

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rules(s) adopted on December 10, 2008 by the  
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division

735

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

Address

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to become effective

January 1, 2009

Date upon filing or later

Rulemaking Notice was published in the

October 2008

Month and Year

*Oregon Bulletin.\*\**

**RULE CAPTION**

Acceptable Proofs of Full Legal Name, Legal Presence, Identity and Date of Birth

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:** 735-062-0014

**AMEND:** 735-010-0130, 735-062-0005, 735-062-0015 and 735-062-0020

**REPEAL:** 735-010-0130 temp, 735-062-0014 temp, 735-062-0015 temp and 735-062-0020 temp

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 802.010, 807.050, 807.150, 807.400 and OL 2008, Ch 1

Stats. Auth.

None

Other Authority

ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.280 and OL 2008, Ch 1

Stats. Implemented

**RULE SUMMARY**

DMV implemented the changes required by Oregon Laws 2008, Chapter 1 (SB 1080) on July 1, 2008. Those changes include that all applicants for a driver license, driver permit or identification card must show proof of legal presence in the United States, proof of Social Security number (that must be verified) or proof of not being eligible for a Social Security number, and proof of full legal name.

In implementing the requirements of SB 1080, the department adopted OAR 735-062-0015 and amended OAR 735-062-0020 to require documentation of a legal name change if the applicant's current legal name does not match the name on the document submitted as proof of legal presence or proof of identity. Documentary proof of a legal name change includes a government issued marriage document or certificate of domestic partnership, a judgment of dissolution or annulment, an adoption decree or a court judgment for change of name. DMV determined that requiring documentary proof of a legal name change unnecessarily limits the proof an applicant may provide as proof of his or her current legal name and is overly burdensome for some applicants.

DMV adopted new OAR 735-062-0014, which authorizes DMV to accept an identity document listed in OAR 735-062-0020 as proof of the applicant's current legal name. There must be sufficient connection between the proof of the applicant's legal name and the name on the document submitted as proof of legal presence for DMV to determine the applicant is the person named in the legal presence document. If the applicant's current legal name is not on an identity document, the applicant must provide proof of a legal name change as described above. This rule also clarifies that a document used to provide proof of a legal name change through marriage must be a government-issued marriage document. DMV does not accept a ceremonial marriage certificate that is presented to the couple at the wedding. The official document recording the marriage is the document filed with the county or state, and it is this document that DMV accepts as proof of a name change.

Oregon Laws 2008, Chapter 1, Section 7 allows DMV to verify with the issuing agency the validity and completeness of each identity source document presented by an applicant for a driver license, driver permit or identification card. DMV will soon begin verifying with the issuing agency those documents presented by permanent legal residents in the United States and persons legally in the United States on a temporary basis. DMV and the United States Department of Homeland Security – U.S. Citizenship and Immigration Services (DHS – USCIS) have an agreement that DMV may verify documents through the Systematic Alien Verification for

Entitlements (SAVE) system. DMV plans to begin verifying documents through SAVE in January 2009. DMV amended OAR 735-062-0015 to specify that DMV will only accept documents verified through SAVE as proof of permanent or temporary legal status in the United States.

Also in January 2009, DMV will place on a person's DMV record an indicator of whether the person's SSN has been verified and whether documentation has been presented providing proof of U.S. citizenship, permanent legal residence or that the person is otherwise legally present in the United States. If the person's DMV record shows that the person's SSN has previously been verified and shows the person is a U.S. citizen or is a permanent legal resident of the United States, the person will not need to provide proof of an SSN and proof of legal presence when renewing, replacing or being issued a driver license, driver permit or identification card. Only a person whose documentation shows they are otherwise legally present in the United States (not a citizen or permanent legal resident) will continue to be required to show documentation at each and every visit to DMV. DMV amended OAR 735-062-0005 and 735-062-0015 to specify an applicant need not provide proof of an SSN and proof of legal presence when the person's DMV record indicates that DMV has already verified the person's SSN and viewed the person's proof of U.S. citizenship or permanent legal presence in the United States.

DMV amended OAR 735-062-0015 and 735-062-0020 to remove the section on name change as that information is now contained in OAR 735-062-0014.

DMV amended OAR 735-062-0020 to include as acceptable proof of identity and date of birth, the person's DMV record, including the digital photo on file with DMV. This amendment allows a person who provides proof of U.S. citizenship or permanent legal residence in the U.S. on or after January 1, 2009 to renew or replace a driver license, driver permit or identification card without providing any further proof to DMV (as long as the person has not changed names or moved). DMV can verify through the person's DMV record that the person is eligible to renew or replace a driver license, driver permit or identification card.

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Authorized Signer

**Thomas L. McClellan**

Printed Name

Date

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

\*\* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 930-2005