

As Introduced

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H. B. No. 585

Representative Damschroder

**Cosponsors: Representatives Blessing, Boose, Brenner, DeVitis, Foley,
Garland, Grossman, Hackett, Kozlowski, Milkovich, Murray, Ruhl, Smith,
Stinziano, Terhar, Thompson**

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A B I L L

To amend sections 4506.01, 4506.11, 4506.16, 4507.01, 1
4507.13, and 4507.52 and to enact sections 2
4506.072, 4507.021, 4507.061, and 4507.511 of the 3
Revised Code to authorize the issuance of an 4
enhanced driver's license, enhanced commercial 5
driver's license, and enhanced identification card 6
to facilitate land and sea border crossings 7
between the United States and Canada and Mexico, 8
pursuant to an agreement with the United States 9
Department of Homeland Security. 10

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

Section 1. That sections 4506.01, 4506.11, 4506.16, 4507.01, 11
4507.13, and 4507.52 be amended and sections 4506.072, 4507.021, 12
4507.061, and 4507.511 of the Revised Code be enacted to read as 13
follows: 14

Sec. 4506.01. As used in this chapter: 15

(A) "Alcohol concentration" means the concentration of 16
alcohol in a person's blood, breath, or urine. When expressed as a 17

percentage, it means grams of alcohol per the following:	18
(1) One hundred milliliters of whole blood, blood serum, or blood plasma;	19 20
(2) Two hundred ten liters of breath;	21
(3) One hundred milliliters of urine.	22
(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. <u>Except as otherwise specifically provided, "commercial driver's license" includes "enhanced commercial driver's license."</u>	23 24 25 26 27
(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.	28 29 30 31
(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:	32 33 34 35
(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;	36 37 38 39
(2) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;	40 41 42 43
(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;	44 45 46
(4) Any school bus with a gross vehicle weight rating of less	47

than twenty-six thousand one pounds that is designed to transport 48
fewer than sixteen passengers including the driver; 49

(5) Is transporting hazardous materials for which placarding 50
is required under subpart F of 49 C.F.R. part 172, as amended; 51

(6) Any single vehicle or combination of vehicles that is 52
designed to be operated and to travel on a public street or 53
highway and is considered by the federal motor carrier safety 54
administration to be a commercial motor vehicle, including, but 55
not limited to, a motorized crane, a vehicle whose function is to 56
pump cement, a rig for drilling wells, and a portable crane. 57

(E) "Controlled substance" means all of the following: 58

(1) Any substance classified as a controlled substance under 59
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 60
802(6), as amended; 61

(2) Any substance included in schedules I through V of 21 62
C.F.R. part 1308, as amended; 63

(3) Any drug of abuse. 64

(F) "Conviction" means an unvacated adjudication of guilt or 65
a determination that a person has violated or failed to comply 66
with the law in a court of original jurisdiction or an authorized 67
administrative tribunal, an unvacated forfeiture of bail or 68
collateral deposited to secure the person's appearance in court, a 69
plea of guilty or nolo contendere accepted by the court, the 70
payment of a fine or court cost, or violation of a condition of 71
release without bail, regardless of whether or not the penalty is 72
rebated, suspended, or probated. 73

(G) "Disqualification" means any of the following: 74

(1) The suspension, revocation, or cancellation of a person's 75
privileges to operate a commercial motor vehicle; 76

(2) Any withdrawal of a person's privileges to operate a 77

commercial motor vehicle as the result of a violation of state or 78
local law relating to motor vehicle traffic control other than 79
parking, vehicle weight, or vehicle defect violations; 80

(3) A determination by the federal motor carrier safety 81
administration that a person is not qualified to operate a 82
commercial motor vehicle under 49 C.F.R. 391. 83

(H) "Downgrade" means any of the following, as applicable: 84

(1) A change in the commercial driver's license holder's 85
self-certified status as described in division (A)(2) of section 86
4506.10 of the Revised Code; 87

(2) A change to a lesser class of vehicle; 88

(3) Removal of commercial driver's license privileges from 89
the individual's driver's license. 90

(I) "Drive" means to drive, operate, or be in physical 91
control of a motor vehicle. 92

(J) "Driver" means any person who drives, operates, or is in 93
physical control of a commercial motor vehicle or is required to 94
have a commercial driver's license. 95

(K) "Driver's license" means a license issued by the bureau 96
of motor vehicles that authorizes an individual to drive. 97

(L) "Drug of abuse" means any controlled substance, dangerous 98
drug as defined in section 4729.01 of the Revised Code, or 99
over-the-counter medication that, when taken in quantities 100
exceeding the recommended dosage, can result in impairment of 101
judgment or reflexes. 102

(M) "Electronic device" includes a cellular telephone, a 103
personal digital assistant, a pager, a computer, and any other 104
device used to input, write, send, receive, or read text. 105

(N) "Eligible unit of local government" means a village, 106
township, or county that has a population of not more than three 107

thousand persons according to the most recent federal census. 108

(O) "Employer" means any person, including the federal 109
government, any state, and a political subdivision of any state, 110
that owns or leases a commercial motor vehicle or assigns a person 111
to drive such a motor vehicle. 112

