to request use of the business address, the clerk shall give the applicant a BMV 2610.

Effective:

Five Year Review (FYR) Dates: 4/12/2024

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Certification

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Date

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