

4501:1-1-41 **Application and document requirements for the issuance of a safe driver's license and other safe credentials.**

(A) The registrar of motor vehicles shall designate a date on or after January 1, 2013 at which time this rule and rules 4501:1-1-42, 4501:1-1-43, and 4501:1-1-44 of the Administrative Code become effective to implement the Ohio safe identification (ID) system.

(B) This rule governs acceptable identification documents to be submitted to the registrar or any deputy registrar with an application for any safe credential to be issued by the Ohio bureau of motor vehicles (BMV). As used in this rule:

(1) "Credential" means any temporary instruction permit identification card (TIPIC), driver's license, commercial driver's license, motorcycle operator's license, or identification card issued by the BMV.

(2) "Safe credential" means any TIPIC, driver's license, commercial driver's license, motorcycle operator's license, or identification card issued by the BMV in compliance with the provisions of the Ohio Revised Code, the Ohio Administrative Code, and 6 Code of Federal Regulations (C.F.R.) 37, effective March 31, 2008, to a citizen or permanent resident of the United States. A safe credential shall bear a distinguishing feature prescribed by the registrar identifying it as a safe credential.

The Code of Federal Regulations may be accessed at <http://www.gpoaccess.gov/cfr/index.html>.

(C) A person who applies for any credential shall be photographed before the credential is issued. The photograph shall capture the applicant's facial image. The facial image shall be retained for five years if no credential is issued or shall be retained for at least two years beyond the expiration date of any credential issued.

(D) A person who applies for any credential shall sign a declaration that the information presented on the application is true and correct and an acknowledgment that giving false information may constitute a serious criminal offense under federal or Ohio law.

(E) A person who applies for any credential shall first be screened for the issuance of a safe credential under the provisions of this rule. If the person does not qualify or chooses not to qualify for a safe credential, a person who is a citizen or permanent resident of Ohio and the United States under rule 4501:1-1-35 of the Administrative Code may apply for a legacy credential under rule 4501:1-1-42 of the Administrative Code and a person who is a temporary resident of Ohio and the United States under rule 4501:1-1-37 of the Administrative Code may apply for a nonrenewable credential under the provisions of rule 4501:1-1-43 of the Administrative Code.

(F) A person who applies for any safe credential shall present documents sufficient to

establish the person's:

(1) Full legal name;

(2) Date of birth;

(3) Social security number;

(4) Street address of the person's principal residence in Ohio;

(5) Status as a citizen or permanent resident of the United States, all in accordance with this rule.

(G) All documents shall be an original document or a copy bearing an original certification by the issuing authority. Uncertified copies or copies of certified copies shall not be acceptable.

(H) To establish the person's full legal name and date of birth, the applicant shall present at least one of the following source documents containing the person's full legal name and date of birth:

(1) Valid, unexpired United States (U.S.) passport or passport card;

(2) Original or certified copy of a birth certificate filed with a state office of vital statistics or the equivalent state or local governmental agency in the person's state of birth;

(3) Consular report of birth abroad (CRBA) issued by the U.S. department of state, form FS-240, DS-1350 or FS-545;

(4) Valid, unexpired permanent resident card (form I-551) issued by the department of homeland security (DHS) or immigration and naturalization services (INS);

(5) Certificate of naturalization issued by DHS, form N-550 or form N-570;

(6) Certificate of citizenship issued by DHS, form N-560 or form N-561;

(7) Safe credential issued by the state of Ohio or REAL ID driver's license or identification card issued by any other state in compliance with the standards established by 6 C.F.R. 37;

(8) Such other documents as DHS may designate by notice published in the federal register.

(I) The applicant's full legal name shall consist of the applicant's first (given) name, middle name or names, and last name (surname) or names without the use of

initials or nicknames. Unless changed by court order, the applicant's first name shall be the first (given) name listed on the applicant's birth certificate or other acceptable source document. The applicant's middle name may consist of the middle name given on the applicant's birth certificate, a previous last name, or a combination of both. The last name may consist of the applicant's last name (or maiden name) as listed on the applicant's birth certificate, the applicant's last name from a current or former marriage, or a combination of any of them. In determining the applicant's current full legal name, the registrar or deputy registrar shall give deference to the applicant's wishes when the applicant has more than one legally established middle name or last name. If an applicant has obtained a court-ordered name change, the applicant's full legal name shall consist of the name established in the court order, modified only by a subsequent name change as a result of a marriage or a decree of divorce, dissolution, or annulment of marriage.

(J) If the source documents presented do not establish the applicant's current full legal name, or the names on the documents are inconsistent, the applicant shall present additional documents to establish the applicant's full legal name to the satisfaction of the registrar or deputy registrar. The following documents shall be acceptable for this purpose:

- (1) A marriage certificate or certified abstract of marriage issued by the appropriate state or local agency or court;
- (2) A certified copy of a decree of divorce, dissolution, or annulment of marriage. The decree of divorce, dissolution, or annulment of marriage is acceptable to establish a name change whether or not the decree specifically orders a name change;
- (3) A certified copy of a court ordered name change;
- (4) A legacy credential or safe credential issued by the Ohio BMV bearing the person's current legal name.

