

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 414

**Representatives Click, Hall
Cosponsors: Representatives Bird, Jordan**

A BILL

To enact section 1349.63 of the Revised Code to 1
enact the Not On My Walk Act. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1349.63 of the Revised Code be 3
enacted to read as follows: 4

Sec. 1349.63. (A) As used in this section: 5

(1) "Ancillary consumer device" means a consumer 6
electronic device that has the capability of sending or 7
receiving data over the internet through an attached consumer 8
device. 9

(2) "Attached consumer device" means a device marketed and 10
sold to consumers that meets both of the following criteria: 11

(a) It has the capability to send or receive data over the 12
internet. 13

(b) It has the ability to permit ancillary devices to 14
connect to the internet through it. 15

"Attached consumer device" includes the following devices 16

capable of creating a mesh network: routers, modems, smart 17
speakers, smart doorbells, internet-capable security cameras, 18
and any other device capable of creating a mesh network. 19

(B)(1) A person that is in the business of selling 20
attached consumer devices to consumers shall not sell an 21
attached consumer device to a consumer in this state unless all 22
of the following conditions are met: 23

(a) The default settings for the attached consumer device 24
prevent ancillary consumer devices from connecting to the 25
internet through the attached consumer device. 26

(b) The attached consumer device only allows ancillary 27
consumer devices to connect to the internet through the attached 28
consumer device by the consumer actively changing the attached 29
consumer device's default settings. 30

(c) The attached consumer device does not require a 31
consumer to allow the connections described in division (B)(1) 32
of this section to make full use of the attached consumer 33
device. 34

(2) Selling an attached consumer device that activates the 35
connections described in division (B)(1) of this section via a 36
consumer's agreement to the seller's, manufacturer's, or other 37
party's terms of service, with no other intentional act on the 38
part of the consumer, does not constitute compliance with 39
division (B)(1) of this section. 40

(C)(1) A person that has the ability to remotely update 41
the software installed on an attached consumer device shall not 42
update the software to allow ancillary consumer devices to 43
connect to the internet through the attached consumer device 44
unless the capability to allow such connections can only be 45

activated by the consumer actively changing the attached 46
consumer device's default settings. 47

(2) Updating an attached consumer device and allowing the 48
connections described in division (C)(1) of this section via a 49
consumer's agreement to the device's terms of service, with no 50
other intentional act on the part of the consumer, does not 51
constitute compliance with division (C)(1) of this section. 52

(D)(1) A person that has the ability to remotely update 53
the software installed on an attached consumer device and that 54
has, as of the effective date of this section, remotely 55
activated the ability of the attached consumer device to allow 56
ancillary consumer devices to connect to the internet through 57
the attached consumer device, shall update the software to do 58
both of the following as soon as is practicable: 59

(a) Disable such connections by default; 60

(b) Only allow ancillary consumer devices to connect to 61
the internet through the attached consumer device by the 62
consumer actively changing the attached consumer device's 63
default settings. 64

(2) Updating an attached consumer device and allowing the 65
connections described in division (D)(1) of this section via a 66
consumer's agreement to the device's terms of service, with no 67
other intentional act on the part of the consumer, does not 68
constitute compliance with division (D)(1) of this section. 69

(E) A violation of this section is an unfair or deceptive 70
act or practice in violation of section 1345.02 of the Revised 71
Code. A person injured by a violation of this section has a 72
cause of action and is entitled to the same relief available to 73
a consumer under section 1345.09 of the Revised Code. All powers 74

<u>and remedies available to the attorney general to enforce</u>	75
<u>sections 1345.01 to 1345.13 of the Revised Code are available to</u>	76
<u>the attorney general to enforce this section.</u>	77
Section 2. This act shall be known as the "Not On My Walk	78
Act."	79