



# Oregon

Kate Brown, Governor

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**DATE:** April 17, 2019

**TO:** Joint Committee on Transportation

**FROM:** Amy Joyce, Legislative Liaison

**SUBJECT:** HB 2015

## INTRODUCTION

House Bill 2015 returns the qualifications for a standard driver license or ID card to those that existed from the inception of those credentials until 2008. It removes the requirement that an Oregonian show proof of legal presence when applying for a standard driver license or identification card. The bill becomes operative January 2021, which is six months after new versions of these credentials become available that meet federal REAL ID standards.

## BACKGROUND

In 2008, Oregon law for the first time required an applicant for a driver license or ID card to show proof of legal presence. Prior to that time an Oregonian showed proof of identity, date of birth, and residency in this state, and was required to pass three tests – vision, knowledge, and driving skill – to obtain a license to drive. Since the implementation of that law, DMV has required applicants to demonstrate they are legally present as a citizen or legal immigrant, whether permanent or temporary. Licenses are valid for eight years, so everyone with an Oregon driver license today has provided documented proof they are legally present in the United States.

In 2005, the federal REAL ID Act established standards for driver licenses and ID cards issued by states, which among other things requires proof of legal presence. A state may choose not to issue REAL ID compliant cards, to issue only REAL ID compliant cards, or to offer customers the choice between REAL ID and non-REAL ID versions. The consequence for not having a REAL ID compliant card is a non-compliant card will not be acceptable for certain federal purposes, such as boarding domestic commercial flights as of October 1, 2020.

In 2017, the Oregon Legislative Assembly passed, and Governor Brown signed, SB 374. That measure directs DMV to provide Oregonians the option of driver licenses and ID cards that comply with the federal REAL ID Act. DMV will begin offering the REAL ID options in July 2020, simultaneous with the rollout of a new Drivers System as part of the agency's Service Transformation Program (STP).

## DISCUSSION

House Bill 2015 removes the requirement for applicants to present documentation of legal presence status and a social security number to obtain a standard driver license or ID card. All other requirements for issuance will remain unchanged. Applicants for the standard driver

license will continue to present documents proving their full legal name, date of birth, and Oregon residence address. Applicants who have a social security number must provide it; those who have not had a social security number assigned must certify to that fact. Applicants who are getting a license for the first time (e.g. teens), and Oregonians without a recent license in this or another state, will be required to pass all tests: vision, knowledge, and driving skills. Any person who qualifies for a license based on age, Oregon residency, and competency to drive (whether U.S. citizen, legal immigrant, or undocumented person) will be able to obtain a driver license.

Important to the issue of driver license and ID card transactions is Oregon's unique system of Automatic Voter Registration (AVR), also called New Motor Voter. DMV will adjust the way it collects information for the sake of AVR. Today when a person has a driver license or ID card transaction, DMV codes what type of legal presence they prove: citizen, permanent legal resident, temporary legal resident, or COFA nation status. DMV sends the Elections Division of the Secretary of State's Office the data on any driver license or ID card recipient whose age and citizenship status make them eligible to register to vote. The Elections Division and county clerks handle the opt-out process, political party selection, and actual voter registration.

Under HB 2015, DMV will continue to screen its customers according to voter registration criteria supplied by the Elections Division. Applicants for a REAL ID credential or standard credential will present documentation required to qualify for that. Those customers who prove U.S. citizenship and are of appropriate age will have their data transferred to the Elections Division to handle the opt-out process and actual voter registration. For a REAL ID, everyone who is a citizen will have their data shared with the Elections Division in that process.

For a standard license, some customers will show citizenship documents to prove their legal name and date of birth. When such a document is used, DMV will capture that information and transfer the person's data to the Elections Division to initiate voter registrations. Oregonians who are citizens but choose not to present such documents will not have their information sent to the Elections Division to initiate voter registration. This is the same process for anyone who does not present a citizenship document to obtain a driver license or ID card. As the bill is implemented, DMV will continue to look for ways to assist in and strengthen these processes, including working with our state partners to ensure those processes comply with federal voter registration laws.

## **SUMMARY**

Prior to legislative changes in 2008, Oregon did not require proof of legal presence to obtain a driver license or ID card. HB 2015 would return the standard to proof of identity, age, Oregon residency, and competency to drive. Automatic Voter Registration will retain its integrity, and DMV will continue to explore additional ways to assist in the voter registration process.