(P) "Endorsement" means an authorization on a person's 113
commercial driver's license that is required to permit the person 114
to operate a specified type of commercial motor vehicle. 115

(Q) "Enhanced commercial driver's license" means a commercial 116
driver's license issued in accordance with section 4506.072 of the 117
Revised Code that denotes citizenship and identity and is approved 118
by the United States secretary of homeland security for purposes 119
of entering the United States and that contains technology and 120
security features approved by the secretary of homeland security. 121

(R) "Farm truck" means a truck controlled and operated by a 122
farmer for use in the transportation to or from a farm, for a 123
distance of not more than one hundred fifty miles, of products of 124
the farm, including livestock and its products, poultry and its 125
products, floricultural and horticultural products, and in the 126
transportation to the farm, from a distance of not more than one 127
hundred fifty miles, of supplies for the farm, including tile, 128
fence, and every other thing or commodity used in agricultural, 129
floricultural, horticultural, livestock, and poultry production, 130
and livestock, poultry, and other animals and things used for 131
breeding, feeding, or other purposes connected with the operation 132
of the farm, when the truck is operated in accordance with this 133
division and is not used in the operations of a motor 134
transportation company or private motor carrier. 135

~~(R)~~ (S) "Fatality" means the death of a person as the result 136
of a motor vehicle accident occurring not more than three hundred 137
sixty-five days prior to the date of death. 138

~~(S)~~ (T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

~~(T)~~ (U) "Foreign jurisdiction" means any jurisdiction other than a state.

~~(U)~~ (V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

~~(V)~~ (W) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

~~(W)~~ (X) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

~~(X)~~ (Y) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;

(2) A skill performance evaluation certificate permitting

operation of a commercial motor vehicle pursuant to 49 C.F.R.	170
391.49.	171
(Y) <u>(Z)</u> "Motor vehicle" means a vehicle, machine, tractor,	172
trailer, or semitrailer propelled or drawn by mechanical power	173
used on highways, except that such term does not include a	174
vehicle, machine, tractor, trailer, or semitrailer operated	175
exclusively on a rail.	176
(Z) <u>(AA)</u> "Out-of-service order" means a declaration by an	177
authorized enforcement officer of a federal, state, local,	178
Canadian, or Mexican jurisdiction declaring that a driver,	179
commercial motor vehicle, or commercial motor carrier operation is	180
out of service as defined in 49 C.F.R. 390.5.	181
(AA) <u>(BB)</u> "Peace officer" has the same meaning as in section	182
2935.01 of the Revised Code.	183
(BB) <u>(CC)</u> "Portable tank" means a liquid or gaseous packaging	184
designed primarily to be loaded onto or temporarily attached to a	185
vehicle and equipped with skids, mountings, or accessories to	186
facilitate handling of the tank by mechanical means.	187
(CC) <u>(DD)</u> "Public safety vehicle" has the same meaning as in	188
divisions (E)(1) and (3) of section 4511.01 of the Revised Code.	189
(DD) <u>(EE)</u> "Recreational vehicle" includes every vehicle that	190
is defined as a recreational vehicle in section 4501.01 of the	191
Revised Code and is used exclusively for purposes other than	192
engaging in business for profit.	193
(EE) <u>(FF)</u> "Residence" means any person's residence determined	194
in accordance with standards prescribed in rules adopted by the	195
registrar.	196
(FF) <u>(GG)</u> "School bus" has the same meaning as in section	197
4511.01 of the Revised Code.	198
(GG) <u>(HH)</u> "Serious traffic violation" means any of the	199

following:	200
(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	201 202 203
(2) A violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution prohibiting texting while driving, or any other substantially similar law of another state or political subdivision of another state;	204 205 206 207 208
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	209 210
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	211 212
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	213 214 215
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	216 217 218 219
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	220 221 222 223 224 225 226 227
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township	228 229

resolution, or of any similar law of another state or political 230
subdivision of another state, that involves the operation of a 231
commercial motor vehicle without a valid commercial driver's 232
license being in the person's possession; 233

(f) Violation of section 4511.33 or 4511.34 of the Revised 234
Code, or any municipal ordinance or county or township resolution 235
substantially similar to either of those sections, or any 236
substantially similar law of another state or political 237
subdivision of another state; 238

(g) Violation of any other law of this state or an ordinance 239
or resolution relating to traffic control, other than a parking 240
violation, that is determined to be a serious traffic violation by 241
the United States secretary of transportation and the director 242
designates as such by rule. 243

~~(HH)~~ (II) "State" means a state of the United States and 244
includes the District of Columbia. 245

~~(II)~~ (JJ) "Tank vehicle" means any commercial motor vehicle 246
that is designed to transport any liquid and has a maximum 247
capacity greater than one hundred nineteen gallons or is designed 248
to transport gaseous materials and has a water capacity greater 249
than one thousand pounds within a tank that is either permanently 250
or temporarily attached to the vehicle or its chassis. "Tank 251
vehicle" does not include any of the following: 252

