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A City Club Report on Measure 88: Driver Cards

City Club of Portland (Portland, Or.)

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A City Club Report on Measure 88: Driver Cards

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Ballot Measure 88, if passed, would uphold Senate Bill 833 and allow the Department of Motor Vehicles to issue a driver card to Oregon residents who cannot prove legal presence in the United States. To receive a driver card a person must meet all the requirements for an Oregon Driver License except proof of legal presence in the United States. Anyone may apply; however, most supporters and opponents of the proposal agree that the vast majority of applicants are likely to be undocumented immigrants.

Based on a review of literature and expert testimony your committee concluded that SB 833 was well vetted with citizens and organizations from across the state providing diverse perspective to the Legislature. While the state does not enforce federal immigration law, it is responsible for determining who may drive in the state in order to promote public safety. Driving privileges should be based on the ability to drive safely, know the rules of the road and obtain auto insurance, and not immigration status.

Your committee concluded that allowing undocumented residents to demonstrate competency behind the wheel by passing driving and knowledge tests would improve road safety. Although the data is scarce about whether driver cards increase the number of insured drivers on the road, not offering a driver card guarantees many Oregon residents would be unlicensed and, consequently, unable to procure auto insurance. Additionally, driver cards would not attract undocumented residents because our surrounding states (with the exception of Idaho) already offer driving privileges to undocumented residents. The availability of jobs seems to be the primary magnet for in-migration to any location.

Undocumented residents are a significant part of our communities and our economy. Giving them the opportunity to drive legally to work, shop, go to school, attend religious services, and access health care will strengthen Oregon communities and uphold City Club of Portland's core value of inclusion - which includes "welcom[ing] the diverse voices of our community."

Recommendation: The committee unanimously recommends a yes vote.

City Club members will vote on this report between Wednesday, August 20, 2014 and Monday, August 25, 2014. Until the membership votes, City Club of Portland does not have an official position on this report. The outcome of the vote will be reported in the City Club of Portland Bulletin Vol. 97, No. 6 dated August 26, 2014, and online at pdxcityclub.org.

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Introduction

The following is the ballot title approved by the Oregon Supreme Court:

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

“Result of “Yes” Vote: “Yes” vote directs Department of Transportation to issue “driver card” to Oregon resident meeting specified eligibility, without requiring proof of legal presence in United States.

“Result of “No” Vote: “No” vote rejects law directing Department of Transportation to issue driver card to eligible Oregon resident without requiring proof of legal presence in United States.

“Summary: Current law requires any applicant for an Oregon driver license or permit to provide proof of legal presence in the United States. Measure directs the Department of Transportation to issue a “driver card” to an applicant who does not provide proof of legal presence in the United States, but who has otherwise complied with all Oregon requirements for the type of driving privileges sought, has provided proof of residence in Oregon for more than one year, and has provided proof of identity and date of birth. The driver card 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. Other provisions.”

Background

In 2008, the Oregon Legislature passed Senate Bill 1080, which brought the requirements to receive an Oregon Driver License into compliance with the Federal REAL ID Act. Under SB 1080, applicants for an Oregon Driver License must prove legal presence in the United States by providing a Social Security number (SSN) or proof of ineligibility for a SSN. This provision meant some Oregon residents would lose the ability to renew an existing driver license, and others would be unable to apply for an initial license. Concerns about SB 1080’s possible negative impact on community welfare, economic activity, and road safety led Governor John Kitzhaber to convene a workgroup in 2010. This group was comprised of members from law enforcement, business, labor, legal, faith, and immigrant communities, to explore options to address these concerns. Senate Bill 833 was crafted based on the findings of this workgroup.

Senate Bill 833 allows the Oregon Department of Motor Vehicles (DMV) to issue a limited-duration driver card to Oregon residents who cannot prove legal presence in the United States. In order to receive a driver card, a person must meet all the requirements for an Oregon Driver License except proof of legal presence in the United States. This includes: passing knowledge, vision and driving tests as required, providing acceptable documentation that proves identity and date of birth (such as an unexpired valid passport from the person's country of citizenship or an unexpired consular identification document), and residency in the state of Oregon for more than a year (such as Oregon tax returns, mortgage or lease, utility bills, or school enrollment documents; the DMV may require more than one of these documents).¹ If an applicant has a Social Security number it must also be provided or the applicant must sign a statement stating she or he has not been assigned a SSN. All applicants will pay all required fees for the card. The legislature established a fee of \$64 for both initial application and

renewal of the driver card.² Unlike the Oregon Driver License, which requires renewal every eight years, the driver card must be renewed every four years, and identity documents are required for each renewal. Applicants for driver cards (like applicants for driver licenses) will be photographed and their image will be entered into the state’s facial recognition database as a key factor in preventing fraud and identity theft.³

The driver card specifically cannot be used for federal identification purposes, e.g., to fly on an airplane, to enter a federal building, to buy a gun, vote, or obtain other state or federal benefits. Additionally, the Oregon Driver Card cannot be used as a Commercial Driver License but would allow for the operation of most farm and agricultural vehicles.ⁱ

Oregon’s mandatory insurance law, which requires every driver of a vehicle to be insured, would also apply to driver card holders.⁴ The Oregon Department of Motor Vehicles requires vehicle owners to certify that they have insurance and will comply with insurance requirements in order to register a vehicle. The minimum liability insurance includes bodily injury and property damage liability, personal injury protection and uninsured motorist coverage. A valid driver card or license must be provided in order to obtain insurance.

