



Sub. H.B. 46

124th General Assembly
(As Passed by the General Assembly)

Reps. Goodman, Peterson, Trakas, Hollister, Allen, Damschroder, Collier, Jones, DePiero, Buehrer, Jolivette, Flowers, Seitz, Webster, Carmichael, Grendell, Redfern, Seaver, Setzer, Boccieri, Calvert, Britton, Strahorn, Young, Manning, Schneider, Perry, Sferra, Oakar, Lendrum, Evans, Wolpert, Distel, Barnes, Schmidt, Cirelli, Hartnett, Rhine, G. Smith, Hoops, Barrett, Niehaus, Key, Wilson, Salerno

Sens. Goodman, Blessing, Robert Gardner, Harris, Nein, Spada, White

Effective date: *

ACT SUMMARY

- Provides that any person under 26 years of age who is required to register with the Selective Service System, upon submission of an application for issuance or renewal of a driver's license, is deemed to have given consent for the Bureau of Motor Vehicles (BMV) to forward to the Selective Service System the necessary information for such registration.
- Requires the BMV, upon receipt of an application from such a person, to forward to the Selective Service System the personal information necessary for registration.
- Prohibits the display of a social security number on temporary instruction permits, driver's licenses, commercial driver's licenses, and state identification cards unless the licensee or cardholder specifically requests that the number be displayed; also recognizes that federal law will override the prohibition if the number is required by federal law to be displayed.

** The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

CONTENT AND OPERATION

Selective Service registration

Under the act, any person under 26 years of age who is required to register with the Selective Service System in accordance with the Military Selective Service Act of 1967 (see **COMMENT 1**), upon submission of an application for issuance or renewal of a license, is deemed to have given consent for the Bureau of Motor Vehicles (BMV) to forward to the Selective Service System the necessary information for such registration (sec. 4507.062(B)). As used in the act, "license" includes a driver's license, commercial driver's license, temporary instruction permit, or identification card (sec. 4507.062(A)). Upon receipt of an application from any person under 26 years of age who is required to register with the Selective Service System, the BMV is required to forward to the System in an electronic format the personal information necessary for such registration. (Sec. 4507.062(C).)

The act requires every application for a license to state that submission of the application will serve as the applicant's consent to registration with the Selective Service System, if so required by federal law (sec. 4507.062(D)). The act permits the BMV to accept money from the Selective Service System to pay any costs that the BMV incurs in implementing the act (sec. 4507.062(E)). The act's provisions are to take effect six months after its effective date (Section 3).

Social security numbers--no automatic display on driver's licenses, permits, and identification cards

Under prior law, every driver's license, commercial driver's license, temporary instruction permit, or identification card issued by the Registrar or any deputy registrar was required to display the social security number (if one had been assigned) of the person to whom it was issued unless that person specifically requested that the number not be displayed. However, prior law specified that if federal law required the social security number to be displayed, it had to be displayed notwithstanding a request to not display it.

The act inverts the operation of existing law; it prohibits the display of a social security number on a driver's license, commercial driver's license, temporary instruction permit, or identification card unless the person specifically *requests that the number be displayed*. (See **COMMENT 2**.) As under current law, if federal law requires that the social security number be displayed, the number must be displayed notwithstanding the prohibition established by the act (see **COMMENT 3**). (Secs. 4501.31, 4506.11(A)(5), 4507.13(A), and 4507.52.)

COMMENT

1. Current federal law generally requires every male United States citizen, and every other male residing in the United States, who is between the ages of 18 and 26 to register with the Selective Service System. 50 U.S.C. App. § 453.

2. The Bureau of Motor Vehicles by rule, requires an applicant for a driver's license, CDL, identification card, or duplicate of any of these items to prove date of birth and social security number. The Bureau of Motor Vehicles has established a list of acceptable primary and secondary identification documents (Ohio Administrative Code section 4501:1-1-21). Generally, a person's driver's license serves as the person's primary identification document and contains both the person's date of birth and social security number.

If the driver's license does not contain the person's social security number because the person, under prior law, had requested that the number not be displayed, the person had to present an acceptable form of identification containing the social security number. Typically, this acceptable form of identification was the person's official social security card although it could be other specified official government documents or records provided that the documents or records were certified and contained the person's social security number. These procedures apparently will continue to apply to a driver's license issued in accordance with the act although the Bureau has indicated that the procedures may change in the future as the Bureau completes a social security number information verification process (see, http://www.state.oh.us/odps/division/bmv/SSN_Info.html).

3. The Commercial Motor Vehicle Safety Act of 1986 requires the Secretary of Transportation to establish minimum uniform standards for the issuance of commercial drivers' licenses (CDLs) by the states and for information to be contained on the licenses. At a minimum, the standards must require that each CDL contain the social security number or such other number or information as the Secretary determines appropriate to identify the license holder (49 U.S.C.A. § 31308). According to the Registrar of Motor Vehicles, the Secretary has not established a number other than the social security number to be contained on a CDL. Thus federal law apparently overrides any request under prior law that a person's social security number not be displayed on a CDL. It appears that federal law also may override the prohibition contained in the act against the display of social security numbers on a CDL.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 101
Reported, H. Transportation & Public Safety	03-13-01	pp. 224-225
Passed House (95-3)	05-29-01	pp. 480-481
Reported, S. Highways & Transportation	10-16-01	pp. 968-969
Passed Senate (33-0)	10-16-01	p. 973
Concurrence (97-2)	10-17-01	pp. 932-933

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