(1) Any portable tank having a rated capacity of less than 253
one thousand gallons; 254

(2) Tanks used exclusively as a fuel tank for the motor 255
vehicle to which it is attached; 256

(3) An empty storage container tank that is not designed for 257
transportation and that is readily distinguishable from a 258
transportation tank; 259

(4) Ready-mix concrete mixers.	260
(JJ) <u>(KK)</u> "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section 4506.09 of the Revised Code.	261 262 263
(KK) <u>(LL)</u> "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:	264 265 266 267 268 269
(1) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call;	270 271 272 273 274
(2) Inputting, selecting, or reading information on a global positioning system or navigation system.	275 276
(LL) <u>(MM)</u> "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.	277 278 279 280 281 282 283 284
(MM) <u>(NN)</u> "United States" means the fifty states and the District of Columbia.	285 286
(NN) <u>(OO)</u> "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate	287 288 289 290

commercial motor vehicles under this chapter;	291
(PP) (PP) "Vehicle" has the same meaning as in section	292
4511.01 of the Revised Code.	293
<u>Sec. 4506.072. (A) Pursuant to the memorandum of</u>	294
<u>understanding agreement between the director of public safety and</u>	295
<u>the United States department of homeland security or other</u>	296
<u>designated federal agency authorized by section 4507.021 of the</u>	297
<u>Revised Code, and in accordance with rules adopted by the</u>	298
<u>registrar of motor vehicles under that section, the registrar or a</u>	299
<u>deputy registrar shall issue an enhanced commercial driver's</u>	300
<u>license to an eligible applicant for such a license who does all</u>	301
<u>of the following:</u>	302
<u>(1) Provides satisfactory proof of the applicant's identity</u>	303
<u>and citizenship;</u>	304
<u>(2) Submits a biometric identifier as required by rule;</u>	305
<u>(3) Signs a declaration on a form prescribed by the registrar</u>	306
<u>acknowledging the use of the one-to-many biometric match and radio</u>	307
<u>frequency identification or other security features of the</u>	308
<u>license;</u>	309
<u>(4) Pays a fee of twenty-two dollars, in addition to</u>	310
<u>applicable fees in section 4506.08 of the Revised Code for</u>	311
<u>issuance of a commercial driver's license;</u>	312
<u>(5) Complies with all other conditions, qualifications, and</u>	313
<u>requirements for issuance of a commercial driver's license.</u>	314
<u>(B) All provisions in the Revised Code relating to commercial</u>	315
<u>drivers' licenses include and apply to an enhanced commercial</u>	316
<u>driver's license. An enhanced commercial driver's license may be</u>	317
<u>used in the same manner as a commercial driver's license and</u>	318
<u>additionally is approved by the United States secretary of</u>	319
<u>homeland security for purposes of entering the United States at</u>	320

authorized land and sea ports. 321

Sec. 4506.11. (A) Every commercial driver's license shall be 322
marked "commercial driver's license" or "CDL" and shall be of such 323
material and so designed as to prevent its reproduction or 324
alteration without ready detection, and, to this end, shall be 325
laminated with a transparent plastic material. The commercial 326
driver's license for licensees under twenty-one years of age shall 327
have characteristics prescribed by the registrar of motor vehicles 328
distinguishing it from that issued to a licensee who is twenty-one 329
years of age or older. Every commercial driver's license shall 330
display all of the following information: 331

(1) The name and residence address of the licensee; 332

(2) A color photograph of the licensee showing the licensee's 333
uncovered face; 334

(3) A physical description of the licensee, including sex, 335
height, weight, and color of eyes and hair; 336

(4) The licensee's date of birth; 337

(5) The licensee's social security number if the person has 338
requested that the number be displayed in accordance with section 339
4501.31 of the Revised Code or if federal law requires the social 340
security number to be displayed and any number or other identifier 341
the director of public safety considers appropriate and 342
establishes by rules adopted under Chapter 119. of the Revised 343
Code and in compliance with federal law; 344

(6) The licensee's signature; 345

(7) The classes of commercial motor vehicles the licensee is 346
authorized to drive and any endorsements or restrictions relating 347
to the licensee's driving of those vehicles; 348

(8) The name of this state; 349

(9) The dates of issuance and of expiration of the license; 350

(10) If the licensee has certified willingness to make an 351
anatomical gift under section 2108.05 of the Revised Code, any 352
symbol chosen by the registrar of motor vehicles to indicate that 353
the licensee has certified that willingness; 354

(11) If the licensee has executed a durable power of attorney 355
for health care or a declaration governing the use or 356
continuation, or the withholding or withdrawal, of life-sustaining 357
treatment and has specified that the licensee wishes the license 358
to indicate that the licensee has executed either type of 359
instrument, any symbol chosen by the registrar to indicate that 360
the licensee has executed either type of instrument; 361

(12) On and after October 7, 2009, if the licensee has 362
specified that the licensee wishes the license to indicate that 363
the licensee is a veteran, active duty, or reservist of the armed 364
forces of the United States and has presented a copy of the 365
licensee's DD-214 form or an equivalent document, any symbol 366
chosen by the registrar to indicate that the licensee is a 367
veteran, active duty, or reservist of the armed forces of the 368
United States; 369

