



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 60

132nd General Assembly

(As Reported by H. Transportation and Public Safety)

Reps. Hambley and Rogers, Seitz, Sheehy, Becker, Retherford, Thompson, Stein, Green

BILL SUMMARY

- Requires the Director of Public Safety to enter into an agreement with the U.S. 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 (ID) cards.
 - Authorizes the Registrar of Motor Vehicles to issue enhanced licenses and ID cards, all of which facilitate land and sea border crossings between the U.S. and Canada and Mexico.
 - Requires an applicant for an enhanced license or ID card to comply with specified application requirements, including paying an additional \$25 fee for the enhanced license or card.
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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, states that issue enhanced driver's licenses include Michigan, New York, Vermont, and Washington.

An enhanced driver's license makes it easier for a U.S. citizen to cross the border into the U.S. 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 U.S. 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 U.S. 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 ID cards

Under the bill, an enhanced driver's license is a driver's license that denotes citizenship and identity and is approved by the U.S. Secretary of Homeland Security for purposes of entering the U.S. and that contains technology and security features approved by the Secretary.² Likewise, an "enhanced commercial driver's license" is a commercial driver's license (CDL) that has these same characteristics,³ and an "enhanced identification card" is an identification (ID) card that also has these same characteristics.⁴

Memorandum of understanding and adoption of rules

The bill requires the Director of Public Safety to enter into a memorandum of understanding with the U.S. Department of Homeland Security (DHS) or other designated federal agency for the purpose of obtaining approval to issue an enhanced driver's license, enhanced CDL, and enhanced ID card. The memorandum of understanding must provide that an enhanced license or ID card is acceptable as proof of identity and citizenship for Ohio residents entering the United States at authorized land and sea ports. In conjunction with the 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.⁵

Pursuant to the memorandum of understanding, the Registrar of Motor Vehicles, subject to approval of the Director, is required to adopt rules governing the issuance of

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

² R.C. 4507.01(A).

³ R.C. 4506.01(B)(2).

⁴ R.C. 4507.01(A).

⁵ R.C. 4507.021(A)(1) and (2).



an enhanced driver's license, enhanced CDL, and enhanced ID card. The rules must establish (1) acceptable proof of identity and citizenship for issuance of an enhanced license or ID 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 ID card.⁶

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 DHS that is encrypted or otherwise secure from unauthorized data access. The rules also may establish additional characteristics for an enhanced license or ID card. The Registrar may adopt any other rules necessary to implement issuance of an enhanced driver's license, enhanced CDL, and enhanced ID card.⁷

Every enhanced driver's license, enhanced CDL, and enhanced ID card must have any additional characteristics that it may be required to have by rule.⁸

Issuance of enhanced licenses and ID cards

The bill provides that pursuant to the memorandum of understanding between the Director and the 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 CDL, or enhanced ID card, as the case may be, to an eligible applicant for such a license or card who does all of the following:

- (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 ID card; and

⁶ R.C. 4507.021(B).

⁷ R.C. 4507.021(B).

⁸ R.C. 4506.11(B), 4507.13(A), and 4507.52(A).



(5) Complies with all other conditions, qualifications, and requirements for issuance of a license or ID card.⁹

Status and use of enhanced licenses and ID cards

All provisions in the Revised Code relating to a drivers' license, a CDL, or an ID card include and apply to an enhanced driver's license, enhanced CDL, and enhanced ID card, respectively. An enhanced driver's license, enhanced CDL, or enhanced ID card may be used in the same manner as a driver's license, CDL, or ID card, respectively, and additionally is approved by the U.S. Secretary of Homeland Security for purposes of entering the U.S. at authorized land and sea ports.¹⁰

HISTORY

ACTION	DATE
Introduced	02-13-17
Reported, H. Transportation & Public Safety	05-17-17

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⁹ R.C. 4506.072(A)(1) to (5), 4507.061(A)(1) to (5), and 4507.511(A)(1) to (5).

¹⁰ R.C. 4506.072(B), 4507.061(B), and 4507.511(B).