Figure 1.1. Example of Driver License and Driver Card



Figure 1.2. Comparison of Requirements to Obtain Oregon Driver License and Driver Card

<u>Driver License</u>	<u>Driver Card</u>
Proof of identity	Proof of identity
Proof of residency (1 year)	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 #	
Proof of legal residence	

* must show proof of insurance for the test vehicle

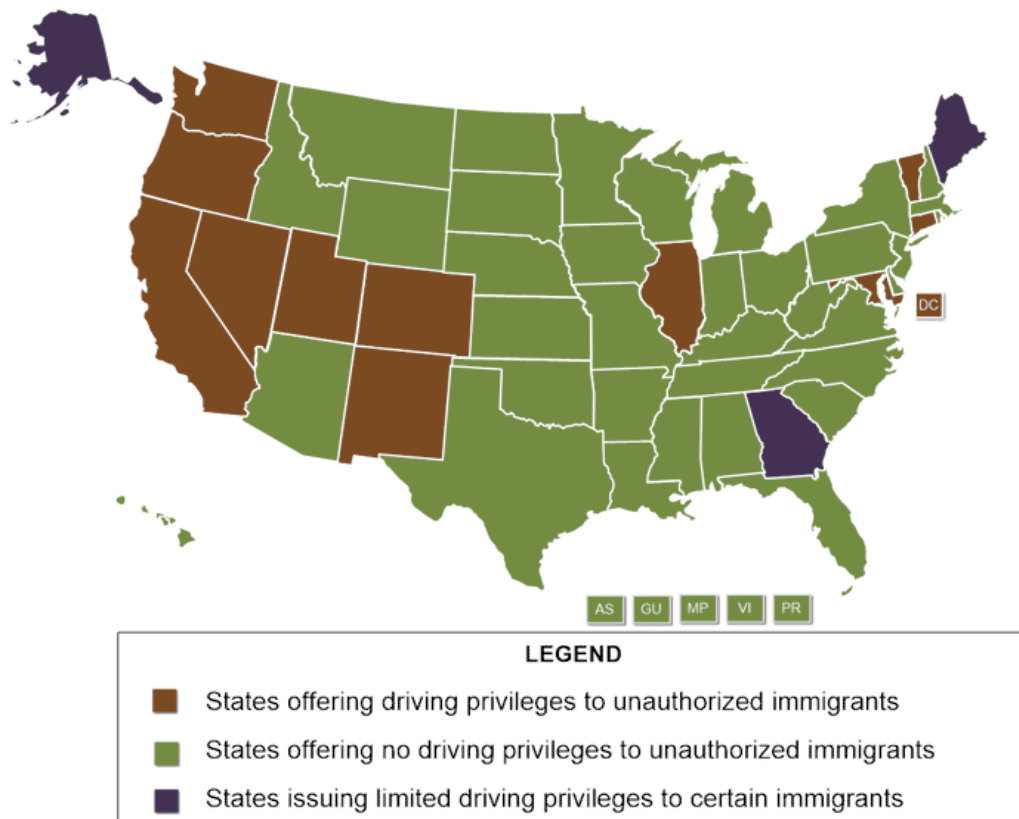
Senate Bill 833 was passed April 30, 2013 and signed by the Governor on May 1, 2013. It was subsequently referred to Oregon voters in the November 2014 election (Ballot Referendum 301). In

ⁱ Generally, you must have a CDL to operate a motor vehicle in Oregon if the gross vehicle weight is greater than 26,000 pounds, the vehicle is used to transport 16 or more passengers including the driver, or the vehicle is used to transport hazardous materials. <http://www.oregon.gov/ODOT/DMV/pages/driverid/cdlget.aspx>

order to be referred to Oregon voters, petitioners had to gather a minimum of 58,142 valid signatures. Lead petitioners Richard LaMountain, Rep. Kim Thatcher (R-HD 25), and Rep. Sal Esquivel (R-HD 6) filed sufficient signatures to refer the matter to Oregon voters.⁵ The sponsors of the referral want the matter to be determined by Oregon voters. If the legislation is upheld by the voters with a yes vote on the measure, it will take effect December 4, 2014.

If Measure 88 passes and SB 833 becomes law, Oregon will not be the first state to issue driver cards to residents who are unable to prove lawful residence in the US. Oregon will join ten other states plus the District of Columbia in offering driving privileges to undocumented residents. Figure 1 below shows a map of the US indicating states that have enacted some kind of legislation to offer driving privileges to those who cannot prove lawful presence in the US.

