

**As Introduced**

**127th General Assembly  
Regular Session  
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**H. B. No. 308**

**Representatives Domenick, Combs**

**Cosponsors: Representatives Seitz, Mallory, Webster**

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**A B I L L**

To amend sections 3333.31, 4507.01, 4507.06, 4507.09, 1  
4507.50, 4507.51, and 4507.52 and to enact 2  
sections 8.01 to 8.10, 4507.092, and 5747.027 of 3  
the Revised Code to require in specified 4  
situations the verification of immigration status 5  
of persons who are not United States citizens, to 6  
impose state income taxes at a rate of six per 7  
cent per annum on the compensation of specified 8  
independent contractors who fail to document such 9  
verification, and to restrict the employment, 10  
transport, post-secondary education benefits, 11  
driver's licenses and identification cards, and 12  
receipt of public benefits of persons who are not 13  
legal residents of the United States. 14

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3333.31, 4507.01, 4507.06, 4507.09, 15  
4507.50, 4507.51, and 4507.52 be amended and sections 8.01, 8.02, 16  
8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 4507.092, and 17  
5747.027 of the Revised Code be enacted to read as follows: 18

**Sec. 8.01.** As used in any section of the Revised Code: 19

(A) "Alien" means a person who is not a United States citizen or a United States national. 20  
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(B) "Illegal alien" means an alien who is deportable if apprehended because of one of the following: 22  
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(1) The alien entered the United States illegally without the proper authorization and documents. 24  
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(2) The alien once entered the United States legally and has since violated the terms of the status under which the alien entered the United States, making that alien an "out of status" alien. 26  
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(3) The alien once entered the United States legally but has overstayed the time limits of the original legal status. 30  
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(C) "Immigrant" and "legal permanent resident alien" mean an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States. 32  
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(D) "Nonimmigrant" and "legal resident alien" mean an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States and the period of that temporary residence has not expired. 37  
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(E) "Public employer" means any department, agency, or instrumentality of the state or a political subdivision of the state. 42  
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(F) "Status verification system" means any electronic system the federal government operates to enable a person to verify or ascertain the citizenship or immigration status of any individual. "Status verification system" includes all of the following: 45  
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(1) The electronic verification of work authorization program 49

known as the "basic pilot program," 8 U.S.C. 1324a, operated by 50  
the United States department of homeland security, and any 51  
equivalent federal program that the United States department of 52  
homeland security or other federal agency designates to verify the 53  
work eligibility status of newly hired employees, pursuant to the 54  
"Immigration Reform and Control Act of 1986," P. Law 99-603, 100 55  
Stat. 3360. 56

(2) Any independent, third-party system with an equal or 57  
higher degree of reliability as the programs, systems, or 58  
processes described division (A)(1) of this section. 59

(3) The social security number verification service, or any 60  
similar online verification process the United States social 61  
security administration operates. 62

(G) "Subcontractor" means a subcontractor, contract employee, 63  
staffing agency, or any contractor regardless of its tier. 64

(H) "Unauthorized alien" means an alien who is not authorized 65  
to be employed as determined in accordance with section 101(a) of 66  
the "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 67  
8 U.S.C. 1324a. 68

**Sec. 8.02.** (A) No person shall transport, move, or attempt to 69  
transport in this state any illegal alien, knowing or acting in 70  
reckless disregard of the fact that the alien has come to, 71  
entered, or remained in the United States in violation of law, or 72  
in furtherance of the illegal presence of the alien in the United 73  
States. 74

(B) No person knowingly shall conceal or shelter from 75  
detection any illegal alien in any place within this state, 76  
including any building or means of transportation, knowing or in 77  
reckless disregard of the fact that the alien has come to, 78  
entered, or remained in the United States in violation of law. 79

(C) Nothing in this section shall be construed in a manner to prohibit or restrict any state or local public benefit described in 8 U.S.C. 1621(b), or any public health service that a private charity provides with private funds. 80  
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(D) A violation of division (A) or (B) of this section is punishable by imprisonment for not less than one year or by a fine of not less than one thousand dollars, or both. 84  
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**Sec. 8.03.** (A) Every entity that operates a jail in this state shall designate an official, who may be a jail keeper, sheriff, or other person the entity designates, to act on its behalf in carrying out this section. 87  
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(B) When a person charged with a felony or with driving under the influence is confined in a jail for any period of time, the official designated pursuant to division (A) of this section shall make a reasonable effort to determine the citizenship status of the confined person. 91  
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(C) If the designated official determines that the confined person is an alien, the official shall make a reasonable effort to verify that the person has been lawfully admitted to the United States and that any lawful status has not expired. If the official cannot verify the person's lawful status based on documents in the person's possession, the official shall within forty-eight hours make a query to the law enforcement support center of the United States department of homeland security or other office or agency that the United States department of homeland security designates for that purpose. If the official cannot verify the lawful immigration status of the confined person based on that query, the official shall notify the United States department of homeland security. 96  
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(D) "Jail" has the same meaning as in section 2929.01 of the Revised Code. 109  
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Sec. 8.04. When any judge or court determines the matter of a grant or issuance of bond, it is a rebuttable presumption that a person who is an illegal alien is at risk of flight. 111  
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Sec. 8.05. (A) Every public employer shall register with a status verification system and use that system to verify the employment authorization status of all new employees. 114  
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(B)(1) After July 1, 2008, no public employer shall enter into a contract for the physical performance of services within this state unless the contractor registers and participates in a status verification system. 117  
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(2) After July 1, 2008, no contractor or subcontractor shall enter into any contract to provide a public employer with the physical performance of services in this state unless the contractor or subcontractor registers and participates in a status verification system to verify information of all new employees. 121  
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(3) This division does not apply to any contract entered into prior to the effective date of this section even if the service or labor is performed after July 1, 2008. 126  
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(C) The director of commerce shall adopt rules pursuant to Chapter 119. of the Revised Code under which the director administers sections 8.05 to 8.07 of the Revised Code. 129  
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Sec. 8.06. (A) Any individual who acts as an independent contractor and contracts to provide the physical performance of services in this state shall document the employment authorization of persons who perform labor for that independent contractor. 132  
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(B) If a contractor fails to provide the contracting entity with documentation of employment authorization as division (A) of this section requires, the contracting entity shall withhold from that contractor's compensation an amount for state income taxes at 136  
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the rate of six per cent of the total amount of compensation paid 140  
to the contractor. The Ohio income taxes imposed on any such 141  
compensation shall be computed pursuant to section 5747.027 of the 142  
Revised Code. 143

