



H.B. 500

124th General Assembly
(As Introduced)

Reps. Manning, Carmichael, Fessler, DeWine, Seitz, Setzer, Carano, Reinhard, Schaffer, Perry, Allen, Roman, Damschroder, Hartnett, Williams, Webster, Lendrum, Schmidt, Schneider, Flowers, Metzger, Brinkman

BILL SUMMARY

- Requires state and county offices to send a notice (in a prescribed format) to property owners that permits them to opt out of publication, before the offices publish photographs of the owners' homes or businesses on the Internet.

CONTENT AND OPERATION

The bill requires any state or county office that intends to publish a photograph of a home or business on the Internet to send to the owners of the affected property a notice of that intent, in a prescribed format, by regular mail before publishing the photograph.¹ Included in the notice must be a form that the property owners can sign and return to opt out of that and any future publication of a photograph of their home or business on the Internet, by the particular state or county office. Each state or county office must allow "a reasonable amount of

¹ *The terms "state office" and "county office" in the bill are undefined and, as such, could be subject to different interpretations. For example, a "state office" could mean any state agency or elected office in the organizational sense, or it could mean any office in the sense of a particular place, address, or location that is associated with the state government. Likewise, ordinarily, one associates the term "county office" with the elected county offices, but that interpretation would preclude the provisions of the bill from affecting county boards, commissions, and other agencies. But, if one interprets a county "office" to refer to a particular place, address, or location, it is possible to interpret the bill to apply to places, addresses, or locations used by county boards, commissions, or other agencies. These terms, then, may need to be more specifically defined in the bill to provide clarity as to which state and county entities are subject to its requirements.*

time" (defined in the bill as not less than 30 days) after the mailing of the notice for the property owners to return the opt out of publication form, before the office publishes the photograph on the Internet. (Sec. 9.09(A), (B), and (D)(2).)

The bill requires the state or county office's notice, and the opt out of publication form it includes, to be in a specified format. That notice will state the specific purpose for which the office intends to publish the photograph of the home or business and include the actual time period within which the opt out of publication form must be returned to be effective. While the notice states a particular purpose, the opt out of publication form, when returned timely to an office, is an "opt out" for all purposes for which that office may wish to then and in the future publish a photograph of the home or business on the Internet. (Sec. 9.09(A) and (C).)

The bill permits an "authorized representative" of property owners to sign and return the opt out of publication form on behalf of the owners. The bill does not specify, however, who an "authorized representative" is (e.g., an attorney, corporate officer, realtor, etc.) or how a state or county office would know that a particular person who signs and returns an opt out of publication form is an "authorized representative." (Sec. 9.09(A), (B), and (C).)

HISTORY

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