Figure 1.3 States with Driving Privileges for Unauthorized Immigrants⁶



Oregon's legislation is pending due to the referral to voters. All but three states with driver cards proposed their legislation in 2013 (as did Oregon) to take effect in 2014. Because the provision of driver cards is so new in most jurisdictions, there is a paucity of data about the effects of the legislation in most states. However, when crafting the legislation the governor-appointed study group looked to the experiences of those three early adopting states (Washington, Utah and New Mexico), as well as Tennessee, which stopped issuing driver cards to undocumented residents in 2008. The Oregon Driver

Card requirements are similar to the requirements used by Utah, which offers a limited-use, limited-duration driver card to those unable to provide proof of legal presence.

Proponents' and Opponents' Assertions

Below is a summary of the arguments that supporters and opponents of the measure made before your committee:

Major Assertions Made in Favor of the Measure

- Makes roads safer by providing an opportunity for all Oregon drivers to demonstrate their knowledge of the rules of the road and be eligible to purchase car insurance
- Furthers the ability of law enforcement to identify drivers during a traffic stop and act on outstanding warrants
- Encourages law-abiding behavior
- Driver card legislation is limited in scope and was crafted by a diverse, bipartisan group representing a wide range of interests to address the practical reality of the immigration situation in Oregon.
- Supports Oregon's economy, since immigrant labor is vital to many industries in Oregon
- Promotes inclusiveness in Oregon communities, and reflects the fact that we are a nation of immigrants
- Serves not only undocumented immigrants but also those without access to required documentation, such as victims of fires or natural disaster, those not born in hospital settings, those experiencing homelessness, or victims of domestic violence

Major Assertions Made Against the Measure

- Undermines federal immigration law and forces the state to aid and abet lawbreakers
- As a nation of laws, we are morally bound to uphold those laws
- Hinders law enforcement's ability to search the cars of undocumented drivers during traffic stops, thus making it easier for drug cartels to facilitate drug smuggling within the state
- Increases the possibility of fraud and identity theft, both within the DMV and in independent fraud rings
- Makes Oregon a magnet for undocumented workers who would take jobs and drain public resources

- Makes it easier for undocumented residents to get and keep jobs, which should be going to unemployed Oregonians who are lawful residents
- Artificially depresses wages for unskilled labor by allowing the labor pool to include undocumented workers willing to work for less than legal Oregon residents

Discussion & Analysis

Any discussion about the referendum on driver cards, almost without exception, will involve a discussion about immigration policy in the United States. Many of the arguments your committee heard, both for and against driver cards, circled back to the need to address the larger question of how to fix a federal immigration system in crisis. Although the immigration debate forms a backdrop for this referendum, your committee attempted to confine its focus to the risks and benefits of providing driving privileges to Oregon residents who cannot prove legal presence in the US.

The first issue that became evident to your committee was the shortage of verifiable data on the undocumented population in Oregon and the driving behaviors and rates of insurance for those who would use driver cards.

Based on the 2010 census, the Pew Hispanic Center estimates there are 160,000 unauthorized immigrants in Oregon, or 4.3% of the total population. Pew estimates the number of unauthorized immigrants in the Oregon labor force to be 110,000, or 5.3% of the total labor force, which is about the same proportion as estimated nationally.⁷ The budget analysis prepared for the driver card legislation estimates that approximately 84,000 people will initially apply for driver cards, with approximately 20,000 additional applicants each year.⁸ Multiple witnesses described the variety of

Figure 2. Governor's Driver Card

Workgroup Members
August 2011

1. **Kevin Campbell**, Executive Director, Oregon Association Chiefs of Police
2. **Andrea Cano**, Chair, Oregon Commission on Hispanic Affairs
3. **Gilbert Carrasco**, Member, Oregon Commission on Hispanic Affairs
4. **Tom Chamberlain**, President, AFL-CIO
5. **Frank Garcia**, Policy Advisor, Office of the Governor
6. **Jim Krahn**, Executive Director, Oregon Dairy Farmers Association
7. **David Leslie**, Executive Director, Ecumenical Ministries of Oregon
8. **Francisco Lopez**, Executive Director, CAUSA
9. **Ron Louie**, Retired Hillsboro Chief of Police
10. **Tom McClellan**, Administrator, DMV
11. **Bill Perry**, Vice President of Government Affairs, Oregon Restaurant & Lodging Association
12. **Ramon Ramirez**, President, PCUN
13. **Paul Rubenstein**, Cornelius Chief of Police
14. **Scott Russell**, Woodburn Chief of Police
15. **Jeff Stone**, Executive Director, Oregon Association of Nurseries
16. **Leigh Barthalmeow**, President, Oregon Winegrowers Association
17. **Dennis Dotson**, Member, Oregon State Sheriffs' Association

industries that employ undocumented workers, including agriculture, home healthcare, construction, and various service industries.⁹

Senate Bill 833 was crafted by a broad coalition of diverse interests. The workgroup assembled by Governor Kitzhaber's office to develop a legislative proposal included representatives from business, labor, law enforcement, immigrant rights groups, and the faith community (see Figure 2 above). Your committee believes that the bill was well vetted through the legislative process, which included extensive testimony, for and against the proposal, from business and labor groups, the chief referendum petitioners, and members of the public from across the state. The measure had bipartisan cosponsors from both the House and Senate. It passed the Senate 20-7 with six Republicans joining 14 Democrats voting "yes." The House vote was 47-7, with 15 Republicans and 32 Democrats voting "yes."

