



Measure 88 -Oregon Resident “Driver Card” (Referendum)

The measure would change the Oregon Vehicle Code. People who live in Oregon could apply for a driver card, even if they live in the United States illegally. They must prove their identity and date of birth, pass the regular driver’s license tests, pay the fees, prove they have lived here a year, and provide insurance. They could not drive a Commercial vehicle. They could not use the driver card to prove their identity. The card is valid for four years and can be renewed. The driver card will look different than a regular driver license. About 60,000 people might be eligible.

***EASY READ GUIDE* Information**

Official Title:

[Changes State law] Provides Oregon resident “driver card” without requiring proof of legal presence in the United States

The way it is now:

You must have a Social Security number to get a driver’s license. A person living in Oregon who is not a U.S. citizen, permanent resident, or legally present temporary resident, cannot have a driver’s license. That means they cannot receive driver training, a license, or insurance.

What Measure 88 would do:

Changes the Oregon Vehicle Code. People who live in Oregon could apply for a driver card, even if they live in the United States illegally. They must prove their identity and date of birth, pass the regular driver’s license tests, pay the fees, prove they have lived here a year, and provide insurance. They could not drive a Commercial vehicle. They could not use the driver card to prove their identity. The card is valid for four years and can be renewed. The driver card will look different than a regular driver license. About 60,000 people might be eligible.

How much it would cost:

Department of Transportation (ODOT) will review the applications, give tests, and give out the driver card. It is estimated to cost about \$5.5 million in the next 3 years. The measure sets up fees to pay for these costs. It is estimated there will be \$7.9 million in income. That income will be used for ODOT’s work, and go to the Highway Fund, just like the regular driver’s licenses.

Argument for:

Measure 88 will improve traffic safety by increasing the number of drivers who are tested and know the rules. The fees charged by the Department of Transportation will pay for the cost of providing the driver card. The card is for limited use. It will have benefits such as allowing people to be a part of the economy.

Argument against:

People who live here illegally will be able to get a card that makes it seem like they live here legally. That harms the well-being and rights of legal Oregon citizens. Five other states with the same law still have many drivers without insurance. This law goes against U.S. Immigration laws. It also does not have criminal background checks.



State of Oregon Measure 88: Oregon Driver Card

VOTERS' GUIDE INFORMATION

Official Title: Provides Oregon resident “driver card” without requiring proof of legal presence in the United States

Referendum: This measure is a statutory proposal placed on the ballot by the citizen referendum petition process with an estimated 58,291 valid signatures.

Financial Impact: The cost to provide driver cards to the estimated additional drivers is estimated at \$2,794,802 in the 2013-15 biennium and \$2,677,144 in the 2015-17 biennium. It is anticipated that this measure will generate \$3,610,437 of revenue in the 2013-15 biennium and \$4,333,562 in 2015-17. Revenues in excess of costs will be deposited in the State Highway Fund.

Probable Results of a YES Vote: If this measure passes, persons living in Oregon at least one year who cannot prove legal presence in the U.S. may obtain a limited-time and limited-use driver card if they meet all other requirements.

Probable Results of a NO Vote: If this measure fails, people who cannot prove legal presence in the U.S. will not be able to drive legally in Oregon.

Background: Senate Bill 833 was passed by the 2013 Legislature and signed into law by the Governor. Opponents of the law immediately launched a referendum petition drive and succeeded in referring the measure to the ballot, which effectively blocked SB 833 from taking effect unless voters approve it as Measure 88 in the November 4, 2014 Election.

SB 833 was passed by the 2013 Legislature to address the economic and public safety issues identified by a Governor’s work group on drivers who lack proof of legal presence in the United States. Currently, providing to DMV proof of lawful presence in the country is a requirement to obtain driving privileges. Drivers who do not provide this proof do not have a way to learn the rules of the road, pass a safe driving test or obtain auto insurance. Untrained and unlicensed drivers can present a hazard to the public. During legislative hearings issues of road safety, public safety, vehicle accidents and uninsured drivers were cited repeatedly.

The Proposal:

Measure 88 directs DMV to issue driver cards to individuals who pass the written driver knowledge test, pass the behind-the-wheel driver test, provide proof of residence in Oregon for more than one year and provide proof of identity and date of birth. The driver card will look different from a driver’s license and may not be used as identification for air travel, to enter a federal building, to register to vote or to obtain any government benefit requiring proof of citizenship or lawful presence in United States.

Applicants must pay all of the necessary fees to the Oregon Department of Transportation. The charges are sufficient to cover the new costs, according to ODOT. The driver card is valid for only four years, will have



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a picture of the holder, and be distinctly identified as a driver card as opposed to a driver license. Holders may not drive commercial vehicles.

