



Oregon Department of Transportation

Driver and Motor Vehicle Services

HOUSE BILL 3624 REPORT IMPLEMENTATION OF SENATE BILL 1080

*STANDARDS FOR ISSUANCE OF
OREGON DRIVER LICENSES AND IDENTIFICATION CARDS*

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**HOUSE BILL 3624 REPORT ON THE IMPLEMENTATION OF SENATE BILL 1080
STANDARDS FOR ISSUANCE OF OREGON DRIVER LICENSES AND IDENTIFICATION CARDS**

EXECUTIVE SUMMARY

Background: Senate Bill 1080 (2008 Special Session) tightened documentation and identity verification requirements for the issuance, replacement and renewal of Oregon driver licenses, driver permits and identification cards. The new law affects everyone who applies for a driving privilege or an identification card. SB 1080 was signed by the Governor on March 11, 2008.

The department implemented portions of SB1080 requiring the presentation of documents proving legal presence, social security number and full legal name on July 1, 2008. The department implemented electronic Social Security Number (SSN) verification on February 4, 2008, as required by Governor's Executive Order 07-22. SB 1080 also requires the electronic verification of immigration documents by January 1, 2009. Additional provisions to issue limited term cards that expire when immigration documents expire are operative on January 1, 2010.

House Bill 3624 requires that *"no later than January 31, 2009, the Department of Transportation shall report to the Seventy-fifth Legislative Assembly in the manner provided by ORS 192.245 on the implementation of chapter 1, Oregon Laws 2008 (Enrolled Senate Bill 1080)."*

Implementation of SB 1080: Effective July 1, 2008, SB1080 requires applicants to provide proof of legal presence, social security number and full legal name in order to obtain an original, renewal or replacement driver license, driver permit or identification card. The law requires DMV to electronically verify social security numbers. SB1080 also allows the department to renew or replace licenses and ID cards using an existing previous photo from the DMV database to individuals who are out-of-state and unable to come to a DMV office.

Department Activities

Activities performed by DMV staff to implement the first phase of the bill included:

- Promulgate new and revised administrative rules
- Create and revise agency policies and procedures
- Train DMV field office and headquarters staff on the new requirements
- Provide ombudsman services to individuals who need assistance meeting the documentation requirements of SB1080
- Communicate with Oregon residents, law enforcement, courts and other groups
- Develop application materials
- Revise computer systems to allow tracking of applicant temporary permit issuance
- Develop brochures and other documents for applicants who need information about how to meet the new requirements

DMV staff received training on how to identify acceptable immigration documents and how to determine whether a document was authentic. Staff members received training on documents that could be accepted to prove legal name changes. Training materials described the circumstances where temporary permits should be issued and the issuance process.

Significant employee training efforts included:

- Documents required to prove legal presence

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- Documents required to prove a Social Security Number and ineligibility for a SSN
- Changes to computer system entry screens
- Full legal name requirements & list of acceptable documents
- Issuance of applicant temporary permits
- Information on new and revised forms

Customer Impacts

Initial implementation of SB1080 posed a number of challenges for driver license and ID card applicants. Some did not understand that the law applied to all applicants and were not prepared to provide acceptable birth or legal presence documents. Some individuals who were born at home or whose birth was never registered do not possess a birth certificate. The process to obtain a birth certificate can take from a few weeks to several months to complete and sometimes the person will need to first obtain other types of source documents in order to meet the requirements to obtain a birth record. In the first two months, DMV issued 6,000 temporary driver permits to applicants who needed additional time to obtain birth documents or other proof of legal presence.

An initial requirement to prove full legal name created numerous problems. Applicants were required to provide legal name change documents showing a full history of name changes. Such documents included a government-issued marriage document, adoption decree, divorce decree, annulment of marriage or domestic partnership, dissolution of marriage or domestic partnership, domestic partnership registration certificate, or a court order name change decree. This proved particularly difficult for women who had been married more than one time and for those who were adopted as children but did not possess legal documentation of a name change. DMV also encountered applicants whose cultural traditions meant they used a name that was different than the name appearing on their passport or other immigration document.

To ease these problems, the Oregon Transportation Commission adopted revised administrative rules effective September 15, 2008. The rule changes allow greater flexibility in the types of documents a person can use to prove current full legal name. Implementation of the rule changes resolved more than 90% of the cases receiving DMV ombudsman services.