In the literature reviewed by your committee, as well as in the testimony of our expert witnesses, we found the arguments for and against driver cards generally focused on five broad areas: Enforcement of Immigration Law, Law Enforcement, Road Safety, Jobs and the Economy, and Impact on our Communities. An analysis of each of these areas follows.

Enforcement of Immigration Law

The arguments your committee heard regarding the "rule of law" pitted the power of the federal government to establish immigration rules against the rights of states to make laws governing the welfare and safety of their citizens. Justice Sandra Day O'Connor, writing for the majority in *New York vs. United States* (1992), found that Congress cannot directly compel states to enforce federal regulations. Oregon, like a number of other states, has passed legislation¹⁰ that prohibits state and local law enforcement from using agency funds, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the U.S. in violation of federal immigration laws. In 2009, Oregon legislators approved Senate Bill 536, which prohibits the state from spending money to comply with the federal REAL ID act.

Representative Sal Esquivel (R-HD 6), a referendum sponsor, raised the concern that providing driver cards would support people who are in this country illegally, and thus, makes the state complicit in breaking federal immigration law.¹¹ Similarly, Representative Kim Thatcher (R-HD 25), a referendum sponsor, argued that the state would be sending the wrong message by enabling those who are not legally allowed to work in this country, to continue to work illegally in Oregon.¹² Your committee believes that these arguments are addressed primarily toward the larger debate about federal immigration reform. Witnesses from both sides of the driver card debate expressed concern that the immigration system in the US is broken, and that the federal government has not created needed reform. Opponents of driver cards promote state policies discouraging undocumented residents from remaining in Oregon as a method of addressing federal inaction. Proponents of driver cards argue that only the federal government can modify and implement immigration policy, and that states must establish reasonable policies under the existing, if faulty, immigration system. Matt Swanson, Political Organizer, SEIU Oregon State Council, noted that creating driver cards addresses only one challenge posed by the failure to reform the immigration system, but one that he felt "should not be held hostage to solving the entire problem."¹⁰

Your committee concluded that states do not have the responsibility for enforcing federal immigration law; indeed, Oregon statute prohibits state enforcement of federal immigration law. The state does have the responsibility to regulate roads and driving safety within their borders. Immigration law experts who met with your committee pointed out that, even within the federal REAL ID act, there are accommodations for states to create alternative forms of identification that cannot be used for federal identification.¹³ After examining these arguments, your committee determined that the issuance of driver cards does not contravene federal law.

Law Enforcement

Law enforcement is a primary concern of those who oppose the issuance of driver cards. Your committee heard testimony from law enforcement professionals (both elected and appointed) that painted very different pictures of the role of driver cards in effective police work. Clatsop County Sheriff Tom Bergen argued that “offering the privilege to drive to people who are breaking the law makes no sense to those of us who enforce the law.”¹⁴ However, retired Hillsboro Police Chief Ron Louie, both in testimony to your committee and in legislative hearings on SB 833, argued that “the driver card should be a process to promote driving skills and encourage insuring of drivers...not a replacement for a citizenship or residency document.”¹⁵ Portland Police Chief Mike Reese argued that it is important to officer safety to be able to quickly determine who they are interacting with and the driver card would support this goal of police work.¹⁶

Richard LaMountain, a lead petitioner for the referendum, called the driver card a “golden ticket” for drug cartels to more easily distribute drugs in the state. The rationale behind his argument is that if a person does not have a driver license when pulled over for a routine traffic stop, a police officer can detain that person in order to establish identity and potentially search the vehicle, which may lead to more drugs being found.¹⁷ However, your committee found no evidence that Washington, which grants driving privileges to undocumented residents, has experienced a spike in illegal drug activity tied to the issuance of driver cards. Your committee agreed with Chief Louie’s view that good police work is what helps combat drug trafficking and issuing a driver card to undocumented residents will not impede good policing.¹⁸

Your committee was persuaded that issuing driver cards may aid law enforcement efforts by adding more individuals into the DMV database, which includes facial recognition. Chief Louie, Chief Reese, and immigration attorney Stephen Manning asserted that driver cards will ease an officer’s ability to identify an individual in a traffic stop, which they maintain should be the first law enforcement priority. Additionally, the more that individuals feel integrated into their community, the more likely they are to report crimes and cooperate with law enforcement.¹⁹ Chief Reese contended that having driver cards will positively impact the relationship between police and minority communities by demonstrating that they are there to serve their needs and keep them safe, not report them to immigration.²⁰

Another law enforcement concern raised by the opponents of driver cards focused on issues of fraud. Representatives Esquivel and Thatcher both raised concerns about the use of consular cards as an adequate proof of identity.²¹ However, we heard convincing arguments that fraud and identity theft

already occur, and we found no evidence that rates of fraud would increase with the addition of a new form of identification.

