

Enrolled Senate Bill 74

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CHAPTER

AN ACT

Relating to replacement of documents issued by Department of Transportation; amending ORS 807.160 and 807.400.

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

SECTION 1. ORS 807.160 is amended to read:

807.160. (1) Except as provided in subsection [(5)] (4) of this section, upon application by a person to whom a license is issued, the Department of Transportation shall do the following:

(a) If the person furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's license, the department shall replace the license by issuing a duplicate or replacement license.

(b) If the person has changed residence address from that noted on the person's license, the department shall:

(A) Note the change of residence address on the person's license in a manner determined by the department; or

(B) Issue a new license noting the person's new residence address.

(c) If the person is an officer or eligible employee who has requested in accordance with ORS 802.250 that department records show the address of the person's employer, the department shall issue a new license noting the address of the place of employment.

(d) If the person has changed names from the name noted on the person's license, the department shall issue a new license noting the person's new name.

(e) If the person furnishes proof satisfactory to the department that the person needs a replacement license that bears a different distinguishing number from the license being replaced for a reason identified by the department by rule, the department shall issue a replacement license with a different distinguishing number from the license being replaced.

(2) If the department issues a new license or a replacement license to replace a person's license under this section:

(a) Except as otherwise provided in subsection [(3)] (1)(e) of this section, the license shall bear the same distinguishing number as the license replaced.

(b) The license replaced is invalid and shall be surrendered to the department or destroyed.

(c) The department shall charge the fee for issuance of a replacement license under ORS 807.370. The department may waive the fee as provided under ORS 807.390.

(d) The new license does not alter or extend driving privileges granted to the person under the old license.

[(3) If the person applying for a new or replacement license furnishes proof satisfactory to the department that a police agency has reason to believe that the person's lost driver license or the person's name is being used fraudulently, the department may issue a new license that bears a different number from the license replaced.]

[(4)] (3) The department shall not issue or replace any license under this section if:

(a) The person making application is not qualified to hold a license at the time of application.

(b) The driving privileges of the person making application are suspended or revoked and have not been partially or completely reinstated.

[(5)] (4) The department need not issue a duplicate or replacement license to a person who has not complied with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the department to withhold issuance of a duplicate or replacement license.

SECTION 1a. If House Bill 2106 becomes law, section 1 of this 2005 Act (amending ORS 807.160) is repealed and ORS 807.160, as amended by section 1, chapter 59, Oregon Laws 2005 (Enrolled House Bill 2106), is amended to read:

807.160. (1) The Department of Transportation shall establish by rule the reasons for issuing a replacement driver license or driver permit to a person who submits an application for the replacement. The reasons for replacement shall include, but are not limited to, situations when the person:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license or driver permit.

(b) Changes residence address from the address noted on the person's driver license or driver permit.

(c) Is an officer or eligible employee who has requested, in accordance with ORS 802.250, that department records show the address of the person's employer.

(d) Changes names from the name noted on the person's driver license or driver permit.

(e) Is applying or is required to add or remove a restriction on the driver license or driver permit.

(f) Is applying or is required to add or remove an endorsement other than a motorcycle endorsement on the driver license or driver permit.

(g) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing a driver license or driver permit.

(h) Furnishes proof satisfactory to the department that, for a reason identified by the department by rule, the person needs a replacement driver license or driver permit that bears a different distinguishing number from the license or permit being replaced.

(2) Notwithstanding subsection (1)(b) of this section, in lieu of issuing a replacement driver license or driver permit upon a change in residence address of a person, the department may note the change of residence address on the person's license or permit in a manner determined by the department.

(3) A replacement driver license or driver permit issued under this section:

(a) Shall bear the same distinguishing number as the driver license or driver permit replaced unless the person applying for the replacement furnishes proof *[satisfactory to the department that a police agency has reason to believe that the person's lost driver license or driver permit or the person's name is being used fraudulently]* **as described in subsection (1)(h) of this section.**

(b) Does not alter or extend the driving privileges granted to the person under the old license or permit unless the replacement license or permit was issued for the purpose of changing a restriction or endorsement or for correcting an error involving driving privileges.

(4) Except for driver permits for which the department does not charge an issuance fee, the department shall charge the fee under ORS 807.370 for a replacement license or driver permit issued

under this section. The replacement fee is in addition to any endorsement or test fee that may apply. The department may waive the replacement fee as provided under ORS 807.390.