(C) Any contracting entity that fails to comply with the 144  
withholding division (B) of this section requires is liable for 145  
the income taxes imposed pursuant to that section unless the 146  
contracting entity is exempt from federal withholding with respect 147  
to the contractor pursuant to a properly filed internal revenue 148  
service form 8233 or its equivalent. 149

(D) Nothing in this section shall be construed as creating an 150  
employer-employee relationship between a contracting entity and an 151  
individual independent contractor. 152

**Sec. 8.07.** (A) No employer shall discharge an employee who is 153  
a United States citizen or legal permanent resident alien while 154  
that employer retains an employee whom the employer knows, or 155  
reasonably should have known, is an unauthorized alien hired after 156  
July 1, 2008 and who works for the employer in a job category 157  
that, as defined by 29 U.S.C. 206(d)(1), requires equal skill, 158  
effort, and responsibility and is performed under similar working 159  
conditions as the job category of the discharged employee. 160

(B) An employer is exempt from liability, investigation, or 161  
suit arising from any action under this division if on the date of 162  
a discharge that is alleged to violate division (A) of this 163  
section, the employer was enrolled in and used a status 164  
verification system to verify the employment eligibility of its 165  
employees. 166

(C) A violation of this section does not give rise to any 167  
cause of action except as provided in this section. 168

**Sec. 8.08.** (A) No individual fourteen years of age or older 169

shall qualify for a public assistance program a state agency or 170  
political subdivision administers unless the individual or another 171  
individual on that person's behalf verifies that the individual is 172  
a United States citizen or meets the program's requirements 173  
concerning alien status. 174

(B)(1) Any agency or political subdivision that provides 175  
local or state public benefits shall require that any applicant 176  
for those benefits execute, under penalty of perjury, an affidavit 177  
the agency or political subdivision provides. In the affidavit, 178  
the applicant shall affirm that the applicant is a United States 179  
citizen or an alien qualified to receive the public benefit under 180  
the federal immigration and nationality act, and that the person 181  
is lawfully present in the United States. 182

(2) The agency or political subdivision providing the public 183  
benefits shall provide notary public services at no cost to the 184  
applicant. 185

(C) Any agency or political subdivision that provides state 186  
or local public benefits shall use the "Systematic Alien 187  
Verification for Entitlements" (SAVE) program operated by the 188  
United States department of homeland security, or an equivalent 189  
program the department designates, to verify the eligibility of 190  
any applicant who executes the affidavit division (B) of this 191  
section describes. Until the agency receives verification of 192  
eligibility, the affidavit is presumed to be proof of lawful 193  
presence for the purpose of receiving the public benefit. 194

(D) Agencies and political subdivisions of this state may 195  
adopt any variation to the requirements of this section if the 196  
variation demonstrably improves the efficiency or reduces delay in 197  
the verification process, or enables the adjudication of unique 198  
individual circumstances where the verification procedures in this 199  
section would impose unusual hardship on a legal resident. 200

<u>(E) Divisions (A) to (C) of this section do not apply to any</u>	201
<u>of the following:</u>	202
<u>(1) Any purpose for which lawful presence in the United</u>	203
<u>States is not restricted by law, ordinance, or regulation;</u>	204
<u>(2) Assistance for health care items and services that are</u>	205
<u>necessary for treating an emergency medical condition as defined</u>	206
<u>in 42 U.S.C. 1396b(v)(3) and that are not related to an organ</u>	207
<u>transplant procedure;</u>	208
<u>(3) Short-term, non-cash, in-kind emergency disaster relief;</u>	209
<u>(4) Public health assistance for immunizations with respect</u>	210
<u>to diseases and for testing and treatment of symptoms of</u>	211
<u>communicable diseases whether or not such symptoms are caused by a</u>	212
<u>communicable disease;</u>	213
<u>(5) Programs, services, or assistance such as soup kitchens,</u>	214
<u>crisis counseling and intervention, and short-term shelter,</u>	215
<u>provided through public and private nonprofit agencies that do not</u>	216
<u>condition the provision of assistance, the amount of assistance,</u>	217
<u>or the cost of assistance on the income or resources of the</u>	218
<u>individual recipient, and the program, service, or assistance is</u>	219
<u>necessary for the protection of life or safety, including programs</u>	220
<u>the United States attorney general specifies.</u>	221
<u>(F) Any person who knowingly and willfully makes a false,</u>	222
<u>fictitious, or fraudulent statement or representation in an</u>	223
<u>affidavit executed pursuant to division (B) of this section is</u>	224
<u>subject to criminal penalties for fraudulently obtaining public</u>	225
<u>assistance program benefits. If the affidavit constitutes a false</u>	226
<u>claim of U.S. citizenship under 18 U.S.C. 911, the agency shall</u>	227
<u>file a complaint with the United States attorney general.</u>	228
<u>(G) No agency or political subdivision shall provide any</u>	229
<u>state, local, or federal benefit, as defined in 8 U.S.C. 1621 and</u>	230
<u>8 U.S.C. 1611, in violation of this section.</u>	231



