

MEMORANDUM

August 10, 2011

From: Lauren Regan, CLDC Staff Attorney

Re: Immigrants and Oregon Driving Laws

What can immigrants do to:

- 1) Drive using a foreign license**
- 2) Avoid being stopped and searched while driving**
- 3) Apply for an Oregon drivers license?**

Analysis:

1. It is legal to drive with a foreign license for up to a year after arriving in the state.

The United States signed an agreement with many other countries **to honor a foreign driver license for visitors to the United States for up to one year from the date of arrival.** This privilege is made possible as a result of the United Nations Convention on Road Traffic (Geneva, 1949), and the Convention on the Regulation of American Automotive Traffic (Washington, 1943), both of which have been ratified by the United States.

- a. Visitors from foreign countries may drive in Oregon using a foreign-issued driver license. **Visitors must carry the foreign driver license and, in addition, it is suggested that visitors carry an International Driving Permit** issued by officials in their country of residence.
- b. It is not mandatory that visitors have the International Driving Permit; it is merely a suggestion to aid law enforcement officials and others who need to know the actual content of the license. The International Driving Permit is a translation of the foreign license into the nine official languages of the United Nations, including English.
- c. Since an International Driving Permit is not a driver license, merely a translation of the foreign driver license, it does not authorize any driving privileges. You may not drive in Oregon carrying just an International Driving Permit.
- d. The Oregon DMV website is available in Spanish

2. To avoid stop and search by police, drivers can avoid these common vehicle equipment and driving infractions:

- a. Equipment:
 - i. obstruction of vehicle windows
 - ii. operation of vehicle without approved material in windows
 - iii. failure to have windshield wipers
 - iv. violations of visible emissions limits
 - v. operation without proper mudguard or fenders
 - vi. tinting that is mirror-finished, or is colored red, gold, amber, yellow, or black
 - vii. tinting that exceeds the top six inches of a windshield
 - viii. unreasonable sound amplification
 - ix. sound equipment including any bell, siren, compression or exhaust whistle
 - x. operation without rearview mirror
 - xi. violation of minimum ground-clearance on passenger vehicles (lowriders)
 - xii. operation without proper exhaust system
 - xiii. operation of rental vehicle without speedometer
 - xiv. operation of vehicle that is loaded or equipped to obstruct driver
 - xv. operation without working signal lights
- b. Driving Offenses
 - i. Attempted criminal driving while suspended

- ii. "Careless driving", including:
 - 1. Carrying minor or dog on external part of vehicle (pickup truck)
 - 2. Failure to use seatbelts
 - 3. Speeding
 - 4. Running a red light
 - 5. Not signaling
 - 6. Crossing the median
 - 7. Driving in car pool lane
 - 8. Not stopping for school bus
 - 9. Not stopping for pedestrians
 - 10. Not using seat belt
 - 11. Driving on shoulder
 - 12. Passing in a no passing zone
 - 13. Drunk driving
 - 14. Reckless driving
 - 15. Driving without a license, insurance, or registration
- 3. To apply for a Driver License, you need the proper identification:
 - a. Every time you visit a DMV office to conduct business regarding a driver license, permit or ID card, **you must bring proof of your current full legal name, your legal presence in the U.S., your identity, your date of birth, and your Social Security Number (SSN). All documents presented as proof must be original or certified copies from the issuing agency.**
 - b. **Proof of Full Legal Name- Acceptable Documents:**
 - i. An official government issued marriage certificate/license (signed by a government official and including a filed date, stamp, seal or other notation showing that the document has been filed with a government agency)
 - c. **Proof of Legal Presence- Acceptable Documents:**
 - i. A U.S. Consular Report of Birth Abroad (FS-240);
 - ii. A Request for Verification of Birth (DD372) that must include date/signature of recruiting officer, and signature, date and official seal or stamp of the issuing Vital record agency;
 - iii. Report of Child Born Abroad of American Parent(s);
 - iv. A valid U.S. Passport, Passport Card, Emergency Passport or Territorial Passport, expired no more than 5 years (the passport cannot be hole-punched, have clipped corners or be marked "cancelled");
 - v. A valid Federated States of Micronesia (FSM) or Republic of the Marshall Islands (RMI) or Republic of Palau Passport expired no more than 5 years (the passport cannot be hole-punched, have clipped corners or be marked "cancelled"), must include Arrival/Departure Record (I-94);
 - vi. A valid foreign passport **not** expired (the passport cannot be hole-punched, have clipped corners or be marked "cancelled") and includes one of the following:
 - 1. Arrival/Departure Record (I-94, CBP I-94A)
 - 2. A page within the passport stamped "Processed for I-551"
 - 3. Notice of Action (I-797A), (**Note: The I-797 is the receipt received showing that you have applied for a change or extension of your legal presence. DMV will only accept the I-797A approving the change requested as proof of your legal presence**)
 - 4. I-94 or CBP I-94A stamped "Refugee" or "Asylee" or "Paroled Until" or "Parolee";

- vii. I-94 with attached photo stamped "Upon endorsement serves as Temporary I-551 evidencing permanent residency for one year"; or
- viii. One of the following U.S. Department of Homeland Security documents, **not** expired:
 1. Employment Authorization Card (I-766)
 2. Certificate of Citizenship
 3. Resident Alien Card or Permanent Resident Card
 4. Certificate of Naturalization
 5. Permit to Re-enter (I-327)
 6. Refugee Travel Document (I-571)
 7. Identification Card of Resident Citizens in the United States (I-179)
 8. U.S. Citizen Identification Card (I-197).

d. Proof of Social Security Number- Acceptable Documents:

- i. A Social Security Card or other SSA documentation, which may be laminated; however, metal souvenir cards and photocopies are **not** acceptable;
- ii. A copy of a state or federal tax document;
- iii. An employment record;
- iv. A military document;
- v. An out-of-state driver license, permit or ID card;
- vi. Tribal ID Card;
- vii. Medical Benefits Card; or
- viii. Any acceptable document presented as proof of legal presence/identity or residence address that also contains your SSN.
- ix. ***You may qualify for a temporary driving privilege or ID card if you are working with other agencies to obtain the required documents.***

Conclusion:

Undocumented immigrants will have a hard time driving legally after a year of residency in Oregon, due to their lack of a verifiable SSN. However, driving for up to a year with a foreign license is legal, you have the right to remain silent when asked such a question by police, and trouble with police can be avoided by being careful to follow traffic laws. Don't give them a reason to stop you!

(Information derived from the 2011 Oregon DMV Traffic Offenses Used in Habitual Offender, Driver Improvement, DMV Serious Violations and Hardship/Probationary Driver Permit Programs; also DMV Vehicle Equipment Manual VCB815)