

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

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

Documents Accepted as Proof of Identity and Date of Birth in Transactions with DMV
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: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 735-010-0130, 735-062-0000, 735-062-0010, 735-062-0030, 735-062-0090, 735-062-0110 and 735-070-0010

SUSPEND:

ORS 184.616, 184.619, 802.010, 807.040 807.050, 807.060, 807.070, 807.120,
807.150, 807.400, 809.310 Executive Order No. 07-22
Stats. Auth. Other Authority

ORS 801.562, 802.012, 802.540, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.060, 807.062, 807.066, 807.110,
807.150, 807.160, 807.220, 807.230, 807.280, 807.400, 809.310, 809.320
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.

The rules that DMV proposes to amend in this rulemaking all refer to age and identity documents listed in OAR 735-062-0020. The rule reference needs to be expanded, as there will be two rules that list acceptable documents depending on the circumstances of the applicant. These rules must be amended to specify which documents DMV will accept in various situations, depending on whether the applicant has a verifiable SSN or signs a Statement of No Social Security Number. DMV also proposes to amend these rules to be consistent in the terms used— identity and date of birth, rather than age and identity.

Authorized Signer Tom McClellan
Printed name 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 735-010-0130, 735-062-0000, 735-062-0010, 735-062-0030, 735-062-0090, 735-062-0110 and 735-070-0010

Rule Caption: Documents Accepted as Proof of Identity and Date of Birth in Transactions with DMV

Statutory Authority: ORS 184.616, 184.619, 802.010, 807.040 807.050, 807.060, 807.070, 807.120, 807.150, 807.400, 809.310

Other Authority: Executive Order No. 07-22

Stats. Implemented: ORS 801.562, 802.012, 802.540, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.060, 807.062, 807.066, 807.110, 807.150, 807.160, 807.220, 807.230, 807.280, 807.400, 809.310, 809.320

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.

In a separate rulemaking DMV proposes to amend OAR 735-062-0005 to require an applicant for driving privileges or an identification card to provide a verifiable SSN or a Statement of No Social Security Number if the person has never been issued a SSN. An applicant with a verifiable SSN must also present DMV a document as proof of identity and date of birth from OAR 735-062-0020 as proposed. An applicant who signs a Statement of No Social Security Card must present DMV a document as proof of identity and date of birth from a proposed new rule, OAR 735-062-0021.

The rules that DMV proposes to amend in this rulemaking all refer to age and identity documents listed in OAR 735-062-0020. The rule reference needs to be expanded, as there will be two rules that list acceptable documents depending on the circumstances of the applicant. These rules must be amended to specify which documents DMV will accept in various situations, depending on whether the applicant has a verifiable SSN or signs a Statement of No Social Security Number. DMV also proposes to amend these rules to be consistent in the terms used– identity and date of birth, rather than age and identity.

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 in conjunction with another emergency rulemaking that amends OAR 735-062-0005 and 735-062-0020 and proposed the adoption of OAR 735-062-0021. 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.

Tom McClellan

Authorized Signer

Printed name

Date