DMV also established a process to review unique or out of the ordinary situations where a applicant is unable to provide the necessary documents, but could provide other proof that they meet lawful status in the United States and/or that they meet full legal name requirements. The applicant's documentation is escalated to the office manager and a field office region manager (if needed), so that the applicant's documents and information are reviewed. Between September 15th and November 30, 2008 about 70 transactions were escalated for management review (out of 125,000 total driver licensing and identification card transactions processed).

Future Reports: House Bill 3624 requires the department to present annual reports to the Legislature on the effects of SB1080 beginning in January 2010. The reports must include data and analysis on changes in the rates of uninsured drivers, unlicensed drivers, accidents involving injuries or fatalities to uninsured or unlicensed drivers, and multiple passenger accidents related to the transport of laborers. It is expected that any impact in these areas will increase gradually over an 8-year period as more drivers are unable to renew their driver licenses. DMV is working on collecting baseline data for this analysis.

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FULL REPORT

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Department Activities

Activities performed by DMV staff to implement the first phase of the bill included:

- Promulgate new and revised administrative rules
- Create and revise agency policies and procedures
- Train DMV field office and headquarters staff on the new requirements
- Provide ombudsman services to individuals who need assistance meeting the documentation requirements of SB1080
- Communicate with Oregon residents, law enforcement, courts and other interested parties
- Develop application materials
- Revise computer systems to allow tracking of applicant temporary permit issuance
- Develop brochures and other documents for applicants who need information about how to meet the new requirements

Revising the agency's policies and procedures was a substantial effort. The DMV *Driver Licensing Policy & Procedure Manual* provides employees with policy and procedural directions on the issuance of driving privileges and identification cards. The changes required by SB1080 resulted in development of one new chapter (on applicant temporary permit issuance) and modifications to 37 existing chapters.

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The law changes required additional employee training on the characteristics and security features of documents that were not frequently presented to DMV prior to the new requirements. DMV staff received training on how to identify acceptable immigration documents and how to determine whether a document was authentic. Changes to the list of acceptable documents meant changes to training materials and the re-education of employees. Staff members received training on documents that could be accepted to prove legal name changes. The new law also allows issuance of a temporary permit to customers who need additional time to meet legal presence or SSN requirements. Training materials described the circumstances where the temporary permits should be issued and the process for issuing those permits.

Significant employee training efforts included:

- Documents required to provide proof of legal presence
- Documents required to prove a Social Security Number and ineligibility for a SSN
- Changes to computer system entry screens
- Full legal name requirements & list of acceptable documents
- Issuance of applicant temporary permits
- Information on new and revised forms

DMV also made a number of efforts to communicate with interested parties about the new requirements. Methods utilized to communicate the changes included:

- Providing brochures to customers who visit DMV offices
- Providing brochures for distribution at DEQ emissions testing centers
- Publishing reference materials on the DMV website
- Providing handouts on the eligibility requirements and how to obtain original or certified copies of necessary documents
- Displaying informational posters in DMV offices
- Delivering presentations to city commissions and advocacy groups
- Issuing press releases to the news media and radio public service announcements
- Listing the new requirements on driver license and ID card renewal reminder notices
- Mailing informational letters to other government agencies, advocacy groups, group homes, law enforcement agencies, county corrections officers, and other external entities that provide community services
- Mailing outreach letters to federally recognized Oregon and Oregon-affiliated Indian tribes to explain the changes and the issuance processes the tribes need to have in place in order for DMV to accept their tribal ID cards as proof of legal presence

The cost to implement the July 1, 2008 provisions was approximately \$125,000. The ongoing cost to administer the new requirements is an estimated \$400,000 per year. SB 1080 included a fee increase for implementation and ongoing costs, plus several limited duration positions and an expenditure limitation increase for the 2007-09 biennium.

