

**A-Engrossed**  
**House Bill 2608**

Ordered by the House June 2  
Including House Amendments dated June 2

Sponsored by Representative BRUUN; Representatives BROWN, SUMNER, THATCHER (at the request of John T. Scruggs)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires person to *[be citizen of United States or otherwise be legally present in United States]* **provide proof of legal presence and federal identification number** before person can receive, **renew or replace** driver license, driver permit or identification card. **Requires applicant for commercial driver license to provide Social Security number or, if applicant is not eligible to have Social Security number, other specified number or identifying information. Provides that license issued to person who is not citizen or legal permanent resident of United States is valid until date licensee is no longer legally present in United States or until specified expiration date of license, whichever occurs first.**

**A BILL FOR AN ACT**

1  
2 Relating to residency status for acquiring documents issued by Department of Transportation; cre-  
3 ating new provisions; and amending ORS 802.200, 807.050, 807.060, 807.130 and 807.400.

4 **Be It Enacted by the People of the State of Oregon:**

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

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

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

11 **(a) A person provides proof of legal presence by submitting documentation that the per-**  
12 **son is a citizen of the United States or is otherwise present in the United States in accord-**  
13 **ance with federal immigration laws.**

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

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

24 **(4) Subsections (1) and (3) of this section do not apply if the Department of Transporta-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tion previously verified information as required by subsection (3) of this section and the**  
2 **person applying for the driver license, driver permit or identification card is a citizen or a**  
3 **permanent legal resident of the United States.**

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

6 **SECTION 4. ORS 807.050 is amended to read:**

7 807.050. An application for a license shall be in a form approved by the [*Oregon*] Department  
8 of Transportation. An application must contain all the following:

9 (1) The applicant's true name, **federal identification number as described in section 2 of this**  
10 **2005 Act**, age, sex, residence address, except as otherwise provided for officers or eligible employees  
11 in ORS 802.250, and post-office address other than general delivery. The department may provide by  
12 rule for acceptance of something other than an actual residence or post-office address if the de-  
13 partment determines that the applicant does not have an actual address. The department shall re-  
14 quire proof to verify the address in addition to anything else the department may require of the  
15 applicant.

16 **(2) Confirmation by an employee of the department that the applicant provided proof of**  
17 **the applicant's legal presence, as described in section 2 of this 2005 Act.**

18 [(2)] (3) Whether or not the applicant has ever been issued any driver license or driver permit.  
19 If the applicant has been issued any license or driver permit:

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

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

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

24 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension  
25 or revocation.

26 [(3)] (4) The class of license sought.

27 [(4) *The Social Security number of the applicant or other number or identifying information deter-*  
28 *mined appropriate by the Secretary of the United States Department of Transportation, if the applica-*  
29 *tion is for a commercial driver license or if the Oregon Department of Transportation by rule requires*  
30 *the Social Security number on the application.*]

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

35 **(a) Determined appropriate by the Secretary of the United States Department of Trans-**  
36 **portation; and**

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

38 [(5)] (6) Any other information the department deems necessary to assist the department in de-  
39 termining whether the applicant is qualified or eligible to be licensed.

40 **SECTION 5. ORS 807.060 is amended to read:**

41 807.060. The Department of Transportation shall not grant driving privileges to a person under  
42 a license if the person is not eligible under this section. The following are not eligible for a license:

43 (1) A person under 16 years of age.

44 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application  
45 of the person is signed by the person's mother, father or guardian or, if the person has no father,

1 mother or guardian, by the person's employer. A person who signs an application under this para-  
2 graph may have the driving privileges canceled as provided under ORS 809.320.

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

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

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

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

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

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

15 (8) A person who is required to make future responsibility filings but has not made filings as  
16 required.

17 (9) A person who cannot be issued a license under the Driver License Compact under ORS  
18 802.540.

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

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

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

28 (13) A person while the person's driving privileges are revoked in this state.

