

To: Angela Johnston
Catholic Latino Ministry
From: Karen A. Herrling
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Subject: Ohio's Requirement for Social Security Numbers for Vehicle Registration
Date: October 27, 2009

In a recent email, you asked me a series of questions about Ohio's requirement of a Social Security Number (SSN) for a vehicle registration. These questions include: (1) do you have research on states that require SSNs for vehicle registration; (2) what positive actions were taken in other states to change the legislation; (3) what options do those affected by the requirement have; (4) are their federal regulations on Individual Tax Identification Numbers (ITIN) and can an ITIN be used for vehicle registration. Below, please find answers to your questions.

Vehicle Registration in Ohio: According to the Ohio Bureau of Motor Vehicles, an owner or Person Granted Authority (PGA) must possess and present an Ohio Driver's License (DL), Ohio Identification Card (ID), or a Social Security Card in order to register a vehicle in the state. These documents are verified in the Vehicle Registration system.

If an owner or PGA does not have an Ohio DL or Ohio Id, then he/she must provide a driver license or ID card from any state of the United States or province of Canada **OR** documentary proof of a Social Security Number (SSN). Documentary Proof of a SSN can be provided by presenting one primary and one secondary document or two primary documents from a list of acceptable documents located on Ohio Bureau of Motor Vehicles website. The combination of documents must show the name and date of birth of the individual and should show the individual's SSN.

Research on States that Require SSNS: I tried to locate research about state requirements for vehicle registrations. To this end, I contacted National Immigration Law Center, the American Automobile Association (AAA), the Association of Motor Vehicles Administrators (AMVA), as well as National Conference of State Legislatures (NASL). None of these organizations had information about vehicle registration requirements for the fifty states and DC. Additionally, none of the organizations were aware that the vehicle registration data was been compiled by any group.

It appears that the only way to figure out the vehicle registration requirements for the fifty states and DC is to search each state individually. To this end, I searched the requirements for Utah and New Mexico because both of these states allow people without status to get a driver's license. It appears that Utah does not require a SSN to register a vehicle. It also appears that New Mexico will register a vehicle if the individual has a New Mexico driver's license or an out of state license along with proof of residency.

As you may surmise, a number of different organizations have gathered excellent information about driver's license requirements in the fifty states and DC. The reason for this is the passage of REAL ID which mandated specific requirements for driver's licenses. To obtain an overview of states' driver's license requirements by the National Immigration Law Center (NILC), please click on the link below:

http://www.nilc.org/immspbs/DLs/state_dl_rqrmts_ovrvw_2009-04-27.pdf.

Positive Actions to Change the Legislation: In terms of influencing legislation, I thought it would be best to provide you with National Immigration Law Center's Fact Sheet on "Why Denying Driver's Licenses to Undocumented Immigrants Harms Public Safety and Makes Our Communities Less Secure." Many of the points made in this fact sheet can be used to support a change in legislation on vehicle registration and SSNs. You can click on the following link to obtain this document and other very good information:

http://www.nilc.org/immspbs/DLs?FactSheet_DLs_2008-01-16.pdf.

Also, in our area, Casa de Maryland, an immigrant advocacy group, has done a lot of great advocacy on driver's licenses. You want to consider contacting Eliza Leighton at Casa de Maryland and talk with her about different strategies (legislative or administrative) that they used in Maryland. She can be reached at (301) 431-4185 x 215

Additionally, as you are well aware, this type of requirement means that categories of lawfully present non-citizens who do not have a SSN may be unable to get their vehicles registered. This requirement could negatively effect asylum applicants before they have work authorization, non-immigrants who are not entitled to work (spouse in certain non-immigrant categories), battered spouses and their children, and battered children and their parents (unless and until they can apply for adjustment of status or unless they are granted deferred action), as well as cancellation applicants. Thus, this requirement does not just impact unauthorized individuals from registering their vehicles.

Options for individuals without a SSN: As noted above, individuals that do not possess a Social Security card can present a primary and a secondary document or two primary documents that are listed on Ohio Bureau of Motor Vehicles website. However, the information does state that one of the documents presented *should* contain the SSN.

Individual Tax Identification Numbers (ITIN): An ITIN is a tax processing number issued by the Internal Revenue Service for federal tax reporting. The IRS issues ITINs to help individuals comply with U.S. tax laws, and to provide a means to efficiently process and account for tax returns and payments for those not eligible for SSNs. For more information about ITINs please click the following link to the IRS website:

<http://www.irs.gov/individuals/article/0,,id=96287,00.html#whal>.