Road Safety

Supporters of the driver card legislation argue that extending driving privileges regardless of immigration status will result in safer roads. Your committee reviewed a fact sheet from the National Immigration Law Center that cited statistics from Utah and New Mexico showing a significant decrease in uninsured drivers after these states allowed undocumented residents to get driver licenses or driver cards.²² However, we could not independently confirm these statistics. In reviewing the annual reports of uninsured motorists by state, issued by the Insurance Research Council, there did not seem to be any relationship between rates of insured drivers and driver card issuance. According to the Insurance Fact Book, New Mexico is ranked 2nd highest in the nation for the most uninsured motorists (25.7%) while Utah is ranked 8th lowest (8.2%).²³ They both have a similar percentage of undocumented immigrants in their workforce — 5.6% and 5.4% respectively — and both provide driver cards to undocumented residents.²⁴

A press release issued by the Insurance Research Council in 2011 indicated the “economic downturn is thought to be a major factor” in the increase in uninsured motorists.²⁵

Representative Thatcher noted that the Oregon Department of Transportation studied the effects of implementing SB 1080’s legal presence requirement in Oregon, and found no major impact on the rate of unlicensed and uninsured driving in Oregon.¹⁹ But in reviewing this study, your committee found that the report cautioned that, because driver licenses are issued for eight years, many licensed drivers who may be affected by SB 1080 have not yet had to renew their license. “As more drivers are unable to obtain an original driver license or renew their driver license, the effects of the law on unlicensed and uninsured driving may become clearer.”²⁶ The report continued that other factors, including the strength of the economy, Oregon’s unemployment rate, and the number of vehicle miles traveled, may affect the number of unlicensed and uninsured drivers.

Your committee was persuaded by the argument that increasing the number of licensed drivers would improve road safety because people receiving driver cards would have to prove competency behind the wheel, just as those receiving driver licenses. We heard compelling testimony from supporters of driver cards that more testing would create safer roads²⁷ and that unlicensed drivers are more likely to leave the scene of an accident.²⁸ Given that the state mandates that legal residents obtain a license and provide proof of insurance in order to drive lawfully, your committee concluded it is equally important for undocumented drivers to follow the same rules and earn the opportunity to obtain driving privileges.

Jobs and Economy

Both sides expressed concerns about the impact on jobs and the economy, but they disagreed on what the effect would be. Those supporting driver cards argue that there will be a net positive effect on Oregon’s economy. They argue that driver cards will enable undocumented workers not only to get to their jobs, but also to more easily drive to purchase goods and services, which provides a multiplier effect in supporting Oregon’s economy. Jeff Stone, Executive Director of the Oregon Nurseries

Association, and a member of the governor's work group on SB 833, noted that employers in industries from agriculture and food service, to construction and home healthcare are concerned that their workforce capacity will be jeopardized without implementation of SB 833.²⁹ Matt Swanson reminded your committee that many service employees work during off hours (such as graveyard shifts) or in rural areas and do not have easy access to public transportation.³⁰

Representatives Esquivel and Thatcher both argued that undocumented residents should not be holding jobs in Oregon, period.³¹ Representative Jessica Vega Pederson (D-HD 47), a sponsor of SB 833, countered that, through our economy, we have asked undocumented workers to fill a needed role, and thus we should support their ability to drive legally.³²

Those opposing driver cards argue that their issuance will enable people who are not legally able to work in the state to hold jobs that could provide employment for the state's unemployed legal residents.³³ Your committee agrees that unemployment in the state is a significant concern, but we found no evidence that restricting undocumented workers ability to drive to work would reduce the state unemployment rate. When Alabama passed a strict immigration law with the hope of reducing its 8.1% unemployment rate, employers in agriculture, construction, food service, and hospitality were unable to fill the jobs previously held by immigrants. A study published by the Center for Business and Economic Research at the University of Alabama estimates that the cost to Alabama will be at least \$2.3 billion annually and result in the loss of at least 70,000 jobs.³⁴ In an effort to deal with the labor shortage created by the law, businesses in Alabama recruited hundreds of legal African and Haitian refugees from surrounding states.³⁵

