



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 114

130th General Assembly
(As Introduced)

Reps. Lynch, Becker, Hayes, Maag, Retherford, Wachtmann

BILL SUMMARY

- Specifies the persons who are not United States citizens but who are eligible to be issued an Ohio driver's license or motorcycle operator's license or endorsement.

CONTENT AND OPERATION

Noncitizen eligibility for driver's licenses

The bill provides that a person who is not a United States citizen is eligible to be issued an Ohio driver's license or motorcycle operator's license or endorsement only if the person presents, along with the application, documents sufficient to establish one of the following:

- (1) The person is an alien lawfully admitted for permanent or temporary residence in the United States;
- (2) The person has conditional permanent resident status in the United States;
- (3) The person has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (4) The person has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (5) The person has a pending application for asylum in the United States;
- (6) The person has a pending or approved application for temporary protected status in the United States; or

(7) The person has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.¹

Under current law, a person must be either a resident or temporary resident of this state in order to be issued a driver's license (including a temporary instruction permit and a motorcycle operator's license or endorsement).² An Ohio resident who is a United States citizen or is not a United States citizen but has been granted permanent resident status by the United States Citizen and Immigration Services (USCIS) may be issued a driver's license. (A person who is not a United States citizen but has been granted permanent resident status is issued a form I-551 by the USCIS, commonly known as a "green card.")

A person who is not a U.S. citizen and has not been granted permanent resident status but is legally present in the United States cannot be issued a driver's license but can be issued a nonrenewable driver's license upon application and presentation of documentation verifying the person's legal presence in the United States.³ This type of license cannot be renewed but can be replaced upon expiration if the holder again presents documentation verifying the holder's legal presence in the United States.⁴ A person who is not a U.S. citizen, has not been granted permanent resident status, and cannot provide documentation verifying the person's legal presence in the United States generally cannot be issued any type of Ohio driver's license or permit. However, the Bureau of Motor Vehicles has recently stated that persons who are not present in the United States legally but who arrived prior to attaining 16 years of age and meet certain other criteria and whose removal from the United States has been deferred under the Deferred Action for Childhood Arrivals (DACA) program of the United States Department of Homeland Security are eligible to receive a nonrenewable driver's license. Persons whose removal from the United States has been deferred under the DACA program are not included in the bill.

HISTORY

ACTION

DATE

Introduced

04-02-13

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¹ R.C. 4507.06(B)(1) to (7).

² R.C. 4507.08(D)(7), not in the bill.

³ R.C. 4507.09(E), not in the bill, and Ohio Administrative Code 4501:1-1-21(A) and (C)(4).

⁴ R.C. 4507.09(E).

