

HOUSE AMENDMENTS TO HOUSE BILL 2608

By COMMITTEE ON TRANSPORTATION

June 2

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the line and insert “802.200,
2 807.050, 807.060, 807.130 and 807.400.”.

3 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Section 2 of this 2005 Act is added to and made a part of the Oregon Vehicle
5 Code.**

6 **“SECTION 2. (1) Prior to issuing, renewing or replacing any driver license, driver permit
7 or identification card, the Department of Transportation shall require a person to provide
8 proof of legal presence and a federal identification number.**

9 **“(2) For the purposes of subsection (1) of this section:**

10 **“(a) A person provides proof of legal presence by submitting documentation that the
11 person is a citizen of the United States or is otherwise present in the United States in ac-
12 cordance with federal immigration laws.**

13 **“(b) A person satisfies the requirement of providing a federal identification number only
14 by submitting a Social Security number or, if the person is not eligible to have a Social Se-
15 curity number, by submitting the statement described in ORS 25.785 (2) and an identifying
16 number that is issued by the United States Department of Homeland Security to a person
17 legally present in the United States in accordance with federal immigration laws.**

18 **“(3) The Department of Transportation may issue, renew or replace a driver license,
19 driver permit or identification card only after the department verifies the Social Security
20 number with the United States Social Security Administration or verifies the identifying
21 number provided under subsection (2)(b) of this section with the United States Department
22 of Homeland Security.**

23 **“(4) Subsections (1) and (3) of this section do not apply if the Department of Transpor-
24 tation previously verified information as required by subsection (3) of this section and the
25 person applying for the driver license, driver permit or identification card is a citizen or a
26 permanent legal resident of the United States.**

27 **“SECTION 3. Section 2 of this 2005 Act applies to driver licenses, driver permits and
28 identification cards that are issued, renewed or replaced on or after July 1, 2006.**

29 **“SECTION 4. ORS 807.050 is amended to read:**

30 **“807.050. An application for a license shall be in a form approved by the [Oregon] Department
31 of Transportation. An application must contain all the following:**

32 **“(1) The applicant’s true name, federal identification number as described in section 2 of
33 this 2005 Act, age, sex, residence address, except as otherwise provided for officers or eligible em-
34 ployees in ORS 802.250, and post-office address other than general delivery. The department may
35 provide by rule for acceptance of something other than an actual residence or post-office address if**

1 the department determines that the applicant does not have an actual address. The department shall
2 require proof to verify the address in addition to anything else the department may require of the
3 applicant.

4 **“(2) Confirmation by an employee of the department that the applicant provided proof of
5 the applicant’s legal presence, as described in section 2 of this 2005 Act.**

6 “[2] (3) Whether or not the applicant has ever been issued any driver license or driver permit.
7 If the applicant has been issued any license or driver permit:

8 “(a) When the license or driver permit was granted;

9 “(b) What jurisdiction granted the license or driver permit;

10 “(c) Whether or not the driving privileges under the license or driver permit are currently sus-
11 pended or revoked; and

12 “(d) If the driving privileges are revoked or suspended, the date and reason for the suspension
13 or revocation.

14 “[3] (4) The class of license sought.

15 “[4] *The Social Security number of the applicant or other number or identifying information de-
16 termined appropriate by the Secretary of the United States Department of Transportation, if the appli-
17 cation is for a commercial driver license or if the Oregon Department of Transportation by rule
18 requires the Social Security number on the application.*]

19 **“(5) If the application is for a commercial driver license, the applicant must provide a
20 Social Security number. If the applicant is not eligible to have a Social Security number, the
21 department may provide by rule that the applicant provide any other number or identifying
22 information that is:**

23 **“(a) Determined appropriate by the Secretary of the United States Department of
24 Transportation; and**

25 **“(b) In addition to the identifying number provided under section 2 (2)(b) of this 2005 Act.**

26 “[5] (6) Any other information the department deems necessary to assist the department in
27 determining whether the applicant is qualified or eligible to be licensed.

