

Senate Bill 536

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits state from expending funds to comply with federal Real ID Act of 2005 unless certain requirements are met.

Directs Department of Transportation to analyze cost of complying with Real ID Act of 2005 and make report available to public.

A BILL FOR AN ACT

1
2 Relating to the federal Real ID Act of 2005.

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

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

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

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

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

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

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

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

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

26 **SECTION 2. (1) Before issuing, replacing or renewing a driver license, driver permit or**
27 **identification card in order to comply with the requirements of the Real ID Act of 2005, P.L.**
28 **109-13, and before storing data about individuals in any database, records facility or computer**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 system in order to comply with the requirements of the Real ID Act of 2005, the Department
2 of Transportation shall implement the following:

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

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

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

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

13 (b) Charge unreasonable fees or place unreasonable record keeping burdens on an appli-
14 cant for issuance, renewal or replacement of a driver license, driver permit or identification
15 card.

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

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

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

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