

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 September 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 Telephone

to become effective September 15, 2008 through March 13, 2009  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Proof of Full Legal Name  
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, 735-062-0015 and 735-062-0020

**SUSPEND:**

ORS 184.616, 184.619, 802.010, 807.050, 807.400 and Oregon Laws 2008, Chapter 1 None  
Stats. Auth. Other Authority

ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.280, 807.420, 807.560, 809.135, 821.080 and Oregon Laws 2008, Chapter 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 has 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 therefore proposes to adopt a new rule, OAR 735-062-0014, which authorizes DMV to accept an identity document listed in OAR 735-062-0020 or in limited circumstances, the full legal name in the applicant's DMV customer record, 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 or in the DMV customer record, the applicant must provide proof of a legal name change as described above.

Making this change will eliminate much of the burden for providing proof of an applicant's current legal name without reducing the security and integrity of Oregon issued driver licenses, driver permits and identification cards.

Amendments are being proposed to OAR 735-062-0015, Establishment and Use of Full Legal Name by an Individual, to incorporate the new rule, and OAR 735-062-0015 Proof of Legal Presence and OAR 735-062-0020 Proof of Identity and Date of Birth Requirements to remove the sections dealing with a name change, as that information will now be provided in the proposed new rule.

These proposed rule amendments make no changes to the requirements that a person provide proof of legal presence in the United States and proof of Social Security number (that must be verified) or proof of not being eligible for a Social Security number.

Thomas L. McClellan  
Authorized Signer 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.

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division  
Agency and Division

735  
Administrative Rules Chapter Number

In the Matter of Adoption of OAR 735-062-0014 and Amendment of OAR 735-010-0130, 735-062-0015 and 735-062-0020

**Rule Caption:** Proof of Full Legal Name

**Statutory Authority:** ORS 184.616, 184.619, 802.010, 807.050, 807.400 and Oregon Laws 2008, Chapter 1

**Other Authority:** None

**Statutes Implemented:** ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.280, 807.420, 807.560, 809.135, 821.080 and Oregon Laws 2008, Chapter 1

**Need for the Temporary Rule(s):** 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.

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DMV therefore proposes to adopt a new rule, OAR 735-062-0014, which authorizes DMV to accept an identity document listed in OAR 735-062-0020 or in limited circumstances, the full legal name in the applicant's DMV customer record, 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 or in the DMV customer record, the applicant must provide proof of a legal name change as described above.

Making this change will eliminate much of the burden for providing proof of an applicant's current legal name without reducing the security and integrity of Oregon issued driver licenses, driver permits and identification cards.

Amendments are being proposed to OAR 735-062-0015, Establishment and Use of Full Legal Name by an Individual, to incorporate the new rule, and OAR 735-062-0015 Proof of Legal Presence and OAR 735-062-0020 Proof of Identity and Date of Birth Requirements to remove the sections dealing with a name change, as that information will now be provided in the proposed new rule.

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**Documents Relied Upon, and where they are available:** None

**Justification of Temporary Rules(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 because the current rules are creating delays, undue burden and hardship for some applicants trying to obtain, replace or renew a driver license, driver permit or identification card. While the majority of applicants have been able to provide the necessary documentation required under the current rules, some applicants who have had an Oregon driver license for decades are unable to timely renew their licenses and find themselves without valid identification. Applicants who are unable to provide proof of a legal name change may be placed in a position of not being able to renew their driver license and therefore, will either not drive or will drive illegally. Those applicants who need an official identification card may be unable to provide the documentation necessary to get one, which may have economic consequences and may limit the person's ability to travel. This temporary rulemaking action will immediately alleviate much of the burden and hardship imposed on applicants in this position. DMV intends to begin the permanent rule-making process for these proposed changes immediately

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Authorized Signer

Thomas L. McClellan  
Printed name

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Date