28 **“SECTION 5.** ORS 807.060 is amended to read:

29 **“807.060.** The Department of Transportation shall not grant driving privileges to a person under
30 a license if the person is not eligible under this section. The following are not eligible for a license:

31 “(1) A person under 16 years of age.

32 “(2)(a) A person under 18 years of age who is not an emancipated minor unless the application
33 of the person is signed by the person’s mother, father or guardian or, if the person has no father,
34 mother or guardian, by the person’s employer. A person who signs an application under this para-
35 graph may have the driving privileges canceled as provided under ORS 809.320.

36 “(b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

37 “(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible
38 for a commercial driver license.

39 “(4) A person that the department determines has a problem condition involving alcohol,
40 inhalants or controlled substances as described under ORS 813.040.

41 “(5) A person the department reasonably believes is subject to any condition which brings about
42 momentary or prolonged lapses of consciousness or control that is or may become chronic.

43 “(6) A person the department reasonably believes has a physical or mental disability or disease
44 serving to prevent the person from exercising reasonable and ordinary control over a motor vehicle
45 while operating it upon the highways.

1 “(7) A person the department reasonably believes is unable to understand highway signs that
2 warn, regulate or direct traffic.

3 “(8) A person who is required to make future responsibility filings but has not made filings as
4 required.

5 “(9) A person who cannot be issued a license under the Driver License Compact under ORS
6 802.540.

7 “(10) A person who is not subject to the Driver License Compact under ORS 802.540 but whose
8 driving privileges are currently under suspension or revocation in any other state upon grounds
9 which, if committed in this state, would be grounds for the suspension or revocation of the driving
10 privileges of the person.

11 “(11) A person who has been declared a habitual offender under ORS 809.640. A person declared
12 not eligible to be licensed under this subsection may become eligible by having eligibility restored
13 under ORS 809.640.

14 “(12) A person whose driving privileges are canceled in this state under ORS 809.310 until the
15 person is eligible under ORS 809.310.

16 “(13) A person while the person’s driving privileges are revoked in this state.

17 “(14) A person during a period when the person’s driving privileges are suspended in this state.

18 “(15) A person who holds a current out-of-state license or driver permit or a valid Oregon li-
19 cense or driver permit. A person who is not eligible under this subsection may become eligible by
20 surrendering the license, driver permit or out-of-state license or driver permit to the department
21 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate
22 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
23 807.062 to obtain an Oregon license or permit.

24 “(16) A person who has not complied with the requirements and responsibilities created by ci-
25 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS
26 802.530 authorizes the department to withhold issuance of a license.

27 “(17) **A person who is unable to provide a federal identification number that is verified**
28 **by the department under section 2 of this 2005 Act.**

29 “(18) **A person who is unable to provide proof of legal presence in the United States, as**
30 **described in section 2 of this 2005 Act.**

31 “**SECTION 6.** ORS 807.400 is amended to read:

32 “807.400. (1) The Department of Transportation shall issue an identification card to any person
33 who:

34 “(a) Is domiciled in or resident of this state, as described in ORS 807.062;

35 “(b) **Furnishes proof of legal presence in the United States, as described in section 2 of**
36 **this 2005 Act;**

37 “[*b*] (c) Does not have a current, valid driver license; [*and*]

38 “[*c*] (d) Furnishes [*such*] evidence of the person’s age and identity as the department may
39 require[.]; **and**

40 “(e) **Furnishes a federal identification number that is verified by the department under**
41 **section 2 of this 2005 Act.**

42 “(2) The department shall work with other agencies and organizations to attempt to improve the
43 issuance system for identification cards.

44 “(3) Every original application for an identification card must be signed by the applicant. The
45 department shall require at least one document to verify the address of an applicant for issuance

1 of an identification card in addition to other documents the department may require of the applicant.
2 If the address of an applicant has changed since the last time an identification card was issued to
3 or renewed for the applicant, the department shall require proof to verify the address of an applicant
4 for renewal of an identification card, in addition to anything else the department may require.