(13) Any other information the registrar considers advisable 370
and requires by rule. 371

(B) Every enhanced driver's license shall have any additional 372
characteristics established by rule adopted under section 4507.021 373
of the Revised Code. 374

(C) The registrar may establish and maintain a file of 375
negatives of photographs taken for the purposes of this section. 376

~~(C)~~ (D) Neither the registrar nor any deputy registrar shall 377
issue a commercial driver's license to anyone under twenty-one 378
years of age that does not have the characteristics prescribed by 379
the registrar distinguishing it from the commercial driver's 380

license issued to persons who are twenty-one years of age or 381
older. 382

~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section is 383
guilty of a minor misdemeanor. 384

Sec. 4506.16. (A) Any person who is found to have been 385
convicted of a violation of an out-of-service order shall be 386
disqualified by the registrar of motor vehicles as follows: 387

(1) If the person has not been convicted previously of a 388
violation of an out-of-service order, the period of 389
disqualification is one hundred eighty days. 390

(2) If, during any ten-year period, the driver is convicted 391
of a second violation of an out-of-service order in an incident 392
separate from the incident that resulted in the first violation, 393
the period of disqualification is two years. 394

(3) If, during any ten-year period, the driver is convicted 395
of a third or subsequent violation of an out-of-service order in 396
an incident separate from the incidents that resulted in the 397
previous violations during that ten-year period, the period of 398
disqualification is three years. 399

(B)(1) A driver is disqualified for one hundred eighty days 400
if the driver is convicted of a first violation of an 401
out-of-service order while transporting hazardous materials 402
required to be placarded under the "Hazardous Materials 403
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 404
amended, or while operating a motor vehicle designed to transport 405
sixteen or more passengers, including the driver. 406

(2) A driver is disqualified for a period of three years if, 407
during any ten-year period, the driver is convicted of a second or 408
subsequent violation, in an incident separate from the incident 409
that resulted in a previous violation during that ten-year period, 410

of an out-of-service order while transporting hazardous materials 411
required to be placarded under that act, or while operating a 412
motor vehicle designed to transport sixteen or more passengers, 413
including the driver. 414

(C) Whoever violates division (A)(1) of section 4506.15 of 415
the Revised Code or a similar law of another state or a foreign 416
jurisdiction, immediately shall be placed out-of-service for 417
twenty-four hours, in addition to any disqualification required by 418
this section and any other penalty imposed by the Revised Code. 419

(D) The registrar of motor vehicles shall disqualify any 420
holder of a commercial driver's license, or any operator of a 421
commercial motor vehicle for which a commercial driver's license 422
is required, from operating a commercial motor vehicle as follows: 423

(1) Upon a first conviction for a violation of any provision 424
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 425
or a similar law of another state or a foreign jurisdiction, or 426
upon a first suspension imposed under section 4511.191 of the 427
Revised Code or a similar law of another state or foreign 428
jurisdiction, one year; 429

(2) Upon a second conviction for a violation of any provision 430
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 431
or a similar law of another state or a foreign jurisdiction, or 432
upon a second suspension imposed under section 4511.191 of the 433
Revised Code or a similar law of another state or foreign 434
jurisdiction, or any combination of such violations arising from 435
two or more separate incidents, the person shall be disqualified 436
for life or for any other period of time as determined by the 437
United States secretary of transportation and designated by the 438
director of public safety by rule; 439

(3) Upon a first conviction for any of the following 440
violations while transporting hazardous materials, three years: 441

(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code; 442
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(b) A similar law of another state or a foreign jurisdiction. 444

(4) Upon conviction of a violation of division (A)(13) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life; 445
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(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section; 449
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(b) Upon conviction of three serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section; 456
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(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section; 463
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(b) Upon conviction of three serious traffic violations 473
involving the operation of a vehicle other than a commercial motor 474
vehicle by the person and arising from separate incidents 475
occurring in a three-year period, the person shall be disqualified 476
for one hundred twenty days if the conviction results in the 477
suspension, cancellation, or revocation of the holder's commercial 478
driver's license or noncommercial motor vehicle driving 479
privileges, which disqualification shall be imposed consecutively 480
to any other separate disqualification imposed under division 481
(D)(5) or (6) of this section. 482

(7) Upon a first conviction involving the operation of a 483
commercial motor vehicle in violation of any provisions of 484
sections 4511.61 to 4511.63 of the Revised Code or a similar law 485
of another state or foreign jurisdiction, not less than sixty 486
days; 487

(8) Upon a second conviction involving the operation of a 488
commercial motor vehicle in violation of any provisions of 489
sections 4511.61 to 4511.63 of the Revised Code or a similar law 490
of another state or foreign jurisdiction within three years of the 491
first such conviction, not less than one hundred twenty days; 492

(9) Upon a third or subsequent conviction involving the 493
operation of a commercial motor vehicle in violation of any 494
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 495
similar law of another state or foreign jurisdiction within three 496
years of the first such conviction, not less than one year; 497

(10) Upon receiving notification from the federal motor 498
carrier safety administration, the registrar immediately, prior to 499
any hearing, shall disqualify any commercial motor vehicle driver 500
whose driving is determined to constitute an imminent hazard as 501
defined under federal motor carrier safety regulation 49 C.F.R. 502
383.52. 503

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the person's commercial driver's license.

