



OREGON
ASSOCIATION OF
NURSERIES

**Comments before the Senate Business and Transportation Committee
Senate Bill 833 (Short-term Driver's License)
By Jeff Stone, Executive Director
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Chairman Beyer, Vice Chair Starr, members of the committee, my name is Jeff Stone and I serve as the Executive Director of the Oregon Association of Nurseries. I am testifying before you as a member of Governor Kitzhaber's workgroup that has worked for 22 months to bring you a carefully crafted, bipartisan piece of legislation, Senate Bill 833.

Attached to this testimony is a section-by-section summary of SB 833. The committee should consider and pass the technical amendment offered by Committee (dash 1 amendment) and Senator Thomsen's amendment (dash 7) which provides clarifying instructions for the rulemaking process.

SB 833 creates a short-term driver's license with the stated goal of reducing the number of uninsured, unlicensed drivers on the roads of our state. It will help give populations of the elderly, homeless and undocumented individuals in the state a pathway to pass a test, obtain a driver's card and obtain auto insurance.

Creation of a 4-year Short-Term Driver's License

Through the testimony today by the proponents, you will hear the plethora of reasons the Senate Business and Transportation Committee should approve this public safety driven bill.

In a concise manner – let me go through what SB 833 does:

- Creates a distinct, 4-year short-term driver's license for anyone who cannot provide the necessary documentation to get a standard eight year license.
- Requires the Department of Motor Vehicles (DMV) to issue a license with a distinguishing feature; allows DMV to determine the format of the license through rulemaking to avoid the need for future statutory changes.
- Requires applicants to prove their identity and date of birth to DMV by providing certain verifiable documents such as an unexpired passport or consular card from the applicant's country of citizenship.

- Requires applicants to prove they have resided in Oregon for more than one year by providing documentation approved by the DMV.
- Requires any applicant who has been issued a Social Security Number to provide it to DMV.
- Requires applicants to take and pass the written and driving skills tests administered by DMV.
- It does not confer state or federal benefits that a person would not otherwise be eligible for.

Holders of the short-term driver's license have the same responsibility to obtain auto insurance as any other licensed Oregonian. The technical amendment allows for the short-term driver's license holder to operate farm plated vehicles but does not allow someone to obtain a Commercial Driver's License (CDL).

SB 833 is a narrowly crafted bill that makes clear the legislative intent that the new license would not serve as identification to purchase a firearm or obtain a concealed handgun permit. Holding a short-term license does not affect a person's eligibility status for state or federal benefits nor is intended for the purpose of boarding a plane, entering a federal building, voting or obtaining any state or federal benefits. SB 833 is crafted to be a driving only card.

How will DMV implement SB 833?

Throughout the 22 months of deliberation by Governor Kitzhaber's workgroup, the DMV was consulted to ensure that the legislation would be easily enacted and maintain the integrity of the driver's license process.

SB 833 will go into effect January 1, 2014, allowing the DMV to craft and enact rules to properly issue the short-term driver's license. The licenses are likely to be fashioned in line with those already issued pursuant to President Obama's ruling on Deferred Action for Childhood Arrivals (DACA). All applicants will be photographed, faces entered into the state's facial recognition database – a proven identity verification method utilized currently for the eight year ODL. Fraud prevention is essential and the facial recognition technology is reliable.

It is estimated that 60,000 Oregon residents are eligible to seek the short-term card, and the DMV will need to hire and train additional staff to minimize long wait lines at DMV offices. Using the date of birth for the renewal date, and charging a fee commensurate with the cost of issuing the new short-term card, will spread out the workload to DMV employees and meets the fiscal cost to the agency.

SB 833 is balanced and a common sense solution

All Oregonians, regardless of the documents they have, need the ability to participate in the local economy and prove they can drive, get licensed and obtain auto insurance. Oregon is not the first state to pass this kind of law. In fact, Oregon would become the 5th state to adopt a temporary driving privileges card – joining Washington, Utah, New

Mexico and Illinois. The Maryland state legislature has passed similar legislation through its state senate and it is expected to become law this year.

SB 833 does not repeal the REAL ID Act passed by Congress in 2005 and subsequently enacted by the Oregon legislature, through SB 1080, in 2008. It is important to note that only 13 states have met the standards of the act and the federal government delayed enforcement on non-compliant states for at least six months. In 2009, Oregon legislators approved SB 536, which prohibits the state from spending money to comply with the REAL ID act.

