

1-18

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

DMV 2-2008 (TEMP)

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rules(s) adopted on January 17, 2008 by the
Date prior to or same as filing date.

Oregon Transportation Commission, Oregon Department of Transportation 735
Agency and Division Administrative Rules Chapter Number

Lauri Salsbury 355 Capitol St. NE, Rm. 29, Salem OR 97301 503-986-3171
Rules Coordinator Address Telephone

to become effective February 4, 2008 through August 1, 2008
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

SSN Verification and Acceptable Identity Documents for Issuance of Driver License, Permit or Identification Card

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: 735-062-0021

AMEND: 735-0062-0005 and 735-062-0020

SUSPEND:

FILED

JAN 18 2008

ARCHIVES DIVISION
DEPARTMENT OF TRANSPORTATION

ORS 184.616, 184.619, 802.010, 807.040 807.050, 807.060, 807.070, 807.120, 807.150, 807.400 Executive Order No. 07-22
Stats. Auth. Other Authority

ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.400
Stats. Implemented

RULE SUMMARY

On November 16, 2007, Governor Ted Kulongoski signed Executive Order No. 07-22 which orders DMV to, as soon as practical, revise and tighten the requirements for issuance of driver licenses, driver permits and identification cards, including verification of an applicant's Social Security Number (SSN) with the Social Security Administration.

DMV proposes to amend OAR 735-062-0005 to require an applicant for driving privileges or an identification card to provide a verifiable SSN. DMV will not issue a commercial driver license or driver permit to an applicant who does not have a verifiable SSN. In the case of a non-commercial driver license, driver permit or identification card, DMV will allow an applicant to provide a written statement that he or she has not been issued an SSN, but the applicant must provide proof of identity and date of birth from the list of acceptable documents in proposed new rule OAR 735-062-0021. DMV proposes to amend OAR 735-062-0020 to shorten the list of acceptable documents an applicant with a verifiable SSN may use as proof of date of birth and identity. An applicant who submits a foreign-issued document such as a foreign passport must also provide valid United States Citizenship and Immigration Services documentation with the foreign document as listed in the proposed amendments to OAR 735-062-0020 and proposed rule OAR 735-062-0021. Proposed amendments to OAR 735-062-0005 further require DMV to deny issuance, renewal or replacement of a driver license, driver permit or identification card if the applicant does not meet the requirements as described above.

Tom McClellan
Authorized Signer

Tom McClellan
Printed name

1/17/08
Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

ODOT – Driver and Motor Vehicle Division

735

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendment of OAR 735-0062-0005 and 735-062-0020
Adoption of OAR 735-062-0021

Rule Caption: SSN Verification and Acceptable Identity Documents for Issuance of Driver License, Permit or Identification Card

Statutory Authority: ORS 184.616, 184.619, 802.010, 807.040 807.050, 807.060, 807.070, 807.120, 807.150, 807.400

Other Authority: Executive Order No. 07-22

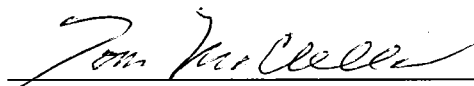
Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.400

Need for the Temporary Rule(s): On November 16, 2007, Governor Ted Kulongoski signed Executive Order No. 07-22 which orders DMV to, as soon as practical, revise and tighten the requirements for issuance of driver licenses, driver permits and identification cards, including verification of an applicant's Social Security Number (SSN) with the Social Security Administration.

DMV proposes to amend OAR 735-062-0005 to require an applicant for driving privileges or an identification card to provide a verifiable SSN. DMV will not issue a commercial driver license or driver permit to an applicant who does not have a verifiable SSN. In the case of a non-commercial driver license, driver permit or identification card, DMV will allow an applicant to provide a written statement that he or she has not been issued an SSN, but the applicant must provide proof of identity and date of birth from the list of acceptable documents in proposed new rule OAR 735-062-0021. DMV proposes to amend OAR 735-062-0020 to shorten the list of acceptable documents an applicant with a verifiable SSN may use as proof of date of birth and identity. An applicant who submits a foreign-issued document such as a foreign passport must also provide valid United States Citizenship and Immigration Services documentation with the foreign document as listed in the proposed amendments to OAR 735-062-0020 and proposed rule OAR 735-062-0021. Proposed amendments to OAR 735-062-0005 further require DMV to deny issuance, renewal or replacement of a driver license, driver permit or identification card if the applicant does not meet the requirements as described above.

