

Petition to Protect Existing Oregon Licenses and ID Cards

The undersigned petitioners respectfully ask the Oregon legislature to pass, and Governor Brown to sign, emergency legislation shielding existing Oregon driver licenses and ID cards from invalidation by changes to federal immigration policy. We understand that such action will not alter federal Real-ID requirements. Our concern is that current Oregon license and ID holders be able to get to school, work, and medical care, get groceries for their families, get to appointments and hearings, and continue to be productive members of the Oregon community.

A draft bill is attached in the hope that it can be passed as a separate bill or incorporated into another bill such as SB 1538, "relating to driving privileges," during the current session. We understand that you have a full plate, but this action is most urgently needed.

Respectfully,

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Draft bill or bill amendment to confirm and continue existing driver licenses and ID cards without regard to changes in federal immigration policy after issuance.

House (or Senate) Bill _____ Or Amendment to SB 1538

Draft 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**.

Requires continuation, issuance and reissuance of non-Real-ID Oregon driver licenses, driver permits and identification cards issued pursuant to federal Deferred Action for Childhood Arrivals (DACA) program prior to any amendment or repeal of the DACA program as established by the federal Department of Homeland Security in 2012.

A BILL FOR AN ACT (Feb 2, 2018 draft)

For new bill: Relating to Oregon driver licenses, driver permits, and identification cards issued based upon certification of legal residency in the United States under Deferred Action for Childhood Arrivals (DACA) program, and declaring an emergency.

For incorporation into Senate Bill 1538: Relating to driving privileges; creating new provisions; amending . . . ORS 807.021 . . .

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

SECTION 1. ORS 807.021 is amended to read:

ORS 807.021 (1) Except as provided in ORS 807.310(5) and 807.405(4), prior to issuing, renewing or replacing any driver license, driver permit, or identification card that is not a Real ID, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

(2) For purposes of subsection (1) of this section:

(a) A person provides proof of legal presence in the United States by submitting valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with immigration laws.

(b) In addition to proof otherwise defined by rule or statute, and in the absence of proof of crime, fraud, or other disqualifying facts, a signed Department of Homeland Security Form I-797, Notice of Action or other evidence previously accepted as establishing legal presence in the United States under subsection (2)(a) shall constitute continuing proof of such legal presence for purposes of continued use, validity, and reissuance, notwithstanding any expiration of such proof or repeal, replacement, or amendment of federal law or policy relating thereto.

WHAT THE MEASURE DOES

Confirms and continues existing driver licenses, driver permits, and identification cards that are not otherwise invalid notwithstanding any changes to federal laws, rules, orders, or rulings, such as the DACA program, that have enabled applicants to provide proof of “legal presence in the United States.” Provides that such previously-provided proof shall be sufficient evidence of continuing legal presence in the absence of countervailing proof. Declares an emergency and becomes effective and operative upon passage.

WHAT THE MEASURE DOES NOT DO:

Affect Real ID compliance or implementation:

The draft measure does not put the State of Oregon out of compliance with the Federal Real-ID Act of 2005 (P.L. 109-13). As stated in the federal Department Homeland Security FAQ’s on Real ID (attached), compliance by states is “voluntary” in the sense that there is no direct mandate. Rather, the Real ID statute operates by requiring Real ID documentation for border crossings, air travel, and access to federal facilities such as military bases.

Oregon Laws 2018, Chapter 568 (SB 374) was passed last session to bring the state into compliance with the federal statute. It provides for issuance of driver licenses, permits, and identification cards marked with “a distinguishing feature,” typically a star in the upper right corner, to persons who meet federally-prescribed evidentiary requirements. Chapter 568 provides for a two-tiered licensing system, with one tier complying with the Real-ID Act, and the other tier continuing with Oregon’s existing requirements. Chapter 568 was adopted with an emergency clause and is currently “effective,” but its implementation requirements do not become “operative” until July 1, 2020, which is Oregon’s extended deadline for implementation. Licenses remaining in force at that time will not become Real-ID without full compliance with Chapter 568.

Otherwise affect existing Oregon law:

The measure does not change existing Oregon statutes or administrative rules governing issuance, renewal, suspension, and revocation of driver licenses, driver permits, and identification cards.

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