

SB 1005 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 3/27, 4/1

WHAT THE MEASURE DOES:

Modifies existing law to permit a private entity to swipe an individual's driver's license or identification card to verify the individual's age when providing an age-restricted good or service regardless of whether there is any reasonable doubt of the person being age 21.

FISCAL: No fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Process for age verification
- Prohibition on storing data provided by identification or driver's license
- Current litigation related to age verification
- Federal regulation related to age verification
- Impact of measure on existing litigation

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 807.750 establishes the permissible reasons that a private entity may swipe or scan the electronic data embedded in a driver's license. Among these permissible reasons is "to verify the individual's age when providing an age-restricted good or service to any person about whom there is any reasonable doubt of the person's having reach 21 years of age." ORS 807.750(2)(b). OAR 845-006-0335(1)(a) provides that a "[r]easonable doubt" exists if the person appears to be under the age of 26." When a private entity scans a driver's license for an unauthorized purpose, ORS 807.750(8) authorizes an individual to bring a civil action to recover the individual's actual damages or \$1,000, whichever is greater, along with equitable relief and treble damages for willful or knowing violations.

A growing number of Oregon retailers have implemented universal ID checks for alcohol and tobacco products, leading to lawsuits contending that the plaintiff's ID was checked or scanned despite no reasonable doubt that the plaintiff was over age 21.

Senate Bill 1005 modifies existing law to permit a private entity to swipe an individual's driver license or identification card to verify the individual's age when providing an age-restricted good or service regardless of whether there is any reasonable doubt of the person being age 21.