5 “(4) Every identification card shall be issued upon the standard license form described under
6 ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or
7 any other grant of driving privileges to operate a motor vehicle and is to be used for identification
8 purposes only. The department shall use the same security procedures, processes, materials and
9 features for an identification card as are required for a license under ORS 807.110.

10 “(5) Upon order of the juvenile court, the department shall include on the card the fact that the
11 person issued the identification card is an emancipated minor.

12 “(6) Each original identification card shall expire on a date consistent with the expiration dates
13 of licenses as set forth in ORS 807.130.

14 “(7) Identification cards shall be renewed under the terms for renewal of licenses as set forth
15 in ORS 807.150.

16 “(8) The fee for an original identification card or a renewal thereof shall be the fee established
17 under ORS 807.410. In no event shall the issuance or renewal of an identification card be subject
18 to any fee in addition to that set forth in ORS 807.410.

19 “(9) An identification card becomes invalid if the holder of the card changes residence address
20 from that shown on the identification card and does not provide the department with notice of the
21 change as required under ORS 807.420.

22 “(10) If a person to whom an identification card was issued and who changes residence address
23 appears in person at a department office that issues identification cards, the department may do any
24 of the following:

25 “(a) Issue a new identification card containing the new address but bearing the same distin-
26 guishing number as the old identification card upon receipt of the old identification card and pay-
27 ment of the fee established for issuing a new identification card with a changed address under ORS
28 807.410.

29 “(b) Note the new address on the old identification card in a manner to be determined by the
30 department.

31 “(11) An identification card becomes invalid if the holder of the card changes the person’s name
32 from that shown on the card, including a change of name by marriage, without providing the de-
33 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
34 the old identification card, the department shall issue a new identification card upon payment of the
35 fee required under ORS 807.410.

36 “(12) In the event an identification card is lost, destroyed or mutilated, the person to whom it
37 was issued may obtain a duplicate or replacement identification card from the department upon
38 furnishing proof satisfactory to the department of such fact and payment of the duplicate or re-
39 placement fee under ORS 807.410.

40 “(13) Upon cancellation of an identification card, the card is terminated and must be surren-
41 dered to the department. An identification card may be canceled for any of the reasons that driving
42 privileges or a license may be canceled under ORS 809.310. The department may reissue an iden-
43 tification card canceled under this subsection when the applicant has satisfied all requirements for
44 the identification card.

45 “(14) Notwithstanding any other provision of this section, the department may issue an identifi-

1 cation card to a person under this subsection without charge when the person surrenders a license
2 or driver permit to the department for reasons described in this subsection. If the department issues
3 an identification card under this subsection, the identification card shall expire at the same time
4 as the surrendered driver license or driver permit would have expired. An identification card issued
5 under this subsection is subject to the same requirements and fees for renewal or upon expiration
6 as any other identification card issued under this section. The department may issue identification
7 cards under this subsection as described under any of the following:

8 “(a) The department may issue an identification card under this subsection to a person who
9 voluntarily surrenders a license or driver permit to the department based upon the person’s recog-
10 nition that the person is no longer competent to drive.

11 “(b) The department may issue an identification card to a person under this subsection when the
12 person’s driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
13 person voluntarily surrenders the person’s license or driver permit to the department as provided
14 under ORS 809.500.

15 “**SECTION 7.** ORS 802.200, as amended by section 97, chapter 655, Oregon Laws 2003, is
16 amended to read:

17 “802.200. In addition to any other records the Department of Transportation may establish, the
18 department is subject to the following provisions concerning records:

19 “(1) The department shall maintain records concerning the titling of vehicles in this state. The
20 records under this subsection shall include the following:

21 “(a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
22 the following:

23 “(A) The name of the vehicle owner and any security interest holders in order of priority, except
24 that a security interest holder need not be identified if the debtor who granted the interest is in the
25 business of selling vehicles and the vehicles constitute inventory held for sale;

26 “(B) The name of any lessor of the vehicle;

27 “(C) The vehicle description; and

28 “(D) Whether a certificate of title was issued for the vehicle.