The Ohio Bureau of Motor Vehicles information clearly states that an ITIN issued by the Internal Revenue Service (IRS) cannot be used to register a vehicle. The agency's reiterates that the



ITIN is issued by the federal government only for the purposes of paying federal taxes. An ITIN should not be confused with a federal Tax Identification (TIN). A TIN is used by *businesses* and may be submitted to the Ohio Bureau of Motor Vehicles if the *vehicle is used for business purposes* and the *vehicle is titled in the business*.

It is worth noting that there are five states that accept the ITIN as an alternative to the SSN when applying for a driver's license. These five states are Illinois (in the case of religious objections), Kentucky, New Mexico, Utah and West Virginia. Thus, it is not unprecedented for Motor Vehicles Departments to accept ITINs. However, as noted above, the Ohio Bureau of Motor Vehicles has clearly stated that it will not accept an ITIN to register a vehicle.

Conclusion: At this point, the issue of vehicle registration and social security numbers has not been followed closely by immigrant advocate or motor vehicle organizations. A reason for this may be that there has not been any federal legislation demanding that certain requirements be followed in the area of vehicle registration. Indeed, much of the focus has been on driver's licenses where often there are strict requirements in terms of documents that must be shown and lawful presence demonstrated.

I will continue to research and look into this issue as I talk with other advocates in and out of the CLINIC network. I will be pleased to forward any information I learn to your attention. At your convenience, please feel free to keep me apprised of what is going on in Ohio and if I can be of further assistance, please do not hesitate to ask.

Overview of States' Driver's License Requirements

April 27, 2009

States that require a Social Security number (SSN) for a driver's license with no exceptions (1).	SD.
States that require an SSN for a driver's license, but have exceptions to that rule (50).	AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MD, ME, MA, MN, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, VT, WA, WV, WI, and WY.
States that have lawful presence requirements in the law (28).	AL, AZ, AR, CA, CO, FL, GA, ID, IN, KS, KY, LA, ME, MD, ¹ MI, MN, MS, MO, MT, NJ, OK, PA, SC, SD, TN, VA, VT, WI, and WY.
States that have lawful presence requirements that are created by agency policy or the combination of documents required of driver's license applicants (18).	AK, CT, DE, DC, IL, IA, MA, ² NE, NH, NV, NY, NC, ND, OH, OR, RI, TX, and WV.
States that don't have lawful presence requirements (4).	HI, NM, UT, ³ and WA.
States that accept the ITIN as an alternative to the SSN (5).	IL (in the case of religious objections) KY, NM, UT, ⁴ and WV.
States that accept the <i>matrícula consular</i> or other foreign ID card as a form of ID (7).	IN, MI (accepted on case-by-case basis), NE, NM, TX, UT, and WA.
States that require that the driver's license expire with an immigrant's visa or authorized stay in the U.S. (37).	AL, AR, AZ, CA, CO, DC, DE, GA, FL, IA, ID, IN, KY, LA, ME, MD, MI, MN, MO, MT, NJ, NV, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VT, VA, WV, WI, and WY.

¹ Individuals holding licenses as of Apr. 19, 2009 will not have to prove lawful presence upon renewal; however licenses issued to such individuals will expire on July 1, 2015.

² Applicants with a license issued by Canada or Mexico can apply without demonstrating lawful presence.

³ Driver's license applicants are required to prove lawful presence. Applicants unable to prove lawful presence receive a "driving privilege card."

⁴ An ITIN may only be presented by those applying for a driving privilege card.



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IMMIGRANTS & DRIVER'S LICENSES

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 - REAL ID
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- IMMIGRANTS' RIGHTS UPDATE Articles

Resources for Advocates

- ✓ **Driver's License Resource Guide** (created 2/08)
- ✓ **FACT SHEET: Why Denying Driver's Licenses to Undocumented Immigrants Harms Public Safety and Makes Our Communities Less Secure.** Denying undocumented immigrants licenses is simply bad public policy. It increases uninsurance rates and the number of unlicensed drivers, and it undermines effective law enforcement. (PDF) (1/08)
- ✓ **Comparison of Application Requirements for U.S. Passport and REAL ID Driver's License** (CHART - PDF) (10/05)
- ✓ **The Tennessee Driving Certificate: Background, Pitfalls, and Lessons Learned** (Tennessee Immigrant and Refugee Rights Coalition) (PDF) (6/05)
- ✓ **The Tennessee "Driving Certificate": Not a Model Policy** (PDF) (3/05)
- ✓ **TALKING POINTS: Why the Federal Government Should Not Place Immigration Status Restrictions on Driver's Licenses** (PDF) (1/05)
- ✓ **Driver's Licenses for All Immigrants: Quotes from Religious Organizations and Leaders** (PDF) (12/04)
- ✓ **Driver's Licenses for All Immigrants: Quotes from Law Enforcement** (PDF) (10/04)