(5) The driver license or driver permit replaced under this section is invalid and shall be surrendered to the department.

(6) The department may not issue a replacement driver license or driver permit under this section if:

(a) The person making application is not qualified to hold a license or permit at the time of application.

(b) The driving privileges of the person making application are suspended or revoked and have not been partially or completely reinstated.

(7) The department need not issue a replacement driver license or driver permit to a person who has not complied with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the department to withhold issuance of a replacement license or permit.

SECTION 2. ORS 807.400 is amended to read:

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

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

(b) Does not have a current, valid driver license; and

(c) Furnishes such evidence of the person's age and identity as the department may require.

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

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

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

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

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

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

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

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

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

(a) Issue a new identification card containing the new address [*but bearing the same distinguishing number as the old identification card*] upon receipt of the old identification card and payment of the fee established for issuing a new identification card with a changed address under ORS

807.410. **Except as otherwise provided in subsection (13) of this section, the new identification card shall bear the same distinguishing number as the card being replaced.**

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

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

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

(13) In the event a person needs a replacement identification card that bears a different distinguishing number from the card being replaced for a reason identified by the department by rule, the person to whom the card was issued may obtain a replacement card from the department upon furnishing proof satisfactory to the department of the need for such replacement and payment of the replacement fee under ORS 807.410.

~~[(13)]~~ (14) Upon cancellation of an identification card, the card is terminated and must be surrendered to the department. An identification card may be canceled for any of the reasons that driving privileges or a license may be canceled under ORS 809.310. The department may reissue an identification card canceled under this subsection when the applicant has satisfied all requirements for the identification card.

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

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

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

SECTION 2a. If House Bill 2106 becomes law, section 2 of this 2005 Act (amending ORS 807.400) is repealed and ORS 807.400, as amended by section 10, chapter 59, Oregon Laws 2005 (Enrolled House Bill 2106), is amended to read:

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

- (a) Is domiciled in or resident of this state, as described in ORS 807.062;
- (b) Does not have a current, valid driver license; and
- (c) Furnishes such evidence of the person's age and identity as the department may require.

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

(3) Every original application for an identification card must be signed by the applicant. The department shall require at least one document to verify the address of an applicant for issuance of an identification card in addition to other documents the department may require of the applicant. If the address of an applicant has changed since the last time an identification card was issued to

or renewed for the applicant, the department shall require proof to verify the address of an applicant for renewal of an identification card, in addition to anything else the department may require.

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

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

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

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

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

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

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

(a) Issue a replacement identification card containing the new address [*but bearing the same distinguishing number as the old identification card*] upon receipt of the old identification card and payment of the fee established for issuing a replacement identification card with a changed address under ORS 807.410. **Except as otherwise provided in subsection (12) of this section, the replacement identification card shall bear the same distinguishing number as the card being replaced.**

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

(11) An identification card becomes invalid if the holder of the card changes the person's name from that shown on the card, including a change of name by marriage, without providing the department with notice of the change as required under ORS 807.420. Upon receiving such notice and the old identification card, the department shall issue a replacement identification card upon payment of the fee required under ORS 807.410.

(12) In the event that, for a reason identified by the department by rule, a person needs a replacement identification card that bears a different distinguishing number from the card being replaced, the person to whom the card was issued may obtain a replacement card from the department upon furnishing proof satisfactory to the department of the need for such replacement and payment of the replacement fee under ORS 807.410.

[(12)] (13) The department may establish by rule reasons for issuing replacement identification cards that are in addition to the reasons identified in subsections (10) [*and (11)*] **to (12)** of this section. The fee for a replacement identification card is provided under ORS 807.410.

[(13)] (14) Upon cancellation of an identification card, the card is terminated and must be surrendered to the department. An identification card may be canceled for any of the reasons that driving privileges or a license may be canceled under ORS 809.310. The department may reissue an identification card canceled under this subsection when the applicant has satisfied all requirements for the identification card.

[(14)] (15) Notwithstanding any other provision of this section, the department may issue an identification card to a person under this subsection without charge when the person surrenders a license or driver permit to the department for reasons described in this subsection. If the department issues an identification card under this subsection, the identification card shall expire at the same

time as the surrendered driver license or driver permit would have expired. An identification card issued under this subsection is subject to the same requirements and fees for renewal or upon expiration as any other identification card issued under this section. The department may issue identification cards under this subsection as described under any of the following:

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

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

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