Passage of this bill makes common sense in the practical, political and social world we live in. It deals with the very real conundrum of uninsured and unlicensed drivers and maintains the rights and privileges of the eight year license. DMV has the ability to enact this legislation through the fee structure established in the bill and I urge the committee to pass SB 833 and send the legislation to the Ways and Means Committee.

SB 833 – Short-term Drivers License
Section-by-section summary

Directs Department of Transportation to issue short term driver license or short term driver permit to applicant who does not provide proof of legal presence in the United States but otherwise has complied with all requirements for license or permit and has resided in Oregon for more than one year.

Prohibits use of short term driver license or short term driver permit as identification to obtain Oregon concealed handgun license or purchase firearm from gun dealer.

Relating to documents issued the Department of Transportation

Summary of Sections

Section 1: Adds the Short Term Driver License to statute.

Section 2: 1. Directs DMV to issue a Short Term Drivers License to any person who meets the following criteria:

2a. Except for being able to prove legal residency, meets all the requirements DMV asks for to issue a license

2b. Proof of identity and DOB: Provides proof of identity and date of birth with an unexpired passport or consular identification card from the person's country of citizenship or other documents required by DMV in rule.

2c. Proof of living in Oregon for more than a year: The required documentation is spelled out in (4). Legislative Counsel issued a memo that says they believe the one-year residency requirement is legal; however if it is challenged in court and struck down, the ruling should not invalidate the entire law, only strip out the residency requirement. A couple of notes: The language "in excess of one year" mirrors the Illinois law that was just passed. We took out the requirement to prove "continuous residency" from earlier versions because LC believed it poses problems for people who split their time between two residences (i.e. "snowbirds," or retired folks who might own a second home in Arizona and live there for 5 months in the winter).

2d. Social Security Number: If the applicant has a SSN, they need to provide it to DMV – it helps with Homeland Security requirements. However, we do not intend for anyone who doesn't have an SSN to have to state they are not eligible for one.

3. Verification of SSN, if provided.

4. Determination of Residency: A full list of acceptable documents is left to DMV in rule. The list includes but is not limited to evidence of an Oregon home address and tax returns.

5. Short-term driver license expires in four years on birthday: This will spread out the volume of renewals during the fourth year after implementation.

6. Not valid to operate a Commercial vehicle. However, a person holding a Short Term Driver License can operate a farm vehicle.

Section 3: Updates statutes related to DMV record keeping.

Sections 4&5: Exempts applications for Short-term Drivers License from

requirement to prove legal residency.

Section 6: Distinguishing feature. The bill leaves the format of the license for DMV to determine in rule, mainly to avoid further statutory changes in the future should DMV choose to make changes. A DMV sample mock-up shows a Short Term Driver License with a “distinguishing feature” similar to the limited term license issued to people presenting immigration documents, including those accepted into the federal DACA program. One option under consideration for the card design is printing the words “Short Term” in the lower right-hand corner of the license.

Section 7: Temporary Drivers Permits: Makes minor housekeeping changes with no policy impacts.

Section 8: Fees (These may change in Ways & Means to reflect the final fiscal analysis)

License: \$74

Test: \$5

Skills test: \$9

Renewal: \$54

Replacement: \$40

Section 9: Exemption of Short Term Driver License to normal timelines for licenses issued to non-residents. Clarifies that timelines related to licenses issued to non-residents here legally (i.e. exchange students) apply only to limited term licenses, not short term licenses.

Section 10: Definition. Adds Short-term Driver License to definition of “driver license.”

Section 11: Concealed Handgun Permit Application. Short-term Drivers License is not an acceptable form of identification for purposes of obtaining concealed handgun permit.

Section 12: Concealed Handgun Permit fees & regulations. See Section 10 notes.

Section 13: Purchasing a gun from a gun dealer. A gun dealer may not accept the Short Term Driver License as ID to purchase a gun.

Section 14: Purchasing a gun from another source: Where ID is required to purchase a gun or run a background check for gun purchase, a Short Term Driver License is not an acceptable form of ID.

Sections 15&16: Transferring a gun: A Short Term Driver License is not an acceptable form of ID for transferring a gun.