Impact on our Communities

The impact on communities was also a concern for both sides. Opponents of driver cards argue that issuing driver cards will make Oregon a "magnet" for undocumented immigrants and will increase the financial burden on state-funded services, such as education and emergency healthcare.³⁶ The US Congressional Budget Office studied the impact of unauthorized immigrants on the budget of state and local governments, especially looking at education, healthcare, and law enforcement. It concluded that it is very difficult to estimate either the contributions of unauthorized immigrants or the total cost of services they use. It noted that while the cost of public services provided to unauthorized immigrants may exceed what this population pays in state and local taxes, "the amount that state and local government spend on services for unauthorized immigrants represents a small percentage [less than 5%] of the total amount spent by those governments to provide such services to residents in the jurisdictions."³⁷

Your committee was unable to find evidence that providing driver cards would attract undocumented immigrants to Oregon. We examined Washington State DMV data on licenses issued to people who did

not have a Social Security number but did not find evidence of increased immigration to the state.ⁱⁱ About 9% of the total licenses issued in Washington are issued to individuals without a Social Security number.³⁸ Pew reports that from 2007 to 2010 only Louisiana, Texas, and Oklahoma have seen an increase in undocumented residents.³⁹

Witnesses supporting driver cards argued that Oregon communities will be strengthened as a byproduct. Chief Louie commented that “the more you marginalize a group of people, the more they become prey to victimization and in the long run, it’s forging a sense of community that helps protect everyone.”⁴⁰ Alberto Moreno, Executive Director of the Oregon Latino Health Coalition, reasoned that providing driver cards also delivers social justice by helping neighbors get to their jobs, the doctor, schools, and religious institutions. Those seeking driver cards will not only be undocumented immigrants; the driver card could be vital for those without ready access to documentation such as victims of domestic violence, transgendered individuals, people emerging from homelessness and others living on the margins of our community to be able to drive legally to access the services they need.⁴¹ Representative Vega Pederson stated, “I can’t change federal immigration policy but I can work inside state law to make justice more equitable.” Taking action to forge a community that is inclusive and accessible lies at the foundation of City Club’s mission and it is this fostering of community that your committee found as a persuasive argument for issuing driver cards to undocumented community members.

Conclusions

Your committee concluded the following:

- The state does not have a role in enforcing federal immigration law.
- The state’s laws governing who may drive should be based on who can do so safely — not immigration status.
- The state should establish a policy framework under which all Oregon residents who need to drive, and can do so safely, are allowed to do so legally. The state should ensure they know the rules of the road, can be identified, and can get insurance for the protection of others with whom they share the road.
- Driver cards will likely enhance road safety, though data is lacking.
- Undocumented residents are a significant part of our economy and our community and many of them must drive to work, shop, go to school and religious services, and access health care.

ⁱⁱ Some foreign nationals may have legal presence in the US but not a Social Security number, so this is an imprecise measure of the number of licenses given to undocumented residents. Residents without legal presence in the US would be a subset of this group.

- The availability of driver cards is unlikely to make Oregon a “magnet” for undocumented immigrants, nor is the absence of driver cards likely to drive them away.

Recommendation

Your committee unanimously recommends a yes vote on Measure 88 in favor of driver cards.

Signatures

Respectfully submitted,

Andy Shaw, chair

Amy Sample Ward, co-chair

Ellen Knutson, lead writer

David Dickson

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Tom Iverson

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Representative Sal Esquivel (R-HD 6), Referendum 301 sponsor

David Fidanque, executive director for ACLU of Oregon

Cynthia Kendoll, president of Oregonians for Immigration Reform and Protect Oregon Driver Licenses

Richard LaMountain, Referendum 301 sponsor

Ron Louie, Hillsboro Police Chief (retired)

Jim Ludwick, communications director of Oregonians for Immigration Reform and Protect Oregon Driver Licenses

Stephen Manning, partner at Immigrant Law Group PC

Andrea Miller, executive director of Causa Oregon

Alberto Moreno, executive director of Oregon Latino Health Coalition

Mike Reese, Portland Police Chief

Jeff Stone, Safe Roads Coalition and executive director of Oregon Nurseries Association

Becky Straus, legislative director for ACLU of Oregon

Juliet Stumpf, law professor at Lewis & Clark

Matt Swanson, political organizer for Service Employees International Union, Local 49

Representative Kim Thatcher (R-HD 25), Referendum 301 sponsor

Representative Jessica Vega Pederson (D-HD 47), Senate Bill 833 sponsor

Bibliography

“Budget Report and Measure Summary: Measure SB 833.” *77th Oregon Legislative Assembly*, April 19, 2013.

“Do ‘Illegal Aliens’ Cost Oregon \$1 Billion A Year?” *Politifact*, May 29, 2013.

<http://www.politifact.com/oregon/statements/2013/jun/15/oregon-republican-party/do-illegal-aliens-cost-oregon-1-billion-year/>

“Driver License and ID Card Rules.” *Oregon Department of Motor Vehicles*. Accessed June 20, 2014.

http://www.oregon.gov/ODOT/DMV/pages/news/id_news.aspx.