Documents Relied Upon, and where they are available: Executive Order 22-07, available at http://www.oregon.gov/ODOT/DMV/news/nr_real_id_sb_640.shtml

Justification of Temporary Rule(s): DMV finds that following the permanent rulemaking process rather than taking this temporary rulemaking action will result in serious prejudice to the public interest. State issued driver licenses and identification cards are the most commonly used identification documents in the United States and are routinely accepted as identification in financial transactions, to board airplanes, to enter secure buildings, to purchase restricted products and a myriad of other uses. Because Oregon's documentation requirements to prove identity are among the most permissive in the country, DMV is aware that persons who are not residents of Oregon are coming to this state to obtain a driver license or identification card because they are unable to meet the documentation requirements in the jurisdiction in which they actually reside. Oregon is becoming a haven for this type of illegal activity. To address this problem and strengthen the integrity of its processes for issuing driver licenses, permits and ID cards to make them more secure and reliable, DMV is proposing these temporary rule amendments and the adoption of a temporary new rule. While DMV intends to commence the permanent rulemaking process to amend and adopt these rules, failure of DMV to act immediately by adopting these more stringent standards as temporary rules perpetuates continuing fraudulent activity and continues to jeopardize those members of the public and private sectors who rely on these state issued documents to accurately represent the identity and residency of the holder.



Authorized Signer

Tom McClellan

Printed name

1/17/08

Date

735-062-0005

Social Security Number Verification

- (1) Except as provided in subsection (4) of this rule an applicant for driving privileges or an identification card must provide his or her Social Security Number (SSN) on the application for an original, renewal or replacement driver license, driver permit, or identification card.
- (2) The Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) will not issue, renew or replace a commercial driver license or driver permit unless the applicant provides a verifiable SSN.
- (3) Except as provided in subsection (5) of this rule, DMV will not issue, renew or replace a non-commercial driver license or driver permit, or an identification card unless the applicant provides a verifiable SSN. An applicant with a verifiable SSN must also provide a document proving identity and date of birth as set forth in OAR 735-062-0020 or DMV will refuse to issue, renew or replace a driver license, driver permit or identification card.
- (4) If an applicant for non-commercial driving privileges or an identification card has not been issued a SSN by the United States Social Security Administration (SSA), DMV will accept a written statement from the applicant to fulfill the requirements of section (1) of this rule. The applicant may submit a Statement of No Social Security Number (DMV Form 735-7255) but any written statement submitted must:
 - (a) Be signed by the applicant;
 - (b) Attest to the fact that no SSN has been issued to the applicant by the SSA; and
 - (c) Describe the penalties for knowingly supplying false information under this section.
- (5) If an applicant for an original, renewal or replacement non-commercial driver license or driver permit, or identification card has never been issued a SSN and has submitted a statement as described in subsection (4) of this rule, the applicant must provide additional identity documents as set forth in OAR 735-062-0021. If the applicant is unable to meet the requirements of OAR 735-062-0021, DMV will refuse to issue, renew or replace a driver license, driver permit or identification card to the applicant.
- (6) For purposes of this rule and OAR Chapter 735, Division 062, "verifiable SSN" means an applicant's SSN has been submitted by DMV to the SSA and DMV has received information that the applicant's name, date of birth and SSN matches SSA records.
- (7) This rule applies to all driver licenses, driver permits and identification cards issued on or after February 4, 2008.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.050

Stats. Implemented.: ORS 25.990, 27.785, 802.200, 807.050

735-062-0020

Proof of Identity and Date of Birth Requirements with Verified SSN

- (1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require an applicant for an original, renewal or replacement driver permit, driver license, or identification card to present to DMV documentary proof of the applicant's identity and date of birth prior to the issuance of such driver permit, driver license, or identification card. An applicant who has provided DMV a verifiable SSN must also provide at least one document, as described in Section (4) of this rule, as proof of identity and date of birth.
- (2) Documents must be original or certified copies.
- (3) For an original, renewal or replacement driver license, driver permit or identification card, if the applicant's name is different than the name on the proof of identity and date of birth

document submitted pursuant to section (1) of this rule, the applicant must provide one or more documents showing to DMV's satisfaction a legal name change including, but not limited to, a marriage certificate, divorce decree, certificate of registered domestic partnership, judgment of dissolution or annulment of marriage or domestic partnership, adoption decree, legal name change decree or court order.