29 (14) A person during a period when the person's driving privileges are suspended in this state.

30 (15) A person who holds a current out-of-state license or driver permit or a valid Oregon license  
31 or driver permit. A person who is not eligible under this subsection may become eligible by sur-  
32 rendering the license, driver permit or out-of-state license or driver permit to the department before  
33 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a  
34 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
35 807.062 to obtain an Oregon license or permit.

36 (16) A person who has not complied with the requirements and responsibilities created by cita-  
37 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530  
38 authorizes the department to withhold issuance of a license.

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

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

43 **SECTION 6.** ORS 807.400 is amended to read:

44 807.400. (1) The Department of Transportation shall issue an identification card to any person  
45 who:

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

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

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

5 [(c)] (d) Furnishes [such] evidence of the person's age and identity as the department may  
6 require[.]; **and**

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

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

11 (3) Every original application for an identification card must be signed by the applicant. The  
12 department shall require at least one document to verify the address of an applicant for issuance  
13 of an identification card in addition to other documents the department may require of the applicant.  
14 If the address of an applicant has changed since the last time an identification card was issued to  
15 or renewed for the applicant, the department shall require proof to verify the address of an applicant  
16 for renewal of an identification card, in addition to anything else the department may require.

17 (4) Every identification card shall be issued upon the standard license form described under ORS  
18 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
19 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
20 purposes only. The department shall use the same security procedures, processes, materials and  
21 features for an identification card as are required for a license under ORS 807.110.

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

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

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

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

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

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

37 (a) Issue a new identification card containing the new address but bearing the same distin-  
38 guishing number as the old identification card upon receipt of the old identification card and pay-  
39 ment of the fee established for issuing a new identification card with a changed address under ORS  
40 807.410.

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

43 (11) An identification card becomes invalid if the holder of the card changes the person's name  
44 from that shown on the card, including a change of name by marriage, without providing the de-  
45 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and

1 the old identification card, the department shall issue a new identification card upon payment of the  
2 fee required under ORS 807.410.

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

7 (13) Upon cancellation of an identification card, the card is terminated and must be surrendered  
8 to the department. An identification card may be canceled for any of the reasons that driving priv-  
9 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-  
10 tion card canceled under this subsection when the applicant has satisfied all requirements for the  
11 identification card.

12 (14) Notwithstanding any other provision of this section, the department may issue an identifi-  
13 cation card to a person under this subsection without charge when the person surrenders a license  
14 or driver permit to the department for reasons described in this subsection. If the department issues  
15 an identification card under this subsection, the identification card shall expire at the same time  
16 as the surrendered driver license or driver permit would have expired. An identification card issued  
17 under this subsection is subject to the same requirements and fees for renewal or upon expiration  
18 as any other identification card issued under this section. The department may issue identification  
19 cards under this subsection as described under any of the following:

20 (a) The department may issue an identification card under this subsection to a person who vol-  
21 untarily surrenders a license or driver permit to the department based upon the person's recognition  
22 that the person is no longer competent to drive.

23 (b) The department may issue an identification card to a person under this subsection when the  
24 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the  
25 person voluntarily surrenders the person's license or driver permit to the department as provided  
26 under ORS 809.500.

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

29 802.200. In addition to any other records the Department of Transportation may establish, the  
30 department is subject to the following provisions concerning records:

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

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

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

38 (B) The name of any lessor of the vehicle;

39 (C) The vehicle description; and

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

41 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the  
42 vehicle is reconstructed.

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

44 (d) Any other information concerning the titling of vehicles that the department considers con-  
45 venient or appropriate.

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

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

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

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

13 (a) For vehicles registered by the department, the records shall identify the vehicle and contain  
14 the following:

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

16 (B) The name of the vehicle owner;

17 (C) The vehicle description and vehicle identification number; and

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

21 (b) Any other information concerning the registration of vehicles that the department considers  
22 convenient or appropriate.