29 “(b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
30 vehicle is reconstructed.

31 “(c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

32 “(d) Any other information concerning the titling of vehicles that the department considers
33 convenient or appropriate.

34 “(e) All odometer readings for a vehicle that are reported to the department under provisions
35 of the vehicle code.

36 “(f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
37 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
38 reason for the report was theft and the vehicle has been recovered.

39 “(2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
40 in this state, the department shall retain a record of any odometer readings shown on the title or
41 registration documents submitted to the department at the time of registration or title.

42 “(3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
43 cerning the registration of vehicles required to be registered by the department. The records con-
44 cerning the registration of vehicles may be stored along with records concerning the titling of
45 vehicles. The records under this subsection shall include the following:

1 “(a) For vehicles registered by the department, the records shall identify the vehicle and contain
2 the following:

3 “(A) The registration plate number assigned by the department to the vehicle;

4 “(B) The name of the vehicle owner;

5 “(C) The vehicle description and vehicle identification number; and

6 “(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
7 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
8 was theft and the vehicle has been recovered.

9 “(b) Any other information concerning the registration of vehicles that the department considers
10 convenient or appropriate.

11 “(4) The department shall maintain separate records for the regulation of vehicle dealers. The
12 records required under this subsection shall include the following information about persons issued
13 dealer certificates:

14 “(a) The person’s application for a vehicle dealer certificate.

15 “(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

16 “(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

17 “(5) The department shall maintain a file on vehicles for which the title record is canceled under
18 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
19 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
20 canceled title record for each vehicle and the make and year model for each vehicle.

21 “(6) The department shall maintain a record of each agreement or declaration under ORS
22 802.500 and 802.520.

23 “(7) The department shall maintain separate and comprehensive records of all transactions af-
24 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

25 “(8) The department shall maintain suitable records of driver licenses and driver permits. The
26 records required under this subsection shall include all of the following:

27 “(a) An index by name and number.

28 “(b) Supporting documentation of all licenses or driver permits issued.

29 “(c) Every application for a driver license or driver permit.

30 “(d) All licenses or driver permits that have been suspended or revoked.

31 “(e) For each commercial driver license, the Social Security number of the person to whom the
32 license is issued[,] or, **if the applicant is not eligible to have a Social Security number**, any
33 other number or identifying information that the Secretary of the United States Department of
34 Transportation determines appropriate to identify the person.

35 “(9) The department shall maintain a two-part driving record consisting of an employment driv-
36 ing record and a nonemployment driving record for each person as required under this subsection.
37 All of the following apply to the records required under this subsection:

38 “(a) The department shall maintain driving records on:

39 “(A) Every person who is granted driving privileges under a driver license, driver permit or a
40 statutory grant of driving privileges under ORS 807.020;

41 “(B) Every person whose driving privileges have been suspended, revoked or canceled under this
42 vehicle code;

43 “(C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

44 “(D) Every person who is required to provide future responsibility filings under ORS 806.200,
45 806.220, 806.230 or 806.240.

1 “(b) In addition to other information required by this paragraph, the employment driving record
2 shall include all reports of drug test results that are made to the department under ORS 825.410.
3 Notwithstanding any other provision of law, release of the portion of the employment driving record
4 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
5 802.202. The employment driving record shall also include all motor vehicle accidents in which the
6 person is involved, all suspensions of driving privileges required to be placed on the record under
7 ORS 809.280, all suspensions of the person’s commercial driver license that result from operation
8 or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle
9 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-
10 leges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include only such accidents, sus-
11 pensions and convictions that occur while the person is driving a motor vehicle:

12 “(A) In the course of the person’s employment when the person is employed by another for the
13 principal purpose of driving a motor vehicle;

14 “(B) Carrying persons or property for compensation;

15 “(C) In the course of the person’s employment in the collection, transportation or delivery of
16 mail if the vehicle is government owned or marked for the collection, transportation or delivery of
17 mail in accordance with government rules;

18 “(D) That is an authorized emergency vehicle;

19 “(E) That is a commercial motor vehicle; or

20 “(F) In the course of the person’s employment with a federal, state or local government in a
21 public works project involving repair or maintenance of water, sewer or road systems.