(4) Documents acceptable as proof of identity and date of birth are:

(a) A U.S., Canadian or U.S. Territorial government issued birth certificate. For purposes of this subsection, DMV will not accept a hospital issued birth certificate, hospital card, birth registration or baptismal certificate.

(b) U.S. Consular Report of Birth Abroad (FS-240).

(c) Certification of Birth (DS-1350 or FS-545).

(d) U.S. Military documents including:

(A) Military or Armed Forces ID card;

(B) Military Common Access Card;

(C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1); and

(D) Request for Verification of Birth (DD372).

(e) United States passport, not expired more than five years from the date of expiration.

(f) Valid foreign passport with appropriate Department of Homeland Security documentation, not expired.

(g) U.S. Department of Homeland Security issued documents, not expired, including:

(A) Resident Alien card or Permanent Resident card (I-551);

(B) Temporary Resident ID card (I-688);

(C) Employment Authorization Document (I-688A, I-688B and I-766);

(D) Certificate of Citizenship (N560 and N561);

(E) Certificate of Naturalization (N550, N570 and N578);

(F) Reentry Permit Form I-327; or

(G) Refugee Travel Document Form I-571.

(h) Out-of-state, District of Columbia, U.S. Territorial government or Canadian driver license, instruction permit or identification card, that contains the applicant's photograph, not expired or expired no more than 60 days unless hole-punched or marked "Not Valid as ID."

(i) Oregon driver license, instruction permit, or identification card, not expired more than one year. For the purposes of this subsection, DMV will not accept a driver license that was issued without a photograph.

(j) Immigrant visa issued by the U.S. Department of State not expired. Must contain the stamp "UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR."

(k) U.S. Department of State driver license or Non-driver ID card not expired or expired less than 60 days.

(L) Oregon Concealed Weapon Permit/Concealed Handgun License, not expired or expired less than one year.

(m) Confederated Tribes of Oregon Tribal ID card if:

(A) DMV determines the procedures used in issuing the card are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The card contains sufficient security features to alleviate alteration or counterfeiting of the card.

(n) A letter verifying identity provided by an Oregon County Community Corrections agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(o) A letter verifying identity provided by the U.S. Pretrial Services if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(p) A letter verifying identity provided by the Oregon Youth Authority Agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(q) A letter verifying identity provided by a U.S. District Court Probation Office if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(r) Oregon Department of Correction Release Identification card, issued after April 30, 2005.

(5) DMV will not accept a document as proof of identity and date of birth if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of identity and date of birth if the document presented does not establish the applicant's identity or date of birth to the satisfaction of DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400

Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230 & 807.280

735-062-0021

Proof of Identity and Date of Birth Requirements when no SSN

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require an applicant for an original, renewal or replacement driver permit, driver license, or identification card to present to DMV documentary proof of the applicant's identity and date of birth prior to the issuance of such driver permit, driver license, or identification card. An applicant who has never been issued a SSN and who has submitted a statement as described in OAR 735-062-0005(4) must provide at least one document, as described in section (4) of this rule, as proof of identity and date of birth to DMV.

(2) Documents must be original or certified copies.

(3) For an original, renewal or replacement driver license, driver permit or identification card, if the applicant's name is different than the name on proof of identity and date of birth submitted pursuant to section (1) of this rule, the applicant must provide one or more documents showing to DMV's satisfaction a legal name change including, but not limited to, a marriage certificate, divorce decree, certificate of registered domestic partnership, judgment of dissolution or annulment of marriage or domestic partnership, adoption decree, legal name change decree or court order.

(4) Acceptable proofs of identity and date of birth are:

- (a) United States passport, not expired more than five years from the date of expiration.
- (b) Valid foreign passport with appropriate Department of Homeland Security documentation, not expired.
- (c) U.S. Department of Homeland Security documents, not expired, including:
 - (A) Resident Alien card or Permanent Resident card (I-551);
 - (B) Temporary Resident ID card (I-688);
 - (C) Employment Authorization Document (I-688A, I-688B and I-766);
 - (D) Certificate of Citizenship (N560 and N561);
 - (E) Certificate of Naturalization (N550, N570 and N578);
 - (F) Reentry Permit Form I-327; or
 - (G) Refugee Travel Document Form I-571.
- (d) Immigrant Visa, issued by the United State Department of State, not expired.
- (5) DMV will not accept a document as proof of identity and date of birth if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of identity or date of birth if the document presented does not establish the applicant's identity and date of birth to the satisfaction of DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400

Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230 & 807.280