Sec. 8.09. (A) Any agency that administers a program of state or local public benefits annually shall report its compliance with this section to the governor, the president of the senate, and the speaker of the house of representatives. 232  
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(B) Each agency shall monitor the systematic alien verification for entitlements program for application verification errors and significant delays. The agency annually shall report to the United States department of homeland security any errors or significant delays it encounters and make any recommendation it deems appropriate to ensure that the program does not erroneously deny benefits to legal residents of this state. 236  
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Sec. 8.10. (A) No institution of higher education shall provide any postsecondary education benefit, including, but not limited to, scholarships and financial aid, grants, loans, resident in-state tuition, or any other type of monetary assistance to any person who is an illegal alien. 243  
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(B) This section does not apply to a student enrolled in a degree program at a postsecondary educational institution during the 2007-2008 school year or any prior year who received a tuition benefit on the basis of residency status determined pursuant to section 3333.31 of the Revised Code. 248  
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(C) Any benefit a public institution grants shall be made pursuant to the procedures set forth in section 3333.31 of the Revised Code and rules the board of regents adopts pursuant to that section. 253  
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(D) As used in this section, "institution of higher education" means any of the following: 257  
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(1) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; 259  
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(2) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; 262  
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(3) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 266  
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**Sec. 3333.31.** (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of the Ohio board of regents by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall not carry with it any of the legal connotations appurtenant thereto. Rather, for such purposes, the rule promulgated under this section shall have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education, and may prescribe presumptive rules, rebuttable or conclusive, as to such purpose based upon the source or sources of support of the student, residence prior to first enrollment, evidence of intention to remain in the state after completion of studies, or such other factors as the chancellor deems relevant. 269  
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(B) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and 288  
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established domicile in this state for reasons other than gaining 293  
the benefit of favorable tuition rates. 294

Documentation of full-time employment and domicile shall 295  
include both of the following documents: 296

(1) A sworn statement from the employer or the employer's 297  
representative on the letterhead of the employer or the employer's 298  
representative certifying that the parent or spouse of the student 299  
is employed full-time in Ohio; 300

(2) A copy of the lease under which the parent or spouse is 301  
the lessee and occupant of rented residential property in the 302  
state, a copy of the closing statement on residential real 303  
property of which the parent or spouse is the owner and occupant 304  
in this state or, if the parent or spouse is not the lessee or 305  
owner of the residence in which the parent or spouse has 306  
established domicile, a letter from the owner of the residence 307  
certifying that the parent or spouse resides at that residence. 308

Residency officers may also evaluate, in accordance with the 309  
chancellor's rule, requests for immediate residency status from 310  
dependent students whose parents are not living and whose domicile 311  
follows that of a legal guardian who has accepted full-time 312  
employment and established domicile in the state for reasons other 313  
than gaining the benefit of favorable tuition rates. 314

(C)(1) The rules of the board of regents shall require a 315  
student who desires any benefit available only to residents of 316  
Ohio to provide to the state institution of higher education 317  
documentation that is evidence of citizenship or lawful 318  
immigration status. If the student cannot provide such 319  
documentation, the student may provide a copy of a true and 320  
correct application or petition filed with the United States 321  
citizenship and immigration services to legalize the student's 322  
immigration status, or an affidavit stating that the student will 323

file an application to receive legal immigration status at the 324  
earliest opportunity the student is eligible to do so but in no 325  
case later than one year after the date on which the student 326  
enrolls for study at the institution. 327

(2) Any student who files an affidavit pursuant to this 328  
division shall present to the institution a copy of a true and 329  
correct copy of that application or petition, which copy shall be 330  
maintained in the institution's records for that student. 331

(3) Any student who complies with this division may not be 332  
disqualified on the basis of immigration status from any 333  
scholarships or financial aid this state provides. 334

(4) This division shall not be construed to impose any 335  
additional conditions to maintain resident tuition status at a 336  
postsecondary educational institution within this state on a 337  
student who was enrolled in a degree program and first received 338  
tuition status as a resident of Ohio at that institution during 339  
the 2007-2008 school year or any prior year. 340

(D) "Dependent," "domicile," "institution of higher 341  
education," and "residency officer" have the meanings ascribed in 342  
the chancellor's rules adopted under this section. 343

