

**Enrolled**  
**Senate Bill 536**

Sponsored by Senator METSGER; Senators BONAMICI, BURDICK, DINGFELDER, GEORGE, JOHNSON, KRUSE, MORSE, PROZANSKI, WHITSETT, Representatives BARKER, BARNHART, BEYER, CANNON, D EDWARDS, FREEMAN, GARRETT, GILMAN, GREENLICK, KOTEK, MAURER, NOLAN, RICHARDSON, SCHAUFLEER, SHIELDS, J SMITH, THOMPSON, WEIDNER

CHAPTER .....

AN ACT

Relating to the federal Real ID Act of 2005.

Whereas the federal Real ID Act of 2005 is a costly unfunded mandate because the federal government has no plans to adequately reimburse the states for the costs of implementing the Act; and

Whereas the federal Real ID Act of 2005 would expose all Oregonians to an unprecedented level of identity theft by requiring, for the first time, the Department of Transportation to store electronic copies of all birth certificates, Social Security numbers and other private documents used to establish identity, which contain names, dates of birth, gender information, photographs, addresses and signatures, creating a digital repository gold mine for identity thieves; and

Whereas the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually; and

Whereas the federal Real ID Act of 2005 eliminates a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004 in which federal, state and local policymakers, privacy advocates and industry experts convened to address the problem of misuse of identity documents; and

Whereas the federal Real ID Act of 2005 would provide few security protections, leaving identification systems open to insider fraud, counterfeit documentation and database failures; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. A state agency or program may not expend funds to implement the Real ID Act of 2005, P.L. 109-13, unless:**

**(1) Federal funds are received by this state and allocated in amounts sufficient to cover the estimated costs to this state of implementing the Real ID Act of 2005; and**

**(2) The requirements of section 2 of this 2009 Act are met.**

**SECTION 2. (1) Before issuing, replacing or renewing a driver license, driver permit or identification card in order to comply with the requirements of the Real ID Act of 2005, P.L. 109-13, and before storing data about individuals in any database, records facility or computer system in order to comply with the requirements of the Real ID Act of 2005, the Department of Transportation shall implement the following:**

**(a) Sufficient measures to protect the privacy of individuals; and**

(b) Sufficient safeguards against unauthorized disclosure or use of an individual's personal identifying information by department personnel or any contractor, agency or other person who may have access to the database, records facility or computer system.

(2) The department may not, in order to comply with the requirements of the Real ID Act of 2005:

(a) Participate in any multistate or federal shared database program unless the department is able to provide sufficient security measures to protect the privacy of individuals and sufficient safeguards against unauthorized disclosure or use of an individual's personal identifying information.

(b) Charge unreasonable fees or place unreasonable record keeping burdens on an applicant for issuance, renewal or replacement of a driver license, driver permit or identification card.

**SECTION 3.** (1) Prior to implementation of the Real ID Act of 2005, P.L. 109-13, the Department of Transportation shall prepare a report that analyzes the cost to this state, and to applicants for issuance, renewal or replacement of driver licenses, driver permits and identification cards, of implementing the requirements of the Real ID Act of 2005 and any related federal regulations.

(2) The department shall make the report available for public inspection.

**SECTION 4.** Sections 1 to 3 of this 2009 Act apply to expenditures made and actions taken on or after the effective date of this 2009 Act.

Passed by Senate April 15, 2009

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Secretary of Senate

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President of Senate

Passed by House May 29, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State