(K) To establish the applicant's social security number (SSN), the applicant shall present at least one of the following documents:

- (1) The applicant's social security account number card;
- (2) W-2 form;
- (3) SSA-1099 form;
- (4) Non-SSA-1099 form;
- (5) Pay stub with the applicant's name and SSN on it;
- (6) Safe credential issued by the state of Ohio in compliance with the standards

established by 6 C.F.R. 37.

(L) An applicant who provides acceptable documentation showing that the applicant does not qualify for the issuance of, and has never been assigned, a social security number may be issued a safe credential upon giving acceptable proof of that applicant's true identity, including the person's full legal name, date of birth, legal presence in the United States, and residence street address within the state of Ohio. A person who has been assigned a social security number but later attempts to revoke or cancel it, does not comply with this rule and the application shall be denied unless that person provides acceptable evidence of the social security number previously assigned. The application for a safe credential shall be denied if the social security number provided by the applicant cannot be verified.

(M) To establish lawful status in the United States, the applicant shall present at least one of the following documents:

(1) Valid, unexpired United States (U.S.) passport or passport card;

(2) Certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the person's state of birth;

(3) Consular report of birth abroad (CRBA) issued by the U.S. department of state, form FS-240, DS-1350 or FS-545;

(4) Valid, unexpired permanent resident card (form I-551) issued by the department of homeland security (DHS) or immigration and naturalization services (INS);

(5) Certificate of naturalization issued by DHS, form N-550 or form N-570;

(6) Certificate of citizenship issued by DHS, form N-560 or form N-561;

(7) Safe credential issued by the state of Ohio in compliance with the standards established by 6 C.F.R. 37.

(N) The applicant shall present acceptable evidence of the applicant's residential street address within the state of Ohio. A post office box or other mail box address is not acceptable. The applicant shall present at least two documents which contain the applicant's name and the applicant's residential street address from the list set forth in rule 4501:1-1-44 of the Administrative Code.

(O) An applicant who establishes the applicant's full legal name and date of birth in accordance with paragraphs (H), (I), and (J) of this rule, social security number in accordance with paragraph (K) of this rule, lawful status in accordance with paragraph (M) of this rule, and Ohio residential street address in accordance with rule 4501:1-1-44 of the Administrative Code, and who is otherwise qualified for the credential applied for shall be issued the appropriate interim safe credential and

appropriate safe credential in accordance with this rule, or if the applicant so chooses, an appropriate legacy credential may be issued pursuant to rule 4501:1-1-42 of the Administrative Code.

(P) A person who loses his or her safe credential within ninety days of its expiration may apply for a renewal safe credential, and a person who loses his or her safe credential more than ninety days prior to its expiration may apply for a duplicate safe credential, if all of the following conditions are met:

(1) The person signs an affidavit stating that the original safe credential was lost or stolen;

(2) The person presents at least one acceptable document from the lists in paragraphs (H), (K) or (M) of this rule;

(3) The data recorded in the BMV system confirms the person's full legal name, date of birth, legal presence in the United States, and social security number. The person shall state on the application the person's current residential street address in the state of Ohio;

(4) The digital photograph recorded in the BMV data system shows conclusively that the applicant is the person to whom the original safe credential was issued.

(Q) The registrar shall prescribe the specifications for interim safe credentials that shall be valid for up to forty-five days while the applicant's documents are reviewed and the applicant's safe credential is being manufactured.

(R) All documents presented by the applicant in support of the application shall be scanned or otherwise copied for retention by the BMV. The BMV will examine and attempt to verify the authenticity of the documents. If the documents appear to be in order, the appropriate safe credential shall be manufactured and shall be sent to the applicant through the United States postal service or by other means determined by the registrar. If the documents are not authenticated to the satisfaction of the registrar, the application shall be denied, the interim safe credential shall be canceled, and no safe credential shall be issued.

(S) The registrar shall establish a written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents to establish identity or date of birth. Alternative documents to demonstrate lawful status will only be allowed to demonstrate United States citizenship. The exceptions process shall include safeguards to establish the authenticity of the alternate documents each time they are presented and indicate that an exception process was used in the applicant's record. The process shall provide that the BMV shall retain copies or images of the alternative documents accepted. The process shall include a review of the use of the exceptions process and shall provide for the preparation and submission of a report with a copy of the exceptions as a part of the

certification documentation.

(T) If the person who signs the application does not provide identification as required by this rule, the application for a safe credential shall not be accepted by the registrar of motor vehicles or any deputy registrar. If otherwise qualified, the person may apply for a legacy credential pursuant to rule 4501:1-1-42 of the Administrative Code or a nonrenewable credential pursuant to rule 4501:1-1-43 of the Administrative Code.

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under:

119.03

Statutory Authority:

R.C. 4501.02, R.C. 4507.01, R.C. 4507.09

Rule Amplifies:

R.C. 4506.07, R.C. 4507.06, R.C. 4507.09, R.C.
4507.50