**Sec. 4507.01.** (A) As used in this chapter, "motor vehicle," 344  
"motorized bicycle," "state," "owner," "operator," "chauffeur," 345  
and "highways" have the same meanings as in section 4501.01 of the 346  
Revised Code. 347

"Driver's license" means a class D license issued to any 348  
person to operate a motor vehicle or motor-driven cycle, other 349  
than a commercial motor vehicle, and includes "probationary 350  
license," "restricted license," and any operator's or chauffeur's 351  
license issued before January 1, 1990. 352

"Probationary license" means the license issued to any person 353

between sixteen and eighteen years of age to operate a motor 354  
vehicle. 355

"Restricted license" means the license issued to any person 356  
to operate a motor vehicle subject to conditions or restrictions 357  
imposed by the registrar of motor vehicles. 358

"Commercial driver's license" means the license issued to a 359  
person under Chapter 4506. of the Revised Code to operate a 360  
commercial motor vehicle. 361

"Commercial motor vehicle" has the same meaning as in section 362  
4506.01 of the Revised Code. 363

"Motorized bicycle license" means the license issued under 364  
section 4511.521 of the Revised Code to any person to operate a 365  
motorized bicycle including a "probationary motorized bicycle 366  
license." 367

"Probationary motorized bicycle license" means the license 368  
issued under section 4511.521 of the Revised Code to any person 369  
between fourteen and sixteen years of age to operate a motorized 370  
bicycle. 371

"Identification card" means a card issued under sections 372  
4507.50 and 4507.51 of the Revised Code. 373

"Resident" means a person who, in accordance with standards 374  
prescribed in rules adopted by the registrar, resides in this 375  
state on a permanent basis. 376

"Temporary resident" means a person who, in accordance with 377  
standards prescribed in rules adopted by the registrar, resides in 378  
this state on a temporary basis. "Temporary resident" includes any 379  
person who is not a United States citizen, national, or legal 380  
permanent resident alien. 381

(B) In the administration of this chapter and Chapter 4506. 382  
of the Revised Code, the registrar has the same authority as is 383

conferred on the registrar by section 4501.02 of the Revised Code. 384  
Any act of an authorized deputy registrar of motor vehicles under 385  
direction of the registrar is deemed the act of the registrar. 386

To carry out this chapter, the registrar shall appoint such 387  
deputy registrars in each county as are necessary. 388

The registrar also shall provide at each place where an 389  
application for a driver's or commercial driver's license or 390  
identification card may be made the necessary equipment to take a 391  
color photograph of the applicant for such license or card as 392  
required under section 4506.11 or 4507.06 of the Revised Code, and 393  
to conduct the vision screenings required by section 4507.12 of 394  
the Revised Code, and equipment to laminate licenses, motorized 395  
bicycle licenses, and identification cards as required by sections 396  
4507.13, 4507.52, and 4511.521 of the Revised Code. 397

The registrar shall assign one or more deputy registrars to 398  
any driver's license examining station operated under the 399  
supervision of the state highway patrol, whenever the registrar 400  
considers such assignment possible. Space shall be provided in the 401  
driver's license examining station for any such deputy registrar 402  
so assigned. The deputy registrars shall not exercise the powers 403  
conferred by such sections upon the registrar, unless they are 404  
specifically authorized to exercise such powers by such sections. 405

(C) No agent for any insurance company, writing automobile 406  
insurance, shall be appointed deputy registrar, and any such 407  
appointment is void. No deputy registrar shall in any manner 408  
solicit any form of automobile insurance, nor in any manner 409  
advise, suggest, or influence any licensee or applicant for 410  
license for or against any kind or type of automobile insurance, 411  
insurance company, or agent, nor have the deputy registrar's 412  
office directly connected with the office of any automobile 413  
insurance agent, nor impart any information furnished by any 414  
applicant for a license or identification card to any person, 415

except the registrar. This division shall not apply to any 416  
nonprofit corporation appointed deputy registrar. 417

(D) The registrar shall immediately remove a deputy registrar 418  
who violates the requirements of this chapter. 419

(E) The registrar shall periodically solicit bids and enter 420  
into a contract for the provision of laminating equipment and 421  
laminating materials to the registrar and all deputy registrars. 422  
The registrar shall not consider any bid that does not provide for 423  
the supplying of both laminating equipment and laminating 424  
materials. The laminating materials selected shall contain a 425  
security feature so that any tampering with the laminating 426  
material covering a license or identification card is readily 427  
apparent. In soliciting bids and entering into a contract for the 428  
provision of laminating equipment and laminating materials, the 429  
registrar shall observe all procedures required by law. 430

**Sec. 4507.06.** (A)(1) Every application for a driver's license 431  
or motorcycle operator's license or endorsement, or duplicate of 432  
any such license or endorsement, shall be made upon the approved 433  
form furnished by the registrar of motor vehicles and shall be 434  
signed by the applicant. 435

Every application shall state the following: 436

(a) The applicant's name, date of birth, social security 437  
number if such has been assigned, sex, general description, 438  
including height, weight, color of hair, and eyes, residence 439  
address, including county of residence, duration of residence in 440  
this state, and country of citizenship; 441

