

BRIAN J. BOQUIST
STATE SENATOR
DISTRICT 12



OREGON STATE SENATE

April 11, 2013

Chairman Lee Beyer & Committee Members
Committee on Business & Transportation
Oregon State Senate
900 Court Street N.E.
Salem, Oregon 97301

Dear Senators:

As the Chairman of the veterans related committee, I was asked to research and comment on the possible impact of SB 833 to veterans whom lack documentation to acquire a driver's license in the State of Oregon. As you are aware, our offices routinely receive requests from veteran constituents for whatever reason cannot document legal presence in the State of Oregon but served the nation honorably in the U.S. Armed Forces.

To that end, we discussed this issue with legal counsel along with the various agencies under our committee's jurisdiction in addition to the Oregon Department of Transportation. In short, Section 2 of the bill would allow ODOT to establish by rule the acceptance of military documentation such as the DD 214, DD 2058 and/or other military service documents as deemed appropriate to receive such a license, permit, privilege or card. Generally, this done in conjunction with inquiries to the Department of Defense, Oregon Department of Veterans Affairs, and Oregon Military Department during the rule making process.

Please place this letter and the attached Legislative Counsel Opinion into the formal bill record along with the discussion in the staff measure summary.

Respectfully submitted,

Brian J. Boquist
Chairman
Veterans & Military Affairs Committee
Oregon State Senate

Enclosure (1)





STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

April 11, 2013

Senator Brian Boquist, Chair
Senate Committee on Veterans and Emergency Preparedness
900 Court Street NE S305
Salem OR 97301

Re: Senate Bill 833

Dear Senator Boquist:

You asked four questions regarding Senate Bill 833 and the current practices of the Department of Transportation. Here are our answers to your questions.

Question: Does the Department of Transportation currently have authority to make rules with regard to the types of documentation it will accept to prove identity, date of birth, residency and legal presence in the United States?

Answer: Yes, under ORS 807.021 and 807.050 the department has the authority to determine what types of documents it will accept from an applicant who is applying for a driver license.

Question: Is there any violation of or conflict with any federal law requiring states to accept military identification cards if the department adopts rules to exclude military identification cards?

Answer: We are unaware of a law that requires states to accept military identification cards. Currently, the department does not accept military identification cards to prove legal presence because a person may serve in the armed forces and not be legally present in the United States. However, the department does accept military documents as proof of identity and date of birth.¹

Question: Under SB 833 section 2 (2)(b)(C), could the department consider accepting Department of Defense identification such as DD 214 forms, DD 2058 forms and other documents?

Answer: Yes, section 2 (2)(b)(C) gives the department the authority to accept documentation the department determines is valid to prove identity and date of birth.

Question: May veterans obtain the same limited driving privileges offered under SB 833, as any other applicant?

¹ OAR 735-062-0020 (2)(b).

Answer: Yes. Senate Bill 833 permits any person who is otherwise qualified for a driver license or driver permit and who meets other certain conditions to receive a short-term driver license or short-term driver permit.

We hope this information is helpful. Please let us know if we may be of further assistance.

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Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel



By
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