22 “(c) The nonemployment driving record shall include the person’s:

23 “(A) Motor vehicle accidents;

24 “(B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

25 “(C) Convictions for violation of the motor vehicle laws other than those included in the em-
26 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
27 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
28 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

29 “(D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

30 “(d) The department may record other entries to indicate correspondence, interviews, partic-
31 ipation in driver improvement programs or other matters concerning the status of the driving privi-
32 leges of the person.

33 “(e) When a person from another jurisdiction applies for a driver license or permit issued by this
34 state, the department shall request a copy of the person’s driving record from the other jurisdiction.
35 At the time the person is issued a license in Oregon, the record from the other jurisdiction shall
36 become part of the driver’s record in this state with the same force and effect as though entered
37 on the driver’s record in this state in the original instance. The department by rule may specify
38 methods for converting entries from out-of-state records for use in Oregon.

39 “(f) When a suspension of a driver permit, driver license or other driving privilege is placed on
40 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
41 ment shall note on the record that the suspension was for failure to appear in court and shall also
42 note the offense charged against the person on which the person failed to appear.

43 “(g) The department, in consultation with the Department of State Police, shall devise and im-
44 plement a method of noting suspensions and revocations of driving privileges on the record in such
45 a way that police agencies can determine directly from the record what class of offense, as provided

1 by law, is committed by a person who drives in violation of the suspension or revocation. If the
2 department and the Department of State Police devise a mutually agreeable alternative method of
3 informing police agencies of the nature of a suspension or revocation and the consequences of its
4 violation, the implementation of that method shall satisfy the duty of the department under this
5 paragraph.

6 “(10) The Department of Transportation shall maintain records of judgments or convictions sent
7 to the department under ORS 810.375.

8 “(11) The department shall maintain accident reports filed with the department under ORS
9 810.460 and 811.725 to 811.735.

10 “(12) The department shall maintain records of bank checks or money orders returned under
11 ORS 802.110.

12 “(13) The department shall maintain records of trip permits issued by the department under ORS
13 803.600, as provided under this subsection. The records required by this subsection shall include the
14 following:

15 “(a) A description of the vehicle sufficient to identify the vehicle.

16 “(b) The person to whom the permit was issued.

17 “(c) When the permit was issued.

18 “(d) The type of permit issued.

19 “(e) For registration weight trip permits, the maximum allowable registration weight permitted
20 for operation under the permit.

21 “(f) Any other information the department determines appropriate or convenient.

22 “**SECTION 8.** ORS 807.130 is amended to read:

23 “807.130. (1) [*Except as otherwise provided in this section,*] A license that is issued as an original
24 license and not as a license that is renewed expires on the anniversary of the licensee’s birthday in
25 the eighth calendar year after the year of issuance.

26 “(2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-
27 tion date of the immediately preceding license.

28 “**(3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a**
29 **person who is not a citizen or a permanent legal resident of the United States shall be valid**
30 **until whichever of the following dates occurs first:**

31 “**(a) The date on which the licensee is no longer legally present in the United States, as**
32 **indicated by the documentation presented to the Department of Transportation to provide**
33 **proof of legal presence; or**

34 “**(b) The date determined by subsection (1) or (2) of this section.**

35 “[3] (4) A license that has expired does not grant driving privileges and is not valid evidence
36 of driving privileges.

37 “**SECTION 9. The amendments to ORS 802.200, 807.050, 807.060, 807.130 and 807.400 by**
38 **sections 4 to 8 of this 2005 Act become operative July 1, 2006.”.**