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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 724  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Blackshear

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### SUMMARY

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

### DETAILED ANALYSIS

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

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

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

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

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

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

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

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

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<sup>1</sup> R.C. 4507.60 through 4507.62 and R.C. 3501.01(AA)(2).

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

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

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

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

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

## Viewable information and assumption of risk

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

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## HISTORY

Action	Date
Introduced	09-27-22

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ANHB0724IN-134/ts

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