“House Bill 3624 Report: Report on Implementation of Senate Bill 1080, Standards of Issuance of Oregon Drivers Licenses and Identification Cards.” *Oregon Department of Transportation*, December 2013. http://www.oregon.gov/ODOT/DMV/docs/hb_3624_report.pdf.

“Fact Sheet: Why Denying Driver’s Licenses to Undocumented Immigrants Harms Public Safety and Makes Our Communities Less Secure.” *National Immigration Law Center*, January 2008.

<http://www.nilc.org/document.html?id=878>.

“Recession Marked by Bump in Uninsured Motorists.” *Insurance Research Council*, April 21, 2014.

http://www.insurance-research.org/sites/default/files/downloads/IRCUM2011_042111.pdf.

“Senate Bill 833 - Driver Card.” *Oregon Department of Motor Vehicles*. Accessed June 20, 2014

<http://www.oregon.gov/ODOT/DMV/Pages/faqs/sb833.aspx>.

“The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments.”
Congressional Budget Office, 2007.

“Unlicensed to Kill.” *AAA Foundation for Traffic Safety*, November, 2011.
<https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>.

Addy, Samuel. “A Cost-Benefit Analysis of the New Alabama Immigration Law.” University of Alabama. January 2012. <http://cber.cba.ua.edu/New%20AL%20Immigration%20Law%20-%20Costs%20and%20Benefits.pdf>

Gaston, Christian. “Oregon driver card bill headed to the November 2014 ballot.” *The Oregonian*, October 18, 2013.

McClellan, Tom. House Bill 3624 Report: Report on Implementation of Senate Bill 1080: Standards for Issuance of Oregon Driver Licenses and Identification Cards. *Oregon Department of Motor Vehicles*.

Mendoza, Gilberto. States Offering Driver’s Licenses to Immigrants. *National Conference of State Legislatures*, April 14, 2013. <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>.

Newkirk, Margaret. & Douban, Gigi. “Africans Relocate to Alabama to Fill Jobs After Immigration Law.” *Bloomberg*, September 23, 2012. <http://www.bloomberg.com/news/2012-09-24/africans-relocate-to-alabama-to-fill-jobs-after-immigration-law.html>

Passel, Jeffrey.S. & D’Vera Cohn. Unauthorized Immigrant Population: National and State Trends, 2010. *Pew Hispanic Center*, February 1, 2011. Retrieved from <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-national-and-state-trends-2010/>

Query, J.Tim. & Risa Kumazawa. Examining the Impact of Issuing Driver’s Licenses to Undocumented Immigrants and Other Socioeconomic Factors on the Percentage of Uninsured Motorists, (2011). *Journal of Insurance Regulation*, 261-265.

About the City Club

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Endnotes

- ¹ A list of approved documents can be found on the Oregon DVM website for Driver Cards: <http://www.oregon.gov/ODOT/DMV/Pages/faqs/sb833.aspx>
- ² “Driver Licensing and ID Card Fees.” *Oregon DMV*. <http://www.oregon.gov/ODOT/DMV/pages/fees/driver.aspx>
- ³ “Driver License and ID Card Rules,” *Oregon DMV*, http://www.oregon.gov/ODOT/DMV/pages/news/id_news.aspx
- ⁴ ORS.806.010, Legislative Counsel Committee, *CHAPTER 806—Financial Responsibility Law*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors806.html.
- ⁵ Christian Gaston, “Oregon driver card bill headed to the November 2014 ballot,” *The Oregonian*, October 18, 2013, http://www.oregonlive.com/politics/index.ssf/2013/10/oregon_driver_card_bill_headed.html.
- ⁶ Gilberto Mendoza, “FactSheet: Licenses and Immigrants,” *National Conference of State Legislatures*, April 3, 2014, <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>.
- ⁷ Jeffrey S. Passel and D’Vera Cohn, “Unauthorized Immigrant Population: National and State Trends, 2010,” Washington, DC: Pew Hispanic Center, February 1, 2011, <http://www.pewhispanic.org/files/reports/133.pdf>.
- ⁸ Oregon Legislative Assembly, Joint Committee on Ways and Means, *SB 833 Budget Report and Measure Summary*, 77th Legislative Assembly, April 19, 2013, <https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureAnalysisDocument/19063>.
- ⁹ Jeff Stone, interview with committee, April 22, 2014. Matt Swanson, interview with committee, May 6, 2014. Richard LaMountain, interview with committee, April 29, 2014. Andrea Miller and Alberton Moreno, interview with committee, May 13, 2014.
- ¹⁰ ORS 181.850, Legislative Counsel Committee, *CHAPTER 181—State Police; Crime Reporting and Records; Sex Offender Reporting; Public Safety Standards and Training; Private Security Services*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors181.html.
- ¹¹ Sal Esquivel, interview with committee, April 15, 2014.
- ¹² Kim Thatcher, email testimony, May 5, 2014.
- ¹³ Becky Straus, Julia Stumpf, David Fidanque, and Stephen Manning (Legal Panel), interview with committee, May 27, 2014.