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

26 (a) The person's application for a vehicle dealer certificate.

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

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

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

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

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

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

39 (a) An index by name and number.

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

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

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

43 (e) For each commercial driver license, the Social Security number of the person to whom the  
44 license is issued[,] or, **if the applicant is not eligible to have a Social Security number**, any  
45 other number or identifying information that the Secretary of the United States Department of

1 Transportation determines appropriate to identify the person.

2 (9) The department shall maintain a two-part driving record consisting of an employment driving  
3 record and a nonemployment driving record for each person as required under this subsection. All  
4 of the following apply to the records required under this subsection:

5 (a) The department shall maintain driving records on:

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

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

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

11 (D) Every person who is required to provide future responsibility filings under ORS 806.200,  
12 806.220, 806.230 or 806.240.

13 (b) In addition to other information required by this paragraph, the employment driving record  
14 shall include all reports of drug test results that are made to the department under ORS 825.410.  
15 Notwithstanding any other provision of law, release of the portion of the employment driving record  
16 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS  
17 802.202. The employment driving record shall also include all motor vehicle accidents in which the  
18 person is involved, all suspensions of driving privileges required to be placed on the record under  
19 ORS 809.280, all suspensions of the person's commercial driver license that result from operation  
20 or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle  
21 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-  
22 leges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include only such accidents, sus-  
23 pensions and convictions that occur while the person is driving a motor vehicle:

24 (A) In the course of the person's employment when the person is employed by another for the  
25 principal purpose of driving a motor vehicle;

26 (B) Carrying persons or property for compensation;

27 (C) In the course of the person's employment in the collection, transportation or delivery of mail  
28 if the vehicle is government owned or marked for the collection, transportation or delivery of mail  
29 in accordance with government rules;

30 (D) That is an authorized emergency vehicle;

31 (E) That is a commercial motor vehicle; or

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

34 (c) The nonemployment driving record shall include the person's:

35 (A) Motor vehicle accidents;

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

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

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

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

45 (e) When a person from another jurisdiction applies for a driver license or permit issued by this

1 state, the department shall request a copy of the person's driving record from the other jurisdiction.  
2 At the time the person is issued a license in Oregon, the record from the other jurisdiction shall  
3 become part of the driver's record in this state with the same force and effect as though entered  
4 on the driver's record in this state in the original instance. The department by rule may specify  
5 methods for converting entries from out-of-state records for use in Oregon.

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

10 (g) The department, in consultation with the Department of State Police, shall devise and im-  
11 plement a method of noting suspensions and revocations of driving privileges on the record in such  
12 a way that police agencies can determine directly from the record what class of offense, as provided  
13 by law, is committed by a person who drives in violation of the suspension or revocation. If the  
14 department and the Department of State Police devise a mutually agreeable alternative method of  
15 informing police agencies of the nature of a suspension or revocation and the consequences of its  
16 violation, the implementation of that method shall satisfy the duty of the department under this  
17 paragraph.

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

20 (11) The department shall maintain accident reports filed with the department under ORS  
21 810.460 and 811.725 to 811.735.

22 (12) The department shall maintain records of bank checks or money orders returned under ORS  
23 802.110.

24 (13) The department shall maintain records of trip permits issued by the department under ORS  
25 803.600, as provided under this subsection. The records required by this subsection shall include the  
26 following:

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

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

29 (c) When the permit was issued.

30 (d) The type of permit issued.

31 (e) For registration weight trip permits, the maximum allowable registration weight permitted  
32 for operation under the permit.

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

34 **SECTION 8.** ORS 807.130 is amended to read:

35 807.130. (1) [*Except as otherwise provided in this section,*] A license that is issued as an original  
36 license and not as a license that is renewed expires on the anniversary of the licensee's birthday in  
37 the eighth calendar year after the year of issuance.

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

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

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

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

2       [(3)] (4) A license that has expired does not grant driving privileges and is not valid evidence  
3 of driving privileges.

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

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