



# Oregon

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DATE: February 1, 2012

TO: House Committee on Transportation and Economic Development

FROM: Amy Joyce, Legislative Liaison for DMV

RE: HB 4043 – Reduced Sanction for False Applications

## INTRODUCTION

HB 4043 provides a reduced administrative sanction for those people who are caught having obtained a false identification for the sake of purchasing alcohol. Driver and Motor Vehicle Services Division (DMV) now compares current photographs to those previously taken, which has resulted in people receiving a license suspension for an action taken many years ago.

## DISCUSSION

Current law allows DMV to suspend a person's driver license for one year if they submit false information or falsely swear on an application for a driver license or identification (ID) card. In 2005 the Legislature directed DMV to begin using biometric technology when issuing and renewing driver licenses and ID cards. The intent was to catch people committing identity theft and those who applied for multiple licenses so they could continue driving while suspended. DMV installed Facial Recognition Software (FRS), which first compares the applicant's current photograph to prior photos of that person (one-to-one check). It ensures that the person applying today is the same person who applied in the past under that name. FRS also compares the new photo to all the photos in the DMV database (one-to-many check). The system ensures the applicant does not have multiple records under different names in the DMV system. In the three years since FRS has been in use, DMV has caught about 1000 people who obtained a false identification.

One unanticipated consequence is that people who obtained a "fake ID" to buy alcohol or enter taverns when they were under age 21 are being identified with this technology. With the use of FRS only three years old, DMV has been identifying people who did so as long as 15 years ago – the length of time DMV has been keeping digital copies of photographs. And because license and ID card renewals are on an eight-year cycle, DMV will continue to identify these offenses, some of which occurred long ago, for at least another five years. DMV estimates that between 10% and 25% of the 1000 offenders identified by FRS in the last three years did so only to obtain alcohol.

Under current law the administrative sanction for this offense, whether it was done for the sake of committing criminal identity theft or for the sake of buying alcohol at age 20, is the same: a one year driver license suspension. The bill directs DMV to allow a person an administrative review to prove the reason they committed the offense was for alcohol. The bill requires DMV to draft rules that include objective criteria. If proved, the person may reapply, pay the \$75 reinstatement fee, and DMV can reinstate the license immediately.

The bill does not change the criminal sanctions available. DMV will continue its current practice of forwarding to the Department of Justice all new cases of false information or false swearing. Those criminal statutes have a three year statute of limitations, so the current practical reality is that these older cases are not prosecuted. Under the bill, when FRS catches someone who has recently committed these acts, as is the case today, that matter would not be outside the statute of limitation and it would be up to law enforcement and prosecuting attorneys whether to pursue a criminal sanction.

It is also worthy to note that along with the FRS technology, DMV identifies cases of false information and false swearing by other means as well. DMV is notified by law enforcement or business establishments (e.g. taverns), and field office staff identify fraud right at the counter. These cases also will be covered by the bill just as those cases identified by FRS.

## **CONCLUSION**

HB 4043 will allow a person to receive a reduced administrative sanction if they can demonstrate the only reason they submitted false documents or committed false swearing was to obtain a driver license or ID card to purchase alcohol or enter a tavern. The person will have a license suspension on their record, and the person will have to take proactive steps to have the suspension lifted prior to the current one-year sanction. In addition they will need to pay the \$75 reinstatement fee. The bill acknowledges a qualitative difference between actions taken for the purpose of criminal identity theft as opposed to the purchase of alcohol by a minor.