

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 November 16, 2011 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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to become effective upon filing Rulemaking Notice was published in the October 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Action Taken Upon Failure to Establish Identity when Committing an Act in ORS 809.310(a) through (h)

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:

AMEND: 735-062-0016 and 735-070-0004

REPEAL:

ORS 184.616, 184.619, 802.010, 807.021 and 807.024 None
Stats. Auth. Other Authority

ORS 807.021, 807.024, 807.400, 809.135, 809.310, 809.320 & 809.411
Stats. Implemented

RULE SUMMARY

Before issuing a driver license or identification card (ID card), a person must submit to collection of biometric data in order to establish the person's identity. This means DMV takes a digital photograph of an applicant for an original, renewal or replacement driver license or ID card, which is then compared to all other digital photos in the DMV database using facial recognition software. Based on this new technology, DMV has identified many cases where a person was issued a driver license or ID card in a false name. Often this occurred many years before when the person obtained identification because he or she was under 21 years of age.

It has been DMV's policy to suspend a person's driving privileges and cancel any driver license or identification card, and to suspend the person's right to apply for driving privileges and an identification card for one year when it is determined the person has committed an act listed in ORS 809.310(3). These acts include submitting false information to DMV, using an invalid license obtained by fraud, or giving false information to a police officer. DMV recently reviewed this policy and determined the sanction is too harsh in most instances, particularly since the majority of these situations arise because the person applied for a false driver license or ID card several years ago in order to misrepresent his or her age. State issued identification, either in the form of a driver license or ID card, is a necessity in today's world. Taking both a driver license and ID card away from a person for a year can have a devastating effect on the person's ability to maintain a job, complete financial transactions and travel. DMV has therefore changed its policy and will not suspend an identification card and a person's right to apply for an identification card under these circumstances, although DMV will cancel an ID card that has been issued in a false name.

DMV amended OAR 735-062-0016 and 735-070-0004 to delete the requirement that DMV suspend an ID card or the right to apply for an ID card when the person commits an act set forth in ORS 809.310(3). The rule amendments also correct a statutory citation in OAR 735-062-0016. The amendments to OAR 735-070-0004 also clarify that DMV will suspend driving privileges and the right to apply for driving privileges in all cases where DMV has determined that the person has knowingly committed an act listed in ORS 809.310(3)(a) through (h).

Thomas L. McClellan
Authorized Signer 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.