

HB 166 PASSED 7/18/2019

Contacting persons after accident or crime

(R.C. 1349.05)

The act prohibits (1) certain health care practitioners, with the intent to obtain professional employment, or (2) persons who have been paid or given, or were offered to be paid or given, money or anything of value to solicit employment on behalf of another (hereafter “specified person”), from directly contacting in person, by telephone, or by electronic means any party to a motor vehicle accident, any victim of a crime, or any witness to a motor vehicle accident or crime until 30 days after the accident or crime. Any communication to solicit employment must be sent via the U.S. Postal Service.

If the Attorney General believes that a health care practitioner or specified person has violated this prohibition, the Attorney General must issue a notice and conduct a hearing in accordance with R.C. Chapter 119. If, after the hearing, the Attorney General determines that a violation occurred, the Attorney General must impose a fine of \$5,000 for each violation. If the Attorney General determines that a health care practitioner or specified person has committed a subsequent violation, the Attorney General must impose a fine of \$25,000 for each violation.

After determining that a health care practitioner or specified person has committed a violation on three separate occasions, and if that health care practitioner or specified person holds a license, the Attorney General must notify the licensing agency in writing. After receiving that notice, the agency must suspend the health care practitioner’s or specified person’s license without a prior hearing and must afford the health care practitioner or specified person a hearing on request in accordance with R.C. 119.06.

Certain telephone numbers not a public record

(R.C. 149.43(A)(1)(mm))

The act provides that telephone numbers for a victim (as defined in the Victim’s Rights Law), a witness to a crime, or a party to a motor vehicle accident that are listed on any law enforcement record or report are not public records.

Harmonization of R.C. 149.45 confirmed

(Section 815.30)

If a section of law is amended by two or more acts, and if the two or more acts do not reflect each other, R.C. 1.52(B) specifies that the amendments are to be harmonized into a composite text, if possible, so that effect may be given to all the amendments.¹³⁷ In late 2018, the 132nd General Assembly amended R.C. 149.45 (redaction of information) in three acts, H.B. 341, S.B. 214, and S.B. 229. The act presents the section without amendment to confirm that these three sets of amendments to the section have been harmonized under R.C. 1.52(B).

The H.B. 341 amendments to R.C. 149.45 were made together with, and in relation to, amendments simultaneously made to R.C. 149.43 (public records). (R.C. 149.43 appears elsewhere in the act.) Confirming the harmonization of R.C. 149.45 in the act helps to clarify this relationship.

Certain telephone numbers not a public record

- Provides that telephone numbers for a victim, a witness to a crime, or a party to a motor vehicle accident are not public records.

Harmonization confirmed

- Confirms the harmonization of R.C. 149.45 to clarify its relationship to R.C. 149.43.