



EXECUTIVE ORDER NO. 07 – 22

STANDARDS FOR ISSUANCE OF OREGON DRIVER LICENSES AND IDENTIFICATION CARDS

Driving on Oregon's roads and highways is a privilege. That privilege is conferred through a system of licensing of drivers that is managed by the Driver and Motor Services Division (DMV) of the Oregon Department of Transportation and by similar government agencies throughout the United States.

State-issued driver licenses and identification cards are the most commonly used identification documents in the U.S. Such cards are routinely accepted as identification by the public and private sectors in financial and credit transactions and are used to board airplanes, to enter secure buildings, to purchase alcohol and other restricted products and for a myriad of other purposes. It is essential that public and private entities be able to rely on the legitimacy of driver licenses and identification cards issued by each of the states and territories of the U.S. as establishing the holder's true identity.

Oregon's documentation requirements to prove identity are among the most permissive in the country. At a minimum, most states verify Social Security numbers for all applicants with a Social Security number, require valid passports with current immigration documentation for non-citizens and, except for Canadian-issued birth certificates, do not accept foreign birth certificates. However, Oregon's current administrative rules do not contain these restrictions. This fact, coupled with Oregon's relatively long eight-year license term, appear to have made Oregon a magnet for persons from out of state to come here to unlawfully obtain identification documents for which they are not eligible either in this state or in the state in which they actually reside.

Although the magnitude of these activities is not yet fully known, it appears that criminal organizations both inside and outside Oregon are using Oregon's permissive standards in order to assist persons to illegally obtain driver licenses and identification cards from DMV. These services are being advertised in foreign language newspapers in states with more stringent standards. It appears that these organizations transport individuals into Oregon for a fee and provide them with false residency documents solely for the purpose of illegally obtaining an Oregon driver license or identification card. Investigations into these activities are ongoing.



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The issuance of driver licenses and identification cards is a core function of state government. It is essential that our system for issuing licenses and identification cards be secure and reliable. This is particularly important in the battle against identity fraud and identity theft and to protect our national security. Because of these concerns, it is clear that Oregon must tighten its standards for obtaining driver licenses and identification cards in order to more effectively prevent fraud and criminal activity.

Oregon law provides DMV with considerable latitude to define by administrative rule the types of documentation that DMV will accept to establish identity and to establish procedures to verify identity prior to issuance of a driver license or identification card. Although legislative consideration of these issues is desirable, some changes can be made immediately and without action by the Legislature.

The American Association of Motor Vehicle Administrators (AAMVA) is a non-profit association representing motor vehicle agency administrators and senior law enforcement officials from throughout the U.S. and Canada. AAMVA's mission is to represent its membership by working collaboratively to support and improve motor vehicle administration, safety, identification security and law enforcement. AAMVA has developed policies and guidelines that encourage uniformity, reciprocity and sharing of best practices among states, provinces, federal government officials and the private sector, including guidelines for the issuance of driver licenses, that have been adopted by most U.S. and Canadian jurisdictions.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

1. DMV shall, as soon as practicable, prepare emergency administrative rules to revise and tighten the requirements for issuance of driver licenses, driver permits and identification cards and shall present such emergency rules to the Oregon Transportation Commission for adoption and implementation.
2. The administrative rules for issuance of driver licenses, driver permits and identification cards shall generally adhere to the standards recommended by AAMVA regarding use and verification of Social Security numbers and acceptable documentation to prove name and date of birth.



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3. The administrative rules shall require any applicant for an original, renewal or replacement driver license, driver permit or identification card to provide DMV with a valid Social Security number or a written statement that the applicant has not been issued a Social Security number. DMV shall verify with the Social Security Administration the accuracy of Social Security numbers provided. Except as provided in (4)(b), DMV shall deny or cancel driving privileges and identification cards if the applicant does not provide his or her Social Security number or if the Social Security number provided by the applicant cannot be verified to the satisfaction of DMV.

4. The administrative rules shall require any applicant for an original, renewal, or replacement driver license, driver permit or identification card to provide to DMV primary identity document(s) that establishes the applicant's identity to the satisfaction of DMV.

- a. For applicants who provide a verifiable Social Security number, an applicant must provide at least one primary document which includes, but is not necessarily limited to:
 - i. A United States, Canadian or U.S. territorial government-issued birth certificate;
 - ii. United States Military ID or other U.S. military documentation determined by rule by DMV to be acceptable;
 - iii. A valid United States passport;
 - iv. A valid foreign passport with valid United States Citizen and Immigration Service (USCIS) documentation that has not expired;
 - v. Other valid USCIS documents that have not expired and are determined by rule by DMV to be acceptable, such as, but not necessarily limited to, a Temporary Resident ID card, Resident Alien Card or Permanent Resident Card;
 - vi. An Oregon driver license, driver permit or identification card that is valid or expired for less than one year;
 - vii. A driver license, driver permit or identification card issued by another state of the United States or by a Canadian province that is valid or expired for less than 60 days; or
 - viii. A valid Confederated Tribes of Oregon tribal identification card, as approved by DMV.



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- b. For applicants who are unable to provide a verifiable Social Security number, DMV shall require the applicant to provide additional identity documents. DMV shall determine by administrative rule the number and type of identity documents that must be provided. If the applicant presents an identity document issued by a foreign government, the applicant must provide one of the following:
- i. A valid foreign passport with valid United States Citizen and Immigration Service (USCIS) documentation that has not expired; or
 - ii. Other valid USCIS documents that have not expired and are determined by rule by DMV to be acceptable, such as, but not necessarily limited to, a Temporary Resident ID card, Resident Alien Card or Permanent Resident Card.
5. The new standards in these emergency administrative rules shall be effective as of a date to be set by DMV in the rules. Such implementation is to be accomplished in as expeditious a manner as is possible following adoption of the rules by the Oregon Transportation Commission.
6. Within one year of full implementation of these emergency rules, DMV shall report to the Governor as to the effectiveness of these measures in reducing fraud in the process of issuing driver licenses, driver permits and identification cards, on the difficulties that these new requirements may have imposed on DMV customers and staff, and any other consequences of these new requirements that have been experienced by DMV.

Done at Salem, Oregon, this 16th day of November, 2007.




Theodore R. Kulongoski
GOVERNOR

ATTEST:


Bill Bradbury
SECRETARY OF STATE