(b) Whether the applicant previously has been licensed as an 442  
operator, chauffeur, driver, commercial driver, or motorcycle 443  
operator and, if so, when, by what state, and whether such license 444  
is suspended or canceled at the present time and, if so, the date 445

of and reason for the suspension or cancellation; 446

(c) Whether the applicant is now or ever has been afflicted 447  
with epilepsy, or whether the applicant now is suffering from any 448  
physical or mental disability or disease and, if so, the nature 449  
and extent of the disability or disease, giving the names and 450  
addresses of physicians then or previously in attendance upon the 451  
applicant; 452

(d) Whether an applicant for a duplicate driver's license, or 453  
duplicate license containing a motorcycle operator endorsement has 454  
pending a citation for violation of any motor vehicle law or 455  
ordinance, a description of any such citation pending, and the 456  
date of the citation; 457

(e) Whether the applicant wishes to certify willingness to 458  
make an anatomical gift under section 2108.04 of the Revised Code, 459  
which shall be given no consideration in the issuance of a license 460  
or endorsement; 461

(f) Whether the applicant has executed a valid durable power 462  
of attorney for health care pursuant to sections 1337.11 to 463  
1337.17 of the Revised Code or has executed a declaration 464  
governing the use or continuation, or the withholding or 465  
withdrawal, of life-sustaining treatment pursuant to sections 466  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 467  
executed either type of instrument, whether the applicant wishes 468  
the applicant's license to indicate that the applicant has 469  
executed the instrument. 470

(2) Every applicant for a driver's license shall be 471  
photographed in color at the time the application for the license 472  
is made. The application shall state any additional information 473  
that the registrar requires. 474

(3) If the applicant is not a United States citizen, 475  
national, or legal permanent resident alien, the applicant shall 476



provide valid documentary evidence that the applicant's status has 477  
been continued or extended by the United States citizenship and 478  
immigration services or other authorized agency of the United 479  
States department of homeland security. 480

(B) The registrar or a deputy registrar, in accordance with 481  
section 3503.11 of the Revised Code, shall register as an elector 482  
any person who applies for a driver's license or motorcycle 483  
operator's license or endorsement under division (A) of this 484  
section, or for a renewal or duplicate of the license or 485  
endorsement, if the applicant is eligible and wishes to be 486  
registered as an elector. The decision of an applicant whether to 487  
register as an elector shall be given no consideration in the 488  
decision of whether to issue the applicant a license or 489  
endorsement, or a renewal or duplicate. 490

(C) The registrar or a deputy registrar, in accordance with 491  
section 3503.11 of the Revised Code, shall offer the opportunity 492  
of completing a notice of change of residence or change of name to 493  
any applicant for a driver's license or endorsement under division 494  
(A) of this section, or for a renewal or duplicate of the license 495  
or endorsement, if the applicant is a registered elector who has 496  
changed the applicant's residence or name and has not filed such a 497  
notice. 498

**Sec. 4507.09.** (A) Except as provided in division (B) of this 499  
section, every driver's license issued to a resident of this state 500  
expires on the birthday of the applicant in the fourth year after 501  
the date it is issued and every driver's license issued to a 502  
temporary resident expires in accordance with rules adopted by the 503  
registrar of motor vehicles. In no event shall any license be 504  
issued for a period longer than four years and ninety days. Any 505

Subject renewal is subject to the requirements of section 506  
4507.12 of the Revised Code, ~~every~~. 507

A driver's license issued to a resident is renewable at any 508  
time prior to its expiration and any license of a temporary 509  
resident is nonrenewable. A nonrenewable license may be replaced 510  
with a new license within ninety days prior to its expiration in 511  
accordance with division (E) of this section. No refund shall be 512  
made or credit given for the unexpired portion of ~~the~~ any driver's 513  
license that is renewed. The registrar of motor vehicles shall 514  
notify each person whose driver's license has expired within 515  
forty-five days after the date of expiration. Notification shall 516  
be made by regular mail sent to the person's last known address as 517  
shown in the records of the bureau of motor vehicles. Failure to 518  
provide such notification shall not be construed as a renewal or 519  
extension of any license. For the purposes of this section, the 520  
date of birth of any applicant born on the twenty-ninth day of 521  
February shall be deemed to be the first day of March in any year 522  
in which there is no twenty-ninth day of February. 523

(B) Every driver's license or renewal of a driver's license 524  
issued to an applicant who is sixteen years of age or older, but 525  
less than twenty-one years of age, expires on the twenty-first 526  
birthday of the applicant, except that an applicant who applies no 527  
more than thirty days before the applicant's twenty-first birthday 528  
shall be issued a license in accordance with division (A) of this 529  
section. 530

(C) Each person licensed as a driver under this chapter shall 531  
notify the registrar of any change in the person's address within 532  
ten days following that change. The notification shall be in 533  
writing on a form provided by the registrar and shall include the 534  
full name, date of birth, license number, county of residence, 535  
social security number, and new address of the person. 536

(D) No driver's license shall be renewed when renewal is 537  
prohibited by division (A) of section 4507.091 of the Revised 538  
Code. 539

(E) A nonrenewable license may be replaced with a new license 540  
within ninety days prior to its expiration upon the applicant's 541  
presentation of documentation verifying the applicant's legal 542  
presence in the United States. A nonrenewable license expires on 543  
the same date listed on the legal presence documentation, or on 544  
the same date in the fourth year after the date the nonrenewable 545  
license is issued, whichever comes first unless there is no 546  
definite end to the applicant's authorized stay, in which case the 547  
expiration date is one year from the issuance of the license. A 548  
nonrenewable license is not transferable, and the applicant may 549  
not rely on it to obtain a driver's license in another state. 550

