

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 5 - 1 - 0
Yeas: Atkinson, Edwards, Girod, Starr, Beyer
Nays: Burdick
Exc.: 0
Prepared By: Patrick Brennan, Administrator
Meeting Dates: 2/16, 2/21

WHAT THE MEASURE DOES: Allows the Department of Transportation to reinstate a person’s suspended driving privileges or right to apply privileges, or any identification card or right to apply for such card under certain circumstances, if the suspension offense was for failure to give required or correct information on an application for a driver license, permit or identification card or for commission of false swearing on such an application. Establishes an operative date of January 1, 2013. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Financial hardship related to license suspension
- Lack of options available to Department of Transportation to handle such cases
- Statute of limitations

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: House Bill 4043 provides a process by which the Department of Transportation may reinstate an individual’s driver license, permit or identification card, or their right to apply for same, in cases where the license, permit or card was suspended for failing to provide required or correct information on an application for the document under ORS 809.310(3)(a) or for committing false swearing in such an application under ORS 809.310(3)(b). Under current law, such an offense results in a one-year suspension of privileges. House Bill 4043 specifies that a person subject to such a suspension may provide sufficient proof to trigger an administrative review of the case; if, after such review, it is determined that the violation of ORS 809.310 was committed by a person when they were under the age of 21 solely for the purpose of purchasing, acquiring or consuming alcoholic beverages or attempting to unlawfully enter any portion of a licensed premise that is identified as prohibited to the use of minors.

The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation began utilizing facial recognition software to tag biometric data to each person issued a DMV license, permit or identification card beginning in the fall of 2008. It uses this data to compare an applicant’s photograph for a new or renewed license to its database to determine whether the applicant has ever been issued a license under another name; for renewals, the data is used to verify that the applicant is the same person to whom the original license, permit or identification card was issued. As of November 2011, DMV had taken biometric data on approximately 1.8 million Oregonians, and 940 suspected cases of identity theft had been reported to authorities.

House Bill 4043 is intended to address situations where an individual seeks to apply for a renewal of a license or identification card and is flagged for having previously provided false or inaccurate information on such an application when they were under the age of 21, for the purpose of seeking to purchase or consume alcohol or entering a premise prohibited to persons under the age of 21. Such an individual may have their license suspended even years later when, with the assistance of facial recognition software, it is determined that they furnished a false name, or false age, for the purposes of obtaining an identification document that could be used for those purposes.

2/22/2012 9:04:00 AM

This summary has not been adopted or officially endorsed by action of the committee.