(2) The offense occurs on or after September 30, 2005.

(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license in the person's possession as described in division ~~(GG)~~ (HH)(3)(e) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the court with jurisdiction over the case before the date of the person's initial appearance that shows that the person held a valid commercial driver's license at the time of the violation, the violation shall

not be deemed to be a serious traffic violation. 534

(H) Any record described in division (C) of this section 535
shall be deemed to be self-authenticating when it is received by 536
the bureau of motor vehicles. 537

(I) When disqualifying a driver, the registrar shall cause 538
the records of the bureau to be updated to reflect that action 539
within ten days after it occurs. 540

(J) The registrar immediately shall notify a driver who is 541
finally convicted of any offense described in section 4506.15 of 542
the Revised Code or division (B)(4), (5), or (6) of this section 543
and thereby is subject to disqualification, of the offense or 544
offenses involved, of the length of time for which 545
disqualification is to be imposed, and that the driver may request 546
a hearing within thirty days of the mailing of the notice to show 547
cause why the driver should not be disqualified from operating a 548
commercial motor vehicle. If a request for such a hearing is not 549
made within thirty days of the mailing of the notice, the order of 550
disqualification is final. The registrar may designate hearing 551
examiners who, after affording all parties reasonable notice, 552
shall conduct a hearing to determine whether the disqualification 553
order is supported by reliable evidence. The registrar shall adopt 554
rules to implement this division. 555

(K) Any person who is disqualified from operating a 556
commercial motor vehicle under this section may apply to the 557
registrar for a driver's license to operate a motor vehicle other 558
than a commercial motor vehicle, provided the person's commercial 559
driver's license is not otherwise suspended. A person whose 560
commercial driver's license is suspended shall not apply to the 561
registrar for or receive a driver's license under Chapter 4507. of 562
the Revised Code during the period of suspension. 563

(L) The disqualifications imposed under this section are in 564

addition to any other penalty imposed by the Revised Code. 565

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 566
"motorized bicycle," "state," "owner," "operator," "chauffeur," 567
and "highways" have the same meanings as in section 4501.01 of the 568
Revised Code. 569

"Driver's license" means a class D license issued to any 570
person to operate a motor vehicle or motor-driven cycle, other 571
than a commercial motor vehicle, and includes "probationary 572
license," "restricted license," and any operator's or chauffeur's 573
license issued before January 1, 1990. Except as otherwise 574
specifically provided, "driver's license" includes "enhanced 575
driver's license." 576

"Enhanced driver's license" means a driver's license issued 577
in accordance with sections 4507.021 and 4507.061 of the Revised 578
Code that denotes citizenship and identity and is approved by the 579
United States secretary of homeland security for purposes of 580
entering the United States and that contains technology and 581
security features approved by the secretary of homeland security. 582

"Probationary license" means the license issued to any person 583
between sixteen and eighteen years of age to operate a motor 584
vehicle. 585

"Restricted license" means the license issued to any person 586
to operate a motor vehicle subject to conditions or restrictions 587
imposed by the registrar of motor vehicles. 588

"Commercial driver's license" means the license issued to a 589
person under Chapter 4506. of the Revised Code to operate a 590
commercial motor vehicle. 591

"Commercial motor vehicle" has the same meaning as in section 592
4506.01 of the Revised Code. 593

"Motorized bicycle license" means the license issued under 594

section 4511.521 of the Revised Code to any person to operate a 595
motorized bicycle including a "probationary motorized bicycle 596
license." 597

"Probationary motorized bicycle license" means the license 598
issued under section 4511.521 of the Revised Code to any person 599
between fourteen and sixteen years of age to operate a motorized 600
bicycle. 601

"Identification card" means a card issued under sections 602
4507.50 and 4507.51 of the Revised Code. Except as otherwise 603
specifically provided, "identification card" includes "enhanced 604
identification card." 605

"Enhanced identification card" means an identification card 606
issued in accordance with section 4507.511 of the Revised Code 607
that denotes citizenship and identity and contains technology and 608
security features approved by the secretary of homeland security 609
and is approved by the secretary for purposes of entering the 610
United States. 611

"Resident" means a person who, in accordance with standards 612
prescribed in rules adopted by the registrar, resides in this 613
state on a permanent basis. 614

"Temporary resident" means a person who, in accordance with 615
standards prescribed in rules adopted by the registrar, resides in 616
this state on a temporary basis. 617

(B) In the administration of this chapter and Chapter 4506. 618
of the Revised Code, the registrar has the same authority as is 619
conferred on the registrar by section 4501.02 of the Revised Code. 620
Any act of an authorized deputy registrar of motor vehicles under 621
direction of the registrar is deemed the act of the registrar. 622