In accordance with Chapter 119. of the Revised Code, the 551  
registrar of motor vehicles shall adopt rules governing 552  
nonrenewable licenses for temporary residents. At a minimum, the 553  
rules shall include provisions specifying all of the following: 554

(1) That no nonrenewable license may extend beyond the 555  
duration of the applicant's temporary residence in this state; 556

(2) That no nonrenewable license may be replaced by a new 557  
license unless the applicant provides acceptable documentation of 558  
the person's identity and of the applicant's continued temporary 559  
residence in this state~~+~~. If the applicant for a new license to 560  
replace a nonrenewable license is not a United States citizen, 561  
national, or legal permanent resident alien, the applicant shall 562  
provide valid documentary evidence that the applicant's status has 563  
been continued or extended by the United States citizenship and 564  
immigration services or other authorized agency of the United 565  
States department of homeland security. 566

(3) That no nonrenewable license is valid to apply for a 567  
driver's license in any other state; 568

(4) That every nonrenewable license may contain any security 569  
features that the registrar prescribes; 570

(5) That a nonrenewable license is the only type of license 571  
that may be issued to a person who is not a United States citizen, 572  
national, or legal permanent resident alien. 573

Sec. 4507.092. (A) The registrar of motor vehicles shall 574  
adopt rules governing the issuance of a driver's license or 575  
identification card to an individual who is not a United States 576  
citizen, national, or legal permanent resident alien. The rules 577  
shall include all of the following: 578

(1) No individual other than a United States citizen or 579  
national shall receive any type of driver's license, probationary 580  
license, or identification card unless that individual presents, 581  
in person, valid documentary evidence of any of the following: 582

(a) A valid, unexpired immigrant or nonimmigrant visa status 583  
for admission into the United States; 584

(b) A pending or approved application for asylum in the 585  
United States; 586

(c) Admission into the United States in refugee status; 587

(d) A pending or approved application for temporary protected 588  
status in the United States; 589

(e) Approved deferred action status; 590

(f) A pending application for adjustment of status to legal 591  
permanent residence status or conditional resident status. 592

(2) Any person who is not a United States citizen, national, 593  
or legal permanent resident alien is deemed to be a temporary 594  
resident and only a nonrenewable license or identification card 595  
may be issued to that person. 596

(B) Any license or identification card issued to a person who 597  
is not a United States citizen, national, or legal permanent 598  
resident alien is valid only during the period of time of the 599

applicant's authorized stay in the United States or, if there is 600  
no definite end to the period of authorized stay, a period of one 601  
year. The document shall indicate clearly that the document is 602  
temporary and state the date that it expires. Except as otherwise 603  
provided in this section, the document may be renewed only upon 604  
presentation of valid documentary evidence that the applicant's 605  
status has been extended by the United States citizenship and 606  
immigration services or other authorized agency of the United 607  
States department of homeland security. 608

(C) Any driver's license that is not expired, cancelled, 609  
suspended, or revoked is presumed to have been issued in 610  
accordance with division (B) of this section when an application 611  
is made for its renewal. If the registrar receives notice that a 612  
local, state, or federal government agency provided the department 613  
of public safety with information that indicates a reasonable 614  
suspicion that the individual seeking the renewal or reissuance is 615  
present in the United States in violation of law, the rules shall 616  
require the applicant to follow the procedures in division (B) of 617  
this section for the renewal or reissuance of the license. 618

**Sec. 4507.50.** (A) The registrar of motor vehicles or a deputy 619  
registrar, upon receipt of an application filed in compliance with 620  
section 4507.51 of the Revised Code by any person who is a 621  
resident or a temporary resident of this state and, except as 622  
otherwise provided in this section, is not licensed as an operator 623  
of a motor vehicle in this state or another licensing 624  
jurisdiction, and, except as provided in division (B) of this 625  
section, upon receipt of a fee of three dollars and fifty cents, 626  
shall issue an identification card to that person. 627

Any person who is a resident or temporary resident of this 628  
state whose Ohio driver's or commercial driver's license has been 629  
suspended or canceled, upon application in compliance with section 630

4507.51 of the Revised Code and, except as provided in division 631  
(B) of this section, payment of a fee of three dollars and fifty 632  
cents, may be issued a temporary identification card. The 633  
temporary identification card shall be identical to an 634  
identification card, except that it shall be printed on its face 635  
with a statement that the card is valid during the effective dates 636  
of the suspension or cancellation of the cardholder's license, or 637  
until the birthday of the cardholder in the fourth year after the 638  
date on which it is issued, whichever is shorter. A temporary 639  
identification card issued to a person who is a temporary resident 640  
shall indicate clearly that the document is temporary and state 641  
its expiration date. The expiration date for a temporary resident 642  
is the earlier of four years or the last day of the applicant's 643  
authorized stay in the United States unless there is no definite 644  
end to the applicant's authorized stay, in which case the 645  
expiration date is one year from the card's issuance. The 646  
cardholder shall surrender the identification card to the 647  
registrar or any deputy registrar before the cardholder's driver's 648  
or commercial driver's license is restored or reissued. 649

