



- Administration
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REPEAL OF THE DMA LAW

Background Information

The Declaration of Material Assistance/Nonassistance (DMA) form is a questionnaire that must be completed by certain licensees, government contractors, and candidates for public employment, certifying that they have not provided “material assistance” to a terrorist organization. Failure to properly complete the DMA form automatically results in denial/revocation of the license, contract, or job opportunity. The DMA form, and the laws pertaining to it (R.C. 2909.32 - 2909.34, and portions of 2909.21 and 2909.28), were enacted through S.B. 9 (126th G.A.).

Despite its intended purpose, the DMA form has not uncovered any terrorists or resulted in any arrests. Instead, it has resulted in state and local agencies having to spend countless hours, and thousands of dollars, processing the forms and answering questions from the public. In addition, potential vendors and licensees have had difficulties completing the DMA form, resulting in a loss of government business/funding or licensure.

In an effort to reduce obstacles and eliminate ineffective regulations that make it difficult for businesses to operate in Ohio, the Ohio Department of Public Safety (ODPS) recently sought to repeal the DMA laws. The proposed repeal of these laws was included in H.B. 487 (129th G.A.), which was signed by Governor Kasich on June 11, 2012. The repeal of the DMA laws will take effect on **September 10, 2012**.

Repeal of the DMA Law

On September 10, 2012, the DMA laws will no longer exist; therefore, the DMA *forms* should not be distributed to anyone on or after that date. No later than September 10, 2012, the following should occur:

1. **Licensees or Applicants for Licensure** currently required to complete a DMA form must be relieved of this requirement.
 - Agencies should work with their appropriate sections (e.g., IT, Purchasing) to determine how long it will take to remove the DMA form from the application packets.
 - Agencies will be responsible for notifying their affected licensees that the DMA form requirement will be ending.
 - At the time of mailing an application, or making one available online, agencies must consider when such application is due. If the due date falls on or after September 10, 2012, the agency must determine whether to require the DMA form for that application. Agencies must ensure that an applicant will be afforded proper due process (e.g., enough

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time to appeal a denial before the DMA law is repealed) if he/she improperly completes the DMA form. If an agency denies an applicant for failing to properly complete the DMA form, it must provide the applicant with notice of his/her right to request a review (i.e., appeal) with the Department of Public Safety.

- Agencies should work with their IT sections to ensure that any links to the DMA form are updated to reflect that the DMA law will be repealed.
- Agencies should contact their Communications sections to make them aware of the change in the law.

2. **Applicants for Public Employment** must be relieved from the requirement of completing a DMA form.

- Agencies should work with their Human Resources sections to ensure that the DMA form is removed from new hire packets.
- Agencies should work with their IT sections to ensure that any links to the DMA form are updated to reflect that the DMA law will be repealed.
- Agencies should contact their Communications sections to make them aware of the change in the law.

3. **Government Contractors** (i.e., individuals and/or companies seeking to do business with, or receive funding from, a governmental entity) must be relieved from the requirement to complete a DMA form.

- Agencies should work with their Purchasing and/or Contracts sections to determine how long it will take to begin deleting DMA references from all contracts, RFPs, RFQs, and other procurement documents.
- At the time of making a contract or grant available, agencies must consider when such contract or grant is awarded. If the award date falls on or after September 10, 2012, the agency must determine whether to require the DMA form on that contract and/or grant. Agencies must ensure that a potential vendor will be afforded proper due process (e.g., enough time to appeal a denial before the DMA law is repealed) if the vendor improperly completes the DMA form. If an agency denies a potential vendor a contract and/or grant for failing to properly complete the DMA form, it must provide the vendor with notice of his/her right to request a review (i.e., appeal) with the Department of Public Safety.
- Agencies should work with their IT sections to ensure that any links to the DMA form are updated to reflect that the DMA law will be repealed.
- Agencies should contact their Communications sections to make them aware of the change in the law.

4. **Office of Budget and Management (OBM)** As the agency responsible for operation of DMA pre-certification on the Ohio Business Gateway, OBM will remove those pages – including the DMA pre-certification search function – from the Gateway site on September 10, 2012, when the DMA is no longer required. However, OBM will retain an archive of past registration records for an appropriate period in accordance with its records-retention policy. OBM will communicate notice of this transition, with additional details, in advance of the September 10 effective date.