



# Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

November 26, 2019

Members of the 80<sup>th</sup> Oregon Legislative Assembly  
900 Court Street NE  
Salem, OR 97301

RE: SB 855 (Professional Licensing of Immigrants) Report to Legislature

Dear Members of Oregon's 80<sup>th</sup> Legislative Assembly:

Senate Bill 855 was passed by the Oregon Legislature during the 2019 legislative session. The measure directs professional licensing boards to study the manner in which immigrants or refugees become licensed, certified or otherwise authorized, and implement methods to reduce barriers to licensure for applicants who may be immigrants or refugees. Professional licensing boards are required to report to the Legislature on the progress in meeting these requirements no later than November 30, 2019.

There are two divisions within the Oregon Department of Transportation (ODOT) that issue licenses or certifications: the Driver and Motor Vehicle Division (DMV), which issues commercial driver licenses, and the Motor Carrier Transportation Division (MCTD), which issues permits and certifications.

The DMV identified no state-level barriers to obtaining a Commercial Driver License (CDL), but there are federal laws that could serve as obstacles:

### **§391.11 General qualifications of drivers.**

(b) Except as provided in subpart G of this part, a person is qualified to drive a motor vehicle if he/she—  
(2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;

### **§383.71 Driver application and certification procedures.**

(b) Initial Commercial Driver's License. Prior to obtaining a CDL, a person must meet all of the following requirements:

(9) The person must provide proof of citizenship or lawful permanent residency as specified in Table 1 of this section, or be registered under paragraph (f) of this section.

### **§383.73 State procedures.**

#### **Social Security Number Verification**

(g) Social Security Number verification. (1) Prior to issuing a CLP or a CDL to a person the State must verify the name, date of birth, and Social Security Number provided by the applicant with the information on file with the Social Security Administration. The State is prohibited from issuing, renewing, upgrading, or transferring a CLP or CDL if the Social Security Administration database does not match the applicant-provided data.

With regard to MCTD, ORS 825.100 – 825.135 provides that motor carriers operating in the State of Oregon are required to obtain a certificate or permit of operating authority to transport persons or property. MCTD issues two types of certificates and ten types of permits dependent on the type of operation and the commodity transported. These certificates and permits are issued through an application process on which the following information must be provided for review:

- FEIN/SSN
- Owner, partners, corporate officer names
- Legal business name
- Physical address
- Mailing address
- Signature
- If applicable:
  - A filing fee
  - Certification of liability and/or cargo insurance
  - A current financial statement
  - Proposed Tariff of Rates
  - Results of a criminal background check for each applicant

These requirements are outlined in OAR Division 35.

An application for certificate or permit authority can be denied if there is evidence that the applicant (1) is not capable of conducting the transportation service in compliance with Oregon Department of Transportation's laws or rules, (2) is identified as a repeat or intentional violator of provisions of Chapter 825 or 818, or (3) information provided on the application is deemed to be falsified. Additionally, certificate and permit authority can be suspended or revoked for repeated violations of the department's laws or rules, unpaid tax, or failure to file a bond.

During the course of certificate or permit application and operational authority reviews, MCTD does not consider an applicant's immigrant or refugee status and, therefore, it would not hinder one's ability to apply or obtain operating authority.

Please let me know if you have any questions.

Sincerely,



Kristopher Strickler  
Director  
Oregon Department of Transportation