State Driver's License Legislation & Requirements

- ✓ **A Retreat from Safety:** NILC statement regarding New York governor's announcement that he will rescind his driver's license proposal (11/15/07)
- ✓ **REAL ID: 2007 State REAL ID Legislation** (updated 4/23/07) (PDF)
- ✓ **2006 State Driver's License Legislation** (updated 1/30/07)

(PDF)

- Overview of States' Driver's License Requirements (updated 4/27/09) (PDF)

Federal Driver's License Legislation

REAL ID

Resources from NILC

- Questions and Answers about Driver's Licenses Now That Final REAL ID Regulations Have Been Issued (PDF) (posted 2/28/08)
 - Regulations: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule (73 FR 5271-5340 (Jan. 29, 2008).)
- REAL ID Proposed Regulations: Comments submitted by NILC to Dept. of Homeland Security, May 2, 2007 (PDF) (posted 5/3/07)
- NILC STATEMENT: IIR-Considered, Inflexible REAL ID Act Will Harm Non-U.S. Citizens and U.S. Citizens Alike (PDF) (posted 5/12/05)
- Summary of the Driver's License Provisions in the REAL ID Act of 2005 as Made Part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief (PDF) (posted 5/19/05)
- TALKING POINTS: Why the REAL ID Act's Driver's License Restrictions Are Really Anti-Immigrant (PDF) (5/9/05)

Other Resources

- Three Years Later: A Primer on REAL ID (Center for Democracy and Technology, 8/28/08). This primer is presented in three parts: (1) The REAL ID Act Repealed the Promising Negotiated Rulemaking Process; (2) REAL ID Poses Serious Privacy and Security Risks; (3) Congress Must Act to Address the Problems With REAL ID.
- **Resources from the American Civil Liberties Union (ACLU)**
 - ACLU Real ID Scorecard (1/17/08)
 - Fuzzy Math and the Real Cost of Real ID (1/16/08)
 - RealNightmare.org
- The Real ID Act: National Impact Analysis. Based on a nationwide survey of DMVs conducted by the National Governors Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators (PDF) (posted 9/25/06)
- TALKING POINTS: The REAL ID Act Is a Really Bad Idea (PDF, prepared by the National Council of La Raza) (3/05)

OTHER FEDERAL LEGISLATION

- Senate Colloquy of Driver's License Provisions in Intelligence Reform Bill (PDF) (12/04)

- ✎ Summary of the Driver's License Provisions in the Intelligence Reform and Terrorist Prevention Act (PDF) (12/04)
- ✎ Driver's Licenses, 9-11, and Intelligence Reform (9/11 Public Discourse Project fact sheet) (The 9/11 Public Discourse Project is a nationwide public education campaign created by the ten members of the National Commission on Terrorist Attacks Upon the United States (known as the 9/11 Commission). (PDF)(posted: 12/6/04)

Immigrants' Rights Update Articles (back to IRU index)

- ✎ Final REAL ID Regulations Fail to Ease New Burdens on Immigrants (2/27/08)
- ✎ Anti-REAL ID Measures Enacted in Five States So Far (4/25/07)
- ✎ Maine Rejects REAL ID Act; Other States Considering Similar Legislation (2/20/07)
- ✎ Bill Would Repeal Driver's License Provisions of REAL ID Act (2/20/07)
- ✎ Two Driver's License Advocacy Tools Updated (2/20/07)
- ✎ "Overview of States' Driver's License Requirements" Chart Updated (12/6/06)
- ✎ Twenty-four states introduce driver's license bills (3/23/06)
- ✎ Tennessee suspends "certificates for driving" (3/23/06)
- ✎ Indiana court strikes down rule requiring state driver's license applicants to prove lawful immigration status (10/5/05)
- ✎ Resolutions critical of REAL ID adopted by Santa Fe and the American Library Association, and introduced in New York City Council (10/5/05)
- ✎ Driver's license strategy meeting focuses on REAL ID-related issues (10/5/05)
- ✎ 28 states consider driver's license bills in 2005 (10/5/05)
- ✎ REAL ID Enacted: Imposes Rigid Driver's License Requirements (6/30/05)
- ✎ NY Court Enjoins State's Refusal to Renew Driver's Licenses of Certain Immigrants (3/31/05)
- ✎ REAL ID Act Sent to Senate in "Must Pass" Emergency Appropriations Bill (3/31/05)
- ✎ Utah Creates "Driving Privilege Card" for Applicants without SSNs (3/31/05)
- ✎ Real ID Act of 2005 Reintroduces DL Provisions Stripped from Last Year's 9/11 Commission Implementation Bill (2/10/05)

See [IRU index](#) for newsletter articles published before 2005.