Customer Impacts

Initial implementation of SB1080 posed a number of challenges for driver license and ID card applicants. Prior to the new law, the majority of individuals who needed a driver license or ID card could meet identity requirements by presenting their previous driver license and providing a

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valid SSN verbally. Some people did not understand that the new law applied to all applicants, so they were unprepared to provide acceptable legal presence or full legal name documents. The processing time for vital records agencies varies from as little as a couple of weeks to several months depending upon the jurisdiction. Some individuals who were born at home or whose birth was never registered will not possess a birth certificate but may be eligible to obtain a delayed birth record from a state vital statistics agency. This process can take several months to complete and often the customer will need to first obtain other types of source documents in order to meet the requirements for a delayed birth record. In the first two months, DMV issued 6,000 temporary driver permits to applicants who needed additional time to obtain birth documents, other proof of legal presence, or proof of full legal name.

Initially, the documentation required to prove full legal name created numerous problems. Applicants were required to provide legal name change documents showing a full history of name changes. Allowable documents included a government-issued marriage document, adoption decree, divorce decree, annulment of marriage or domestic partnership, dissolution of marriage or domestic partnership, domestic partnership registration certificate, or a court order name change decree. This proved particularly difficult for women who had been married more than one time and for those who were adopted as children but did not possess legal documentation of a name change. DMV also encountered applicants whose cultural traditions meant they used a name that was different than the name appearing on their passport or other immigration document.

To ease these problems, the Oregon Transportation Commission adopted revised administrative rules effective September 15, 2008. The rule changes allow greater flexibility in the types of documents a customer can use to prove current full legal name. Customers may now present one of the approved identity documents as long as it contains enough information to allow DMV to reasonably determine that the legal presence and identity documents belong to the customer. Implementation of the rule changes resolved more than 90% of the cases that were being handled through DMV ombudsman services.

DMV also established a process to review unique situations where an applicant is unable to provide the necessary documents, but can provide other proof that they meet lawful status in the United States and/or that they meet full legal name requirements. The applicant's documents are escalated to the office manager and a field office region manager (if needed). This review may be needed, for example, for someone born at home with no birth document, or for a person with a foreign birth certificate who is a naturalized citizen due to the citizenship of the person's parents. Approximately 70 customer cases required review by field office region managers from September 15, 2008 to November 30, 2008. Twenty of those cases could not be resolved by the region manager and were forwarded to headquarters for additional review. (For perspective, DMV issued about 125,000 driver licenses, permits and ID cards during this same time period.)

SB1080 required DMV to provide ombudsman services using existing budget limitation and position authority, to assist applicants in meeting the new requirements. DMV could not fill the position immediately due to the time required to reclassify and recruit an existing vacant position. Instead, DMV provided ombudsman services through existing managers and through a Customer Care Unit staffed with temporary employees. The Customer Care Unit answered more

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than 4,000 customer calls between June and November 2008. Customers were able to receive the help they needed to obtain documents, and DMV developed a broader knowledge base regarding the requirements people would have to meet to obtain vital records from other jurisdictions. A DMV Ombudsman position now provides assistance to customers who have issues that cannot be resolved by the Customer Care Unit or general call center staff.

Future Implementation: DMV is on schedule to begin verifying immigration documents electronically through the Systematic Alien Verification for Entitlements (SAVE) system by January 1, 2009. Use of SAVE will allow DMV to verify the validity of immigration status prior to issuing driver licenses, driver permits, and ID cards. Inclusion of a legal presence indicator on the customer record will enable U.S. citizens and permanent legal residents to obtain future renewal or replacement licenses, permits and ID cards without needing to re-submit legal presence documentation.

Beginning January 1, 2010, DMV will issue limited term driver licenses, permits and ID cards for applicants with limited approved stays in the United States. Limited term cards will expire on the ending date of the customers approved stay, or sooner if the regular expiration period for the privilege is less than the customers approved length of stay. Customers who have an indefinite length of stay will receive a card that is valid for one year. SB1080 specifies fees for the limited term cards that are lower than the fees charged for cards with a standard 8-year expiration period.

Future Reports: House Bill 3624 requires the department to present annual reports to the Legislature on the effects of SB1080 beginning in January 2010. The reports must include data and analysis on changes in the rates of uninsured drivers, unlicensed drivers, accidents involving injuries or fatalities to uninsured or unlicensed drivers, and multiple passenger accidents related to the transport of laborers. It is expected that any impact in these areas will increase gradually over an 8-year period as more drivers are unable to renew their driver license. DMV is working on collecting baseline data for this analysis.