

735-062-0016

Requirements for Establishing Identity Under ORS 807.024 and Consequences of Applicant's Failure to Establish Identity

(1) An applicant for an original, renewal or replacement driver license, driver permit or identification card must submit to the collection of biometric data, as provided in ORS 807.024, for the purpose of establishing identity, unless the applicant meets the requirements of OAR 735-062-0120 or 735-062-0125.

(2) To collect biometric data DMV will take a digital photograph of the applicant which must:

- (a) Be full-faced;
- (b) Clearly show the iris and pupil of each eye; and
- (c) Capture the applicant's natural appearance in accordance with the requirements set forth in section (3) of this rule.

(3) To comply with Section (2) of this rule, DMV will require the applicant to:

- (a) Remove any eyeglasses;
- (b) Remove any contact lens that significantly changes the appearance of the applicant's eye;
- (c) Remove any clothing or similar material that partially or completely covers the applicant's face;
- (d) Remove any head covering, including a hat or cap, unless the head covering is for medical or religious reasons. A head covering worn for medical or religious reasons must not cover or distort the applicant's face; and

(e) Remove makeup, face paint, jewelry, sticker or other temporary substance that covers or distorts all or part of the face so as to significantly alter the applicant's natural appearance and which DMV determines is likely to affect the biometric measurements of the digital photograph.

(4) Except as provided in OAR 735-062-0120 and 735-062-0125, if an applicant's identity is not established by the biometric data submitted pursuant to subsection (1) of this rule, the applicant must provide documentation or other evidence sufficient to establish the applicant's identity to the satisfaction of DMV. The documents or other evidence may include, but are not limited to, one or more of the following:

(a) Documents listed in OAR 735-062-0020 that provide proof of the applicant's identity and date of birth to the satisfaction of DMV.

(b) The applicant's SSN and proof and verification of the SSN as provided in OAR 735-062-0005.

(c) A letter from a treating physician that identifies the person and states a medical reason for the person's change in appearance.

(d) A document or letter from a law enforcement agency verifying identity.

(e) A court document verifying identity.

(5) Except as provided in OAR 735-062-0120 and 735-062-0125, DMV will not issue a driver license, driver permit or identification card, if the applicant's identity is not established under this rule.

(6) Pursuant to ORS 809.310(3) and OAR 735-070-0004, DMV will suspend an applicant's driving privileges and the person's right to apply for driving privileges if the person fails to establish his or her identity as required by this rule and the failure to establish identity is the result of the applicant's committing any of the acts identified in ORS 809.310(3)(a) through (h).

(7) Pursuant to ORS 809.310(1), 807.400(15), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his

or her identity as required by this rule when applying for the license, permit or identification card.

(8) Pursuant to ORS 809.310(2), 807.400(15), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card, and the failure to establish identity is the result of the applicant's providing false information to DMV.

(9) If, based on the identification procedures required under section (1) or section (2) of this rule, DMV determines that an applicant has used different names to identify himself or herself in different applications submitted to DMV and the different names are not the result of the applicant's having legally changed his or her name, DMV may take the actions authorized by ORS 809.135.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.024

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

735-070-0004

Cancellation and Suspension Actions Under ORS 809.310

(1) Pursuant to ORS 809.310(1) and (2) and 807.400(15), DMV will cancel any driver license, driver permit or identification card when DMV determines that it was issued on the basis of false information given to DMV or determines that the person is not entitled to driving privileges or the identification card. The cancellation action may be taken in addition to the suspension actions authorized by section (3) of this rule.

(2) When DMV cancels a person's driver license, driver permit or identification card under section (1) of this rule, DMV may cancel any other driver license, driver permit or identification card issued to the person to which the person is not entitled or which was issued on the basis of false information given to DMV.

(3) Pursuant to ORS 809.310(3) and 809.415(5), DMV will suspend driving privileges and the right to apply for driving privileges if DMV determines that a person has knowingly committed any of the acts identified in ORS 809.310(3)(a) through (h). The suspension will be imposed regardless of when the act occurred.

(4) When DMV suspends a person's driving privileges pursuant to ORS 809.411(9) because the person has been convicted of any of the acts identified in 809.310(3) (a) through (h), or because DMV has determined the person knowingly committed any of the acts identified in 809.310(3)(a) through (h), DMV will suspend any other driving privileges issued to the person and the person's right to apply for driving privileges.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stat. Imp.: ORS 809.310