# Ohio Legislative Service Commission

## Bill Analysis

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# H.B. 346

130th General Assembly
(As Introduced)

**Reps.** Damschroder, Foley, Wachtmann, Brenner, Ruhl, Terhar, Hackett, Grossman, Smith, DeVitis, Barborak, Milkovich, Retherford, Rogers, Becker, Thompson, Celebrezze

## BILL SUMMARY

- Requires the Director of Public Safety to enter into an agreement with the United States Department of Homeland Security or other designated federal agency in order to obtain approval to issue enhanced driver's licenses, enhanced commercial driver's licenses, and enhanced identification cards.
- Authorizes the Registrar of Motor Vehicles to issue enhanced licenses and identification cards, all of which facilitate land and sea border crossings between the United States and Canada and Mexico.
- Requires an applicant for an enhanced license or identification card to comply with specified application requirements, including paying an additional $25 fee for the enhanced license or card.

## CONTENT AND OPERATION

### Background

Enhanced driver's licenses, which are issued by states, provide proof of identity and U.S. citizenship. They are issued in a secure process and include technology that makes travel easier. While they function as a driver's license, they also provide holders who travel with an alternative to a passport for purposes of entering the United States from Canada, Mexico, or the Caribbean through a land or sea port of entry. Currently, the states of Michigan, New York, Vermont, and Washington issue enhanced driver's licenses.

An enhanced driver's license makes it easier for a U.S. citizen to cross the border into the United States because it includes (1) a vicinity radio frequency identification

(RFID) chip that enables the person's biographic and biometric data to be brought up for inspection by a United States Customs and Border Protection officer as the person approaches a border inspection booth, and (2) a machine readable zone or barcode that the officer can read electronically if equipment to utilize the RFID chip is not available.

According to information published by the United States Department of Homeland Security, the top 39 land ports of entry, which process more than 95% of land border crossings, are equipped with RFID technology in order to facilitate travel by a person who presents an enhanced driver's license or other RFID-enabled document.[1]

## Enhanced driver's licenses and identification cards

Under the bill, an "enhanced driver's license" means a driver's license issued in accordance with the bill that denotes citizenship and identity and is approved by the United States Secretary of Homeland Security for purposes of entering the United States and that contains technology and security features approved by the Secretary.[2] "Enhanced commercial driver's license" means a commercial driver's license (CDL) issued in accordance with the bill that has these same characteristics,[3] and "enhanced identification card" means an identification card issued in accordance with the bill that also has these same characteristics.[4]

Under the bill, except as may otherwise be provided in the Revised Code, "driver's license" includes an enhanced driver's license,[5] "commercial driver's license" includes an enhanced CDL,[6] and "identification card" includes an enhanced identification card.[7]

### Memorandum of understanding and adoption of rules

The bill requires the Director of Public Safety to enter into a memorandum of understanding with the United States Department of Homeland Security (DHS) or other designated federal agency for the purpose of obtaining approval to issue an enhanced

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[1] The source of this background information is the following Internet page of the U.S. Department of Homeland Security: "http://www.dhs.gov/enhanced-drivers-licenses-what-are-they."

[2] R.C. 4507.01(A).

[3] R.C. 4506.01(Q).

[4] R.C. 4507.01(A).

[5] R.C. 4507.01(A).

[6] R.C. 4506.01(B).

[7] R.C. 4507.01(A).

driver's license, enhanced CDL, and enhanced identification card. These documents would be acceptable as proof of identity and citizenship for Ohio residents entering the United States at authorized land and sea ports. In conjunction with the United States DHS or other designated federal agency, the Director may enter into an agreement with Mexico, Canada, or a Canadian province for the purpose of implementing a border-crossing initiative.[8]

Pursuant to the memorandum of understanding, the Registrar of Motor Vehicles, subject to approval of the Director, is required to adopt rules in accordance with the Administrative Procedure Act governing the issuance of an enhanced driver's license, enhanced CDL, and enhanced identification card. The rules must establish (1) acceptable proof of identity and citizenship for issuance of an enhanced license or identification card, and (2) reasonable security measures to prevent counterfeiting and to protect against unauthorized disclosure of personal information that is contained in an enhanced license or identification card.[9]

The rules may require (1) a one-to-many biometric matching system for identification purposes, and (2) use of radio frequency identification technology or other secure technology acceptable to the United States DHS that is encrypted or otherwise secure from unauthorized data access. The rules also may establish additional characteristics for an enhanced license or identification card. The Registrar may adopt any other rules necessary to implement issuance of an enhanced driver's license, enhanced CDL, and enhanced identification card.[10]

Every enhanced driver's license, enhanced CDL, and enhanced identification card must have any additional characteristics that it may be required to have by rule.[11]

### Issuance of enhanced licenses and identification cards

The bill provides that pursuant to the memorandum of understanding agreement between the Director of Public Safety and the United States DHS or other designated federal agency, and in accordance with the applicable rules adopted by the Registrar, the Registrar or a deputy registrar is required to issue an enhanced driver's license, enhanced commercial driver's license, or enhanced identification card, as the case may be, to an eligible applicant for such a license or card who does all of the following:

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[8] R.C. 4507.021(A)(1) and (2).

[9] R.C. 4507.021(B).

[10] R.C. 4507.021(B).

[11] R.C. 4506.11(B), 4507.13(A), and 4507.52(A).

(1) Provides satisfactory proof of the applicant's identity and citizenship;

(2) Submits a biometric identifier as required by rule;

(3) Signs a declaration on a form prescribed by the registrar acknowledging the use of the one-to-many biometric match and radio frequency identification or other security features of the license;

(4) Pays a fee of $25, in addition to the other fees current law prescribes for issuance of a driver's license, CDL, or identification card; and

(5) Complies with all other conditions, qualifications, and requirements for issuance of a driver's license.[12]

### Status and use of enhanced licenses and identification cards

All provisions in the Revised Code relating to a drivers' license, a CDL, or an identification card include and apply to an enhanced driver's license, enhanced CDL, and enhanced identification card, respectively. An enhanced driver's license, enhanced CDL, or enhanced identification card may be used in the same manner as a driver's license, CDL, or identification card, respectively, and additionally is approved by the United States Secretary of Homeland Security for purposes of entering the United States at authorized land and sea ports.[13]

## HISTORY

| ACTION | DATE |
|---|---|
| Introduced | 11-12-13 |

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[12] R.C. 4506.072(A)(1) to (5), 4507.061(A)(1) to (5), and 4507.511(A)(1) to (5).

[13] R.C. 4506.072(B), 4507.061(B), and 4507.511(B).