To carry out this chapter, the registrar shall appoint such 623
deputy registrars in each county as are necessary. 624

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

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

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

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

(E) The registrar shall periodically solicit bids and enter

into a contract for the provision of laminating equipment and 657
laminating materials to the registrar and all deputy registrars. 658
The registrar shall not consider any bid that does not provide for 659
the supplying of both laminating equipment and laminating 660
materials. The laminating materials selected shall contain a 661
security feature so that any tampering with the laminating 662
material covering a license or identification card is readily 663
apparent. In soliciting bids and entering into a contract for the 664
provision of laminating equipment and laminating materials, the 665
registrar shall observe all procedures required by law. 666

Sec. 4507.021. (A)(1) The director of public safety shall 667
enter into a memorandum of understanding with the United States 668
department of homeland security or other designated federal agency 669
for the purpose of obtaining approval to issue an enhanced 670
driver's license, enhanced commercial driver's license, and 671
enhanced identification card acceptable as proof of identity and 672
citizenship for Ohio residents entering the United States at 673
authorized land and sea ports. 674

(2) In conjunction with the United States department of 675
homeland security or other designated federal agency, the director 676
of public safety may enter into an agreement with the United 677
Mexican States, Canada, or a Canadian province for the purpose of 678
implementing a border-crossing initiative. 679

(B) Pursuant to an agreement under division (A)(1) of this 680
section, the registrar of motor vehicles, subject to approval of 681
the director of public safety, shall adopt rules in accordance 682
with Chapter 119. of the Revised Code governing issuance of an 683
enhanced driver's license, enhanced commercial driver's license, 684
and enhanced identification card. The rules shall establish 685
acceptable proof of identity and citizenship for issuance of an 686
enhanced license or identification card. The rules shall establish 687

reasonable security measures to prevent counterfeiting and to 688
protect against unauthorized disclosure of personal information 689
that is contained in an enhanced license or identification card. 690
The rules may require a one-to-many biometric matching system for 691
identification purposes and may require use of radio frequency 692
identification technology or other secure technology acceptable to 693
the United States department of homeland security that is 694
encrypted or otherwise secure from unauthorized data access. The 695
rules may establish additional characteristics for an enhanced 696
license or identification card. The registrar may adopt any other 697
rules necessary to implement issuance of an enhanced driver's 698
license, enhanced commercial driver's license, and enhanced 699
identification card. 700

Sec. 4507.061. (A) Pursuant to the memorandum of 701
understanding agreement between the director of public safety and 702
the United States department of homeland security or other 703
designated federal agency authorized by section 4507.021 of the 704
Revised Code, and in accordance with rules adopted by the 705
registrar of motor vehicles under that section, the registrar or a 706
deputy registrar shall issue an enhanced driver's license to an 707
eligible applicant for such a license who does all of the 708
following: 709

(1) Provides satisfactory proof of the applicant's identity 710
and citizenship; 711

(2) Submits a biometric identifier as required by rule; 712

(3) Signs a declaration on a form prescribed by the registrar 713
acknowledging the use of the one-to-many biometric match and radio 714
frequency identification or other security features of the 715
license; 716

(4) Pays a fee of twenty-two dollars, in addition to 717
applicable fees in sections 4507.23 and 4507.24 of the Revised 718

Code for issuance of a driver's license; 719

(5) Complies with all other conditions, qualifications, and 720
requirements for issuance of a driver's license. 721

(B) All provisions in the Revised Code relating to drivers' 722
licenses include and apply to an enhanced driver's license. An 723
enhanced driver's license may be used in the same manner as a 724
driver's license and additionally is approved by the United States 725
secretary of homeland security for purposes of entering the United 726
States at authorized land and sea ports. 727

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 728
a driver's license to every person licensed as an operator of 729
motor vehicles other than commercial motor vehicles. No person 730
licensed as a commercial motor vehicle driver under Chapter 4506. 731
of the Revised Code need procure a driver's license, but no person 732
shall drive any commercial motor vehicle unless licensed as a 733
commercial motor vehicle driver. 734

Every driver's license shall display on it the distinguishing 735
number assigned to the licensee and shall display the licensee's 736
name and date of birth; the licensee's residence address and 737
county of residence; a color photograph of the licensee; a brief 738
description of the licensee for the purpose of identification; a 739
facsimile of the signature of the licensee as it appears on the 740
application for the license; a notation, in a manner prescribed by 741
the registrar, indicating any condition described in division 742

(D)(3) of section 4507.08 of the Revised Code to which the 743
licensee is subject; if the licensee has executed a durable power 744
of attorney for health care or a declaration governing the use or 745
continuation, or the withholding or withdrawal, of life-sustaining 746
treatment and has specified that the licensee wishes the license 747
to indicate that the licensee has executed either type of 748
instrument, any symbol chosen by the registrar to indicate that 749

the licensee has executed either type of instrument; on and after 750
October 7, 2009, if the licensee has specified that the licensee 751
wishes the license to indicate that the licensee is a veteran, 752
active duty, or reservist of the armed forces of the United States 753
and has presented a copy of the licensee's DD-214 form or an 754
equivalent document, any symbol chosen by the registrar to 755
indicate that the licensee is a veteran, active duty, or reservist 756
of the armed forces of the United States; and any additional 757
information that the registrar requires by rule. No license shall 758
display the licensee's social security number unless the licensee 759
specifically requests that the licensee's social security number 760
be displayed on the license. If federal law requires the 761
licensee's social security number to be displayed on the license, 762
the social security number shall be displayed on the license 763
notwithstanding this section. 764

