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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 646  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. J. Miller

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### SUMMARY

- Requires the Registrar of Motor Vehicles to establish a program that provides for the use of a digital ID by Ohio residents.
- Allows a person to use a digital driver's license or digital identification card (digital ID) with a cell phone, tablet, or other wireless device to prove the person's identity in lieu of a physical ID card.
- Specifies various requirements for the digital ID program, including establishing a mechanism by which the Registrar receives data and images, including an image taken by a licensee or cardholder of themselves (selfie) to verify identity and to ensure the validity of the license or ID card.
- Prohibits a person who is viewing a digital ID for identification purposes from viewing any content other than the digital ID on the wireless device.
- Specifies that a person who provides a digital ID to a requestor generally assumes the risk of any resulting damage to the person's wireless device.
- Exempts any regulatory restrictions contained in rules adopted under the bill from continuing law regulatory restriction reduction requirements.

### DETAILED ANALYSIS

#### Digital driver's licenses and state-issued identification cards

The bill allows a person to obtain a digital driver's license or digital state-issued identification card (digital ID), which must be displayed through a mobile application (app) on the person's electronic wireless communications device (i.e., cell phone, tablet, etc.). The Registrar of Motor Vehicles must develop the digital ID program. Once legally obtained, a person may use

a digital ID in lieu of a physical ID card any time the person is requested to provide proof of identity or age, including when requested by a state official or peace officer or when voting.<sup>1</sup>

To qualify for a digital ID, a person must continue to maintain a valid physical ID card. This requirement ensures that the digital ID program will not conflict with the requirements of the federal REAL ID Act.<sup>2</sup> (Other states have already implemented a digital ID program.)<sup>3</sup> Further, in order to accept a digital ID, the requestor of the ID must have the means and authorization to accept and validate it.<sup>4</sup>

### **Registrar's digital ID program**

For purposes of the digital ID program, the Registrar must establish all of the following:

1. A mechanism by which the Registrar receives data and images, including an image taken by a licensee or cardholder of themselves (selfie),<sup>5</sup> from either the mobile app creator or the licensee or cardholder to verify their identity and to ensure the validity of the license or ID card;
2. A verification process to determine that any submitted data, images, or selfie reasonably matches the data and digitalized photographic records of the Department of Public Safety for that licensee or cardholder;
3. Mechanisms to ensure that any information transmitted by the Bureau of Motor Vehicles (BMV) to either the mobile app or the digital ID is encrypted and protected in accordance with reasonable security standards broadly available and cannot be intercepted while being transmitted from the BMV;
4. Procedures that apply when a licensee or cardholder's driver's license or ID card is expired, suspended, or revoked; and
5. Any other procedure or requirement that the Registrar determines is necessary to implement and administer the program and ensure the general privacy, security, and safety of the data and images exchanged through the program.

In addition, the Registrar must provide any identification verification services required by the entity that developed a digital ID mobile app. (If a digital ID is issued by another state, that state must provide the verification services.)<sup>6</sup>

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<sup>1</sup> R.C. 4507.60 through 4507.62 and R.C. 3501.01(AA)(1).

<sup>2</sup> R.C. 4507.61(A).

<sup>3</sup> For example, see [Arizona Department of Transportation Mobile ID](#).

<sup>4</sup> R.C. 4507.62(A).

<sup>5</sup> R.C. 4507.60(A)(7).

<sup>6</sup> R.C. 4507.61 and 4507.62(A).

## Viewable information and assumption of risk

When a person uses a digital ID on a wireless device to present proof of identity, only the ID can be viewed by the requestor. A requestor is prohibited from viewing any other content on the device. Further, when a person provides a wireless device to a requestor, the person assumes the risk of any resulting damage to the device unless the requestor purposely, knowingly, or recklessly commits an action that results in damage to the device.<sup>7</sup>

## Regulatory restriction reduction requirement exemption

The bill exempts rules adopted by the Registrar of Motor Vehicles governing issuance of digital IDs from continuing law requirements concerning reductions in regulatory restrictions. Currently, the Registrar of Motor Vehicles must take actions to reduce regulatory restrictions, including, by June 30, 2025, reducing the amount of regulatory restrictions contained in an inventory created in 2019 in accordance with a statutory schedule. A “regulatory restriction” is any part of an administrative rule that requires or prohibits an action.

Without that exemption, the Registrar of Motor Vehicles must do all of the following with respect to any regulatory restrictions contained in rules adopted under the bill:

- Until June 30, 2025, and for so long as the Registrar of Motor Vehicles fails to reach the reductions required under the statutory schedule, remove two or more existing regulatory restrictions for each new restriction adopted (referred to as the “two-for-one rule”);
- Refrain from adopting a regulatory restriction when doing so would negate a previous reduction;
- Beginning July 1, 2025, refrain from adopting a regulatory restriction when doing so would cause the total number of regulatory restrictions in effect to exceed a statewide cap calculated by the Joint Committee on Agency Rule Review.<sup>8</sup>

## HISTORY

Action	Date
Introduced	07-29-24

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<sup>7</sup> R.C. 4507.62(B).

<sup>8</sup> R.C. 4507.61(F), by reference to R.C. 121.95 to 121.953.