Except as provided in division (B) of this section, the 650  
deputy registrar shall be allowed a fee of two dollars and 651  
seventy-five cents commencing on July 1, 2001, three dollars and 652  
twenty-five cents commencing on January 1, 2003, and three dollars 653  
and fifty cents commencing on January 1, 2004, for each 654  
identification card issued under this section. The fee allowed to 655  
the deputy registrar shall be in addition to the fee for issuing 656  
an identification card. 657

Neither the registrar nor any deputy registrar shall charge a 658  
fee in excess of one dollar and fifty cents for laminating an 659  
identification card or temporary identification card. A deputy 660  
registrar laminating such a card shall retain the entire amount of 661  
the fee charged for lamination, less the actual cost to the 662

registrar of the laminating materials used for that lamination, as 663  
specified in the contract executed by the bureau for the 664  
laminating materials and laminating equipment. The deputy 665  
registrar shall forward the amount of the cost of the laminating 666  
materials to the registrar for deposit as provided in this 667  
section. 668

The fee collected for issuing an identification card under 669  
this section, except the fee allowed to the deputy registrar, 670  
shall be paid into the state treasury to the credit of the state 671  
bureau of motor vehicles fund created in section 4501.25 of the 672  
Revised Code. 673

(B) A disabled veteran who has a service-connected disability 674  
rated at one hundred per cent by the veterans' administration may 675  
apply to the registrar or a deputy registrar for the issuance to 676  
that veteran of an identification card or a temporary 677  
identification card under this section without payment of any fee 678  
prescribed in division (A) of this section, including any 679  
lamination fee. 680

An application made under division (B) of this section shall 681  
be accompanied by such documentary evidence of disability as the 682  
registrar may require by rule. 683

**Sec. 4507.51.** (A)(1) Every application for an identification 684  
card or duplicate shall be made on a form furnished by the 685  
registrar of motor vehicles, shall be signed by the applicant, and 686  
by the applicant's parent or guardian if the applicant is under 687  
eighteen years of age, and shall contain the following information 688  
pertaining to the applicant: name, date of birth, sex, general 689  
description including the applicant's height, weight, hair color, 690  
and eye color, address, county of residence, duration of residence 691  
in this state, country of citizenship, and social security number. 692  
The application also shall state whether an applicant wishes to 693

certify willingness to make an anatomical gift under section 694  
2108.04 of the Revised Code and shall include information about 695  
the requirements of that section that apply to persons who are 696  
less than eighteen years of age. The statement regarding 697  
willingness to make such a donation shall be given no 698  
consideration in the decision of whether to issue an 699  
identification card. Each applicant shall be photographed in color 700  
at the time of making application. 701

(2) The application also shall state whether the applicant 702  
has executed a valid durable power of attorney for health care 703  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 704  
executed a declaration governing the use or continuation, or the 705  
withholding or withdrawal, of life-sustaining treatment pursuant 706  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 707  
applicant has executed either type of instrument, whether the 708  
applicant wishes the identification card issued to indicate that 709  
the applicant has executed the instrument. 710

(3) The registrar or deputy registrar, in accordance with 711  
section 3503.11 of the Revised Code, shall register as an elector 712  
any person who applies for an identification card or duplicate if 713  
the applicant is eligible and wishes to be registered as an 714  
elector. The decision of an applicant whether to register as an 715  
elector shall be given no consideration in the decision of whether 716  
to issue the applicant an identification card or duplicate. 717

(B) The application for an identification card or duplicate 718  
shall be filed in the office of the registrar or deputy registrar. 719  
Each applicant shall present documentary evidence as required by 720  
the registrar of the applicant's age and identity, and the 721  
applicant shall swear that all information given is true. 722

All applications for an identification card or duplicate 723  
shall be filed in duplicate, and if submitted to a deputy 724  
registrar, a copy shall be forwarded to the registrar. The 725



registrar shall prescribe rules for the manner in which a deputy 726  
registrar is to file and maintain applications and other records. 727  
The registrar shall maintain a suitable, indexed record of all 728  
applications denied and cards issued or canceled. 729

**Sec. 4507.52.** (A) Each identification card issued by the 730  
registrar of motor vehicles or a deputy registrar shall display a 731  
distinguishing number assigned to the cardholder, and shall 732  
display the following inscription: 733

"STATE OF OHIO IDENTIFICATION CARD 734

This card is not valid for the purpose of operating a motor 735  
vehicle. It is provided solely for the purpose of establishing the 736  
identity of the bearer described on the card, who currently is not 737  
licensed to operate a motor vehicle in the state of Ohio." 738

The identification card shall display substantially the same 739  
information as contained in the application and as described in 740  
division (A)(1) of section 4507.51 of the Revised Code, but shall 741  
not display the cardholder's social security number unless the 742  
cardholder specifically requests that the cardholder's social 743  
security number be displayed on the card. If federal law requires 744  
the cardholder's social security number to be displayed on the 745  
identification card, the social security number shall be displayed 746  
on the card notwithstanding this section. The identification card 747  
also shall display the color photograph of the cardholder. If the 748  
cardholder has executed a durable power of attorney for health 749  
care or a declaration governing the use or continuation, or the 750  
withholding or withdrawal, of life-sustaining treatment and has 751  
specified that the cardholder wishes the identification card to 752  
indicate that the cardholder has executed either type of 753  
instrument, the card also shall display any symbol chosen by the 754  
registrar to indicate that the cardholder has executed either type 755  
of instrument. The card shall be sealed in transparent plastic or 756

similar material and shall be so designed as to prevent its 757  
reproduction or alteration without ready detection. 758