The driver's license for licensees under twenty-one years of 765
age shall have characteristics prescribed by the registrar 766
distinguishing it from that issued to a licensee who is twenty-one 767
years of age or older, except that a driver's license issued to a 768
person who applies no more than thirty days before the applicant's 769
twenty-first birthday shall have the characteristics of a license 770
issued to a person who is twenty-one years of age or older. 771

The driver's license issued to a temporary resident shall 772
contain the word "nonrenewable" and shall have any additional 773
characteristics prescribed by the registrar distinguishing it from 774
a license issued to a resident. 775

Every enhanced driver's license shall have any additional 776
characteristics established by rule adopted under section 4507.021 777
of the Revised Code. 778

Every driver's or commercial driver's license displaying a 779
motorcycle operator's endorsement and every restricted license to 780
operate a motor vehicle also shall display the designation 781

"novice," if the endorsement or license is issued to a person who
is eighteen years of age or older and previously has not been
licensed to operate a motorcycle by this state or another
jurisdiction recognized by this state. The "novice" designation
shall be effective for one year after the date of issuance of the
motorcycle operator's endorsement or license.

Each license issued under this section shall be of such
material and so designed as to prevent its reproduction or
alteration without ready detection and, to this end, shall be
laminated with a transparent plastic material.

(B) Except in regard to a driver's license issued to a person
who applies no more than thirty days before the applicant's
twenty-first birthday, neither the registrar nor any deputy
registrar shall issue a driver's license to anyone under
twenty-one years of age that does not have the characteristics
prescribed by the registrar distinguishing it from the driver's
license issued to persons who are twenty-one years of age or
older.

(C) Whoever violates division (B) of this section is guilty
of a minor misdemeanor.

Sec. 4507.511. (A) Pursuant to the memorandum of
understanding agreement between the director of public safety and
the United States department of homeland security or other
designated federal agency authorized by section 4507.021 of the
Revised Code, and in accordance with rules adopted by the
registrar of motor vehicles under that section, the registrar or a
deputy registrar shall issue an enhanced identification card to an
eligible applicant for such a card who does all of the following:

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

<u>(2) Submits a biometric identifier as required by rule;</u>	812
<u>(3) Signs a declaration on a form prescribed by the registrar</u>	813
<u>acknowledging the use of the one-to-many biometric match and radio</u>	814
<u>frequency identification or other security features of the card;</u>	815
<u>(4) Pays a fee of twenty-two dollars, in addition to</u>	816
<u>applicable fees in section 4507.50 of the Revised Code for</u>	817
<u>issuance of an identification card;</u>	818
<u>(5) Complies with all other requirements for issuance of an</u>	819
<u>identification card.</u>	820
<u>(B) All provisions in the Revised Code relating to</u>	821
<u>identification cards issued under sections 4507.50 to 4507.52 of</u>	822
<u>the Revised Code include and apply to an enhanced identification</u>	823
<u>card. An enhanced identification card may be used in the same</u>	824
<u>manner as an identification card issued under sections 4507.50 to</u>	825
<u>4507.52 of the Revised Code and additionally is approved by the</u>	826
<u>United States secretary of homeland security for purposes of</u>	827
<u>entering the United States at authorized land and sea ports.</u>	828
Sec. 4507.52. (A) Each identification card issued by the	829
registrar of motor vehicles or a deputy registrar shall display a	830
distinguishing number assigned to the cardholder, and shall	831
display the following inscription:	832
"STATE OF OHIO IDENTIFICATION CARD	833
This card is not valid for the purpose of operating a motor	834
vehicle. It is provided solely for the purpose of establishing the	835
identity of the bearer described on the card, who currently is not	836
licensed to operate a motor vehicle in the state of Ohio."	837
The identification card shall display substantially the same	838
information as contained in the application and as described in	839
division (A)(1) of section 4507.51 of the Revised Code, but shall	840
not display the cardholder's social security number unless the	841

cardholder specifically requests that the cardholder's social 842
security number be displayed on the card. If federal law requires 843
the cardholder's social security number to be displayed on the 844
identification card, the social security number shall be displayed 845
on the card notwithstanding this section. The identification card 846
also shall display the color photograph of the cardholder. If the 847
cardholder has executed a durable power of attorney for health 848
care or a declaration governing the use or continuation, or the 849
withholding or withdrawal, of life-sustaining treatment and has 850
specified that the cardholder wishes the identification card to 851
indicate that the cardholder has executed either type of 852
instrument, the card also shall display any symbol chosen by the 853
registrar to indicate that the cardholder has executed either type 854
of instrument. On and after October 7, 2009, if the cardholder has 855
specified that the cardholder wishes the identification card to 856
indicate that the cardholder is a veteran, active duty, or 857
reservist of the armed forces of the United States and has 858
presented a copy of the cardholder's DD-214 form or an equivalent 859
document, the card also shall display any symbol chosen by the 860
registrar to indicate that the cardholder is a veteran, active 861
duty, or reservist of the armed forces of the United States. The 862
card shall be sealed in transparent plastic or similar material 863
and shall be so designed as to prevent its reproduction or 864
alteration without ready detection. 865