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- ¹⁴ Sheriffs of Oregon Political Action Committee, Press Release, April 16, 2014, <http://www.protectoregondl.org/endorsers/sheriffs-oregon-pac-endorser>.
- ¹⁵ Testimony from Police Chief Ron Louie
- ¹⁶ Mike Reese, phone call with Sharon VanSickle-Robins, June 19, 2014.
- ¹⁷ Richard LaMountain, interview with committee, April 29, 2014.
- ¹⁸ Ron Louie, interview with committee, May 16, 2014.
- ¹⁹ Ron Louie, interview with committee, May 16, 2014. Mike Reese, phone call with Sharon VanSickle-Robins, June 19, 2014. Becky Straus, Julia Stumpf, David Fidanque, and Stephen Manning (Legal Panel), interview with committee, May 27, 2014.
- ²⁰ Mike Reese, phone call with Sharon VanSickle-Robins, June 19, 2014.
- ²¹ Sal Esquivel, interview with committee, April 15, 2014. Kim Thatcher, email testimony, May 5, 2014.
- ²² National Immigration Law Center, "Fact Sheet: Why Denying Driver's Licenses to Undocumented Immigrants Harms Public Safety and Makes Our Communities Less Secure," January 2008, <http://www.nilc.org/driverlicenses.html>.
- ²³ Insurance Information Institute, *Insurance Fact Book 2013*, New York, NY: 2013.
- ²⁴ J.T. Query & R. Kumazawa, "Examining the Impact of Issuing Driver's Licenses to Undocumented Immigrants," *Journal of Insurance Regulation*, vol. 30: 265-285, 2011; http://business.nmsu.edu/~tquery/research/UM-NM_%20FINAL%20JIR%20VERSION.pdf
- ²⁵ Insurance Research Council, "Recession Marked by Bump in Uninsured Motorists," April 21, 2014, http://www.insurance-research.org/sites/default/files/downloads/IRCUM2011_042111.pdf.
- ²⁶ Oregon Department of Transportation, "House Bill 3624 Report: Report on Implementation of Senate Bill 1080, Standards of Issuance of Oregon Drivers Licenses and Identification Cards," December 2013, http://www.oregon.gov/ODOT/DMV/docs/hb_3624_report.pdf.
- ²⁷ Jeff Stone, interview with committee, April 22, 2014. Ron Louie, interview with committee, May 16, 2014.
- ²⁸ AAA Foundation, *Unlicensed to Kill 2011*, Presentation Data, November 2011, <https://www.aaafoundation.org/sites/default/files/2011Unlicensed2Kill.pdf>.
- ²⁹ Jeff Stone, interview with committee, April 22, 2014.
- ³⁰ Matt Swanson, interview with committee, May 6, 2014.
- ³¹ Sal Esquivel, interview with committee, April 15, 2014. Kim Thatcher, email testimony, May 5, 2014.

³² Jessica Vega Pederson, interview with committee, April 23, 2014.

³³ Sal Esquivel, interview with committee, April 15, 2014. Richard LaMountain, interview with committee, April 29, 2014. Kim Thatcher, email testimony, May 5, 2014.

³⁴ Samuel Addy, "A Cost-Benefit Analysis of the New Alabama Immigration Law," University of Alabama, January 2012, <http://cber.cba.ua.edu/New%20AL%20Immigration%20Law%20-%20Costs%20and%20Benefits.pdf>

³⁵ Margaret Newkirk and Gigi Douban, "Africans Relocate to Alabama to Fill Jobs After Immigration Law," Bloomberg, September 23, 2012, <http://www.bloomberg.com/news/2012-09-24/africans-relocate-to-alabama-to-fill-jobs-after-immigration-law.html>

³⁶ Sal Esquivel, interview with committee, April 15, 2014. Richard LaMountain, interview with committee, April 29, 2014. Kim Thatcher, email testimony, May 5, 2014.

³⁷ Congressional Budget Office. The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments. 2007. p 3.
<http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/87xx/doc8711/12-6-immigration.pdf> See also Politifact "Do 'Illegal Aliens' Cost Oregon \$1 Billion A Year? June 15, 2013 that ruled the claim "mostly false" <http://www.politifact.com/oregon/statements/2013/jun/15/oregon-republican-party/do-illegal-aliens-cost-oregon-1-billion-year/>

³⁸ Christine Anthony, Spokesperson for Washington DMV, email to Sharon VanSickle-Robbins, June 2014.

³⁹ Jeffrey S. Passel and D'Vera Cohn, "Unauthorized Immigrant Population: National and State Trends, 2010," Washington, DC: Pew Hispanic Center, February 1, 2011, <http://www.pewhispanic.org/files/reports/133.pdf>.

⁴⁰ Ron Louie, interview with committee, May 16, 2014.

⁴¹ Matt Swanson, interview with committee, May 6, 2014. Andrea Miller, interview with committee, May 13, 2014.