The identification card for persons under twenty-one years of 759  
age shall have characteristics prescribed by the registrar 760  
distinguishing it from that issued to a person who is twenty-one 761  
years of age or older, except that an identification card issued 762  
to a person who applies no more than thirty days before the 763  
applicant's twenty-first birthday shall have the characteristics 764  
of an identification card issued to a person who is twenty-one 765  
years of age or older. 766

Any identification card issued to a person who is a temporary 767  
resident shall indicate clearly that the document is temporary and 768  
state the date that it expires. The expiration date for a 769  
temporary resident is the earlier of four years or the last day of 770  
the applicant's authorized stay in the United States unless there 771  
is no definite end to the applicant's authorized stay, in which 772  
case the expiration date is one year from the card's issuance. 773

Every identification card issued to a resident of this state 774  
shall expire, unless canceled or surrendered earlier, on the 775  
birthday of the cardholder in the fourth year after the date on 776  
which it is issued. Every identification card issued to a 777  
temporary resident shall expire in accordance with rules adopted 778  
by the registrar and is nonrenewable, but may be replaced with a 779  
new identification card upon the applicant's compliance with all 780  
applicable requirements. A cardholder may renew the cardholder's 781  
identification card within ninety days prior to the day on which 782  
it expires by filing an application and paying the prescribed fee 783  
in accordance with section 4507.50 of the Revised Code. 784

If a cardholder applies for a driver's or commercial driver's 785  
license in this state or another licensing jurisdiction, the 786  
cardholder shall surrender the cardholder's identification card to 787  
the registrar or any deputy registrar before the license is 788

issued. 789

(B) If a card is lost, destroyed, or mutilated, the person to 790  
whom the card was issued may obtain a duplicate by doing both of 791  
the following: 792

(1) Furnishing suitable proof of the loss, destruction, or 793  
mutilation to the registrar or a deputy registrar; 794

(2) Filing an application and presenting documentary evidence 795  
under section 4507.51 of the Revised Code. 796

Any person who loses a card and, after obtaining a duplicate, 797  
finds the original, immediately shall surrender the original to 798  
the registrar or a deputy registrar. 799

A cardholder may obtain a replacement identification card 800  
that reflects any change of the cardholder's name by furnishing 801  
suitable proof of the change to the registrar or a deputy 802  
registrar and surrendering the cardholder's existing card. 803

When a cardholder applies for a duplicate or obtains a 804  
replacement identification card, the cardholder shall pay a fee of 805  
two dollars and fifty cents. A deputy registrar shall be allowed 806  
an additional fee of two dollars and seventy-five cents commencing 807  
on July 1, 2001, three dollars and twenty-five cents commencing on 808  
January 1, 2003, and three dollars and fifty cents commencing on 809  
January 1, 2004, for issuing a duplicate or replacement 810  
identification card. A disabled veteran who is a cardholder and 811  
has a service-connected disability rated at one hundred per cent 812  
by the veterans' administration may apply to the registrar or a 813  
deputy registrar for the issuance of a duplicate or replacement 814  
identification card without payment of any fee prescribed in this 815  
section, and without payment of any lamination fee if the disabled 816  
veteran would not be required to pay a lamination fee in 817  
connection with the issuance of an identification card or 818  
temporary identification card as provided in division (B) of 819

section 4507.50 of the Revised Code. 820

A duplicate or replacement identification card shall expire 821  
on the same date as the card it replaces. 822

(C) The registrar shall cancel any card upon determining that 823  
the card was obtained unlawfully, issued in error, or was altered. 824  
The registrar also shall cancel any card that is surrendered to 825  
the registrar or to a deputy registrar after the holder has 826  
obtained a duplicate, replacement, or driver's or commercial 827  
driver's license. 828

(D)(1) No agent of the state or its political subdivisions 829  
shall condition the granting of any benefit, service, right, or 830  
privilege upon the possession by any person of an identification 831  
card. Nothing in this section shall preclude any publicly operated 832  
or franchised transit system from using an identification card for 833  
the purpose of granting benefits or services of the system. 834

(2) No person shall be required to apply for, carry, or 835  
possess an identification card. 836

(E) Except in regard to an identification card issued to a 837  
person who applies no more than thirty days before the applicant's 838  
twenty-first birthday, neither the registrar nor any deputy 839  
registrar shall issue an identification card to a person under 840  
twenty-one years of age that does not have the characteristics 841  
prescribed by the registrar distinguishing it from the 842  
identification card issued to persons who are twenty-one years of 843  
age or older. 844

(F) Whoever violates division (E) of this section is guilty 845  
of a minor misdemeanor. 846

Sec. 5747.027. In the case of an independent contractor who 847  
fails to provide documentation of employment authorization to a 848  
contracting entity as section 8.06 of the Revised Code requires, 849

the tax imposed on the total compensation the independent 850  
contractor receives from the contracting entity shall be at the 851  
rate of six per cent. 852

**Section 2.** That existing sections 3333.31, 4507.01, 4507.06, 853  
4507.09, 4507.50, 4507.51, and 4507.52 of the Revised Code are 854  
hereby repealed. 855