Supporters say:

- Measure 88 is a public safety measure designed to improve road safety and reduce the number of unlicensed and uninsured motorists on Oregon's roads. All drivers must pass a written and driving test and must provide proof of insurance for the test vehicle.
- Measure 88 is a limited measure to provide driving privileges only to eligible drivers. The driver card provides a limited term, four year, driver card that cannot be used as proof of identity, to purchase firearms, or to obtain a Commercial Driver's License.
- Measure 88 gives all Oregonians the opportunity to demonstrate knowledge of rules of the road, pass a driver test and obtain a driver card, which will help Oregon residents follow the law and improve safety for drivers, bicyclists, and pedestrians.
- Measure 88 pays for itself through its fee structure and provides additional revenue to the Department of Transportation to cover the costs of necessary new employees and administrative expenses.

Opponents Say:

- Measure 88 allows illegal aliens to obtain official state-issued driver's cards that will enable them to appear as having legal status in our state and the United States. The driver cards may be confused with driver licenses. This harms the well-being and rights of legal residents.
- Measure 88 subverts U.S. Immigration laws, and safeguards are not in place for possible criminal activity such as drug trafficking. Measure 88 does not require background checks.
- Measure 88 may encourage additional illegal immigration to Oregon by offering official driver cards without proving citizenship.
- Measure 88, by providing a driver card to persons without legal presence in the state, would make Oregon only the fifth state to grant such a special right. Currently, there are uninsured illegal drivers causing serious accidents here, but other states with the new law also have high numbers of uninsured drivers despite the laws.

BACKGROUND INFORMATION

Measure 88 reached the election through the citizen Referendum process. Senate Bill 833 (2013) was passed by the Legislature and signed into law by the Governor May 1, 2013. Opponents of the law immediately launched a petition to allow Oregon voters to either ratify the statute or repeal it at the November 4, 2014 General Election. The Referendum petition received 58,291 valid signatures, qualifying it for the ballot.

After SB 833 was drafted, it was assigned to the Senate Business and Transportation Committee (BTC) for discussion and action, with a prior reference to Ways and Means (the Legislature's budget committee) because of the perceived state financial impact to the state. That means that no vote in the Senate or House will take place before the financial discussion. The Senate committee held a standing-room only hearing on April 11 with passionate testimony from both proponents and opponents. Those in favor of the proposal



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represented a broad group of law enforcement, business, labor, social services, and faith and community leaders. Those speaking or presenting written testimony against it primarily were individuals speaking as citizens, neighborhood groups, veterans, the Oregon Citizens Lobby, and unemployed persons.

An analysis of the bill, both fiscally and legally was presented by legislative staff. A member of Governor Kitzhaber’s Workgroup on the subject explained that the Department of Motor Vehicles was consulted to ensure that the legislation would be easily implemented and maintain the integrity of the driver’s license process. An estimated 60,000 persons at present are eligible to seek the driver card.

The BTC held a work session on SB 833 April 14, suggested an amendment, passed it out, and sent it to the Ways and Means Transportation subcommittee. That committee held a public hearing on April 18, passed it, forwarded it to the full Ways and Means committee. Upon passage, it was sent to the Senate as SB 833B. The proposal passed the Senate on a bi-partisan vote of 20-7 on April 23. After the bills’ receipt by the House Speaker on April 23, it was again referred to Ways and Means which returned it with a “do pass” recommendation. The House voted approval 38-20 on April 30. Although there was a strong majority supporting SB 833 during the 2013 session, opposing legislators believed that Oregon voters should weigh in on the issue of illegal residents having a driver card and the Referendum petition was successful.

Comparison of Requirements to Obtain Oregon Driver’s License and Driver Card

Driver’s License	Driver Card
Provide proof of identity	Provide proof of identity
Provide proof of residency (1 year)	Provide proof of residency (1 year)
Pass written test	Pass written test
Pass vision screening	Pass vision screening
Pass driving test*	Pass driving test*
Pay application/renewal fee	Pay application/renewal fee
Have photo taken	Have photo taken
Renew every 8 years	Renew every 4 years
Provide Social Security number	
Provide proof of legal residence	

* Must show proof of insurance for the test vehicle.
(Source: City Club of Portland Report on Measure 88: Driver Cards)



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RESOURCES

- Oregon Legislative Information System (OLIS): Hearings on SB 833 April 11, 14, 18; Senate floor April 23; House floor April 30, 2014.
- SB 833 Document
- Legislative Revenue Office, Senate Transportation and Business Committee Staff
- ACLU, Oregon Citizens Lobby, Oregon Association of Nurseries, Hillsboro Police Department, Oregon Chapter of American Immigration Lawyers, Oregon Law Center
- Senator Brian J. Boquist, Representative Jessica Veda-Pederson
- Oregon Legislative Counsel
- Various Oregon citizens
- City Club of Portland, *A City Club Report on Measure 88: Driver Cards*, August 6, 2014

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