The identification card for persons under twenty-one years of 866
age shall have characteristics prescribed by the registrar 867
distinguishing it from that issued to a person who is twenty-one 868
years of age or older, except that an identification card issued 869
to a person who applies no more than thirty days before the 870
applicant's twenty-first birthday shall have the characteristics 871
of an identification card issued to a person who is twenty-one 872
years of age or older. 873

Every enhanced identification card shall have any additional 874
characteristics established by rule adopted under section 4507.021 875
of the Revised Code. 876

Every identification card issued to a resident of this state 877
shall expire, unless canceled or surrendered earlier, on the 878
birthday of the cardholder in the fourth year after the date on 879
which it is issued. Every identification card issued to a 880
temporary resident shall expire in accordance with rules adopted 881
by the registrar and is nonrenewable, but may be replaced with a 882
new identification card upon the applicant's compliance with all 883
applicable requirements. A cardholder may renew the cardholder's 884
identification card within ninety days prior to the day on which 885
it expires by filing an application and paying the prescribed fee 886
in accordance with section 4507.50 of the Revised Code. 887

If a cardholder applies for a driver's or commercial driver's 888
license in this state or another licensing jurisdiction, the 889
cardholder shall surrender the cardholder's identification card to 890
the registrar or any deputy registrar before the license is 891
issued. 892

(B) If a card is lost, destroyed, or mutilated, the person to 893
whom the card was issued may obtain a duplicate by doing both of 894
the following: 895

(1) Furnishing suitable proof of the loss, destruction, or 896
mutilation to the registrar or a deputy registrar; 897

(2) Filing an application and presenting documentary evidence 898
under section 4507.51 of the Revised Code. 899

Any person who loses a card and, after obtaining a duplicate, 900
finds the original, immediately shall surrender the original to 901
the registrar or a deputy registrar. 902

A cardholder may obtain a replacement identification card 903
that reflects any change of the cardholder's name by furnishing 904

suitable proof of the change to the registrar or a deputy 905
registrar and surrendering the cardholder's existing card. 906

When a cardholder applies for a duplicate or obtains a 907
replacement identification card, the cardholder shall pay a fee of 908
two dollars and fifty cents. A deputy registrar shall be allowed 909
an additional fee of ~~two dollars and seventy five cents commencing~~ 910
~~on July 1, 2001, three dollars and twenty five cents commencing on~~ 911
~~January 1, 2003, and three dollars and fifty cents commencing on~~ 912
~~January 1, 2004,~~ for issuing a duplicate or replacement 913
identification card. A disabled veteran who is a cardholder and 914
has a service-connected disability rated at one hundred per cent 915
by the veterans' administration may apply to the registrar or a 916
deputy registrar for the issuance of a duplicate or replacement 917
identification card without payment of any fee prescribed in this 918
section, and without payment of any lamination fee if the disabled 919
veteran would not be required to pay a lamination fee in 920
connection with the issuance of an identification card or 921
temporary identification card as provided in division (B) of 922
section 4507.50 of the Revised Code. 923

A duplicate or replacement identification card shall expire 924
on the same date as the card it replaces. 925

(C) The registrar shall cancel any card upon determining that 926
the card was obtained unlawfully, issued in error, or was altered. 927
The registrar also shall cancel any card that is surrendered to 928
the registrar or to a deputy registrar after the holder has 929
obtained a duplicate, replacement, or driver's or commercial 930
driver's license. 931

(D)(1) No agent of the state or its political subdivisions 932
shall condition the granting of any benefit, service, right, or 933
privilege upon the possession by any person of an identification 934
card. Nothing in this section shall preclude any publicly operated 935
or franchised transit system from using an identification card for 936

the purpose of granting benefits or services of the system. 937

(2) No person shall be required to apply for, carry, or 938
possess an identification card. 939

(E) Except in regard to an identification card issued to a 940
person who applies no more than thirty days before the applicant's 941
twenty-first birthday, neither the registrar nor any deputy 942
registrar shall issue an identification card to a person under 943
twenty-one years of age that does not have the characteristics 944
prescribed by the registrar distinguishing it from the 945
identification card issued to persons who are twenty-one years of 946
age or older. 947

(F) Whoever violates division (E) of this section is guilty 948
of a minor misdemeanor. 949

Section 2. That existing sections 4506.01, 4506.11, 4506.16, 950
4507.01, 4507.13, and 4507.52 of the Revised Code are hereby 951
repealed. 952