

# Enrolled Senate Bill 373

Sponsored by Senator COURTNEY (at the request of Oregon School Employees Association)

CHAPTER .....

AN ACT

Relating to address on Department of Transportation records; creating new provisions; and amending ORS 802.250, 802.251, 803.370, 807.050, 807.110, 807.160 and 807.560.

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

**SECTION 1.** ORS 802.250 is amended to read:

802.250. (1) [A *police officer or*] **An** eligible public employee may request that any driver or vehicle record kept by the Department of Transportation that contains or is required to contain the [officer's *or*] eligible employee's residence address contain instead the address of the public agency employing the [officer *or*] eligible employee. A request under this section shall:

(a) Be in a form specified by the department that provides for verification of the [officer's *or*] eligible employee's employment.

(b) Contain verification by the employing public agency of the [officer's *or*] eligible employee's employment with the public agency.

(2) Upon receipt of a request and verification under subsection (1) [*or* (6)] of this section, the department shall remove the [*police officer, corrections officer or*] eligible employee's residence address from its records, if necessary, and substitute therefor the address of the public agency employing the [officer *or*] eligible employee. The department shall indicate on the records that the address shown is an employment address. While the request is in effect, the eligible employee [*or officer*] may enter the address of the public agency employing the [officer *or*] eligible employee on any driver or vehicle form issued by the department that requires an address.

(3) A public agency that verifies an [officer's *or*] eligible employee's employment under subsection (1) of this section shall notify the department within 30 days if the [officer *or*] eligible employee ceases to be employed by the public agency. The [officer *or*] eligible employee shall notify the department of a change of address as provided in ORS 803.220 or 807.560.

(4) As used in this section, "eligible employee" means:

(a) A member of the State Board of Parole and Post-Prison Supervision.

(b) The Director of the Department of Corrections and an employee of an institution defined in ORS 421.005 as Department of Corrections institutions, whose duties, as assigned by the superintendent, include the custody of persons committed to the custody of or transferred to the institution.

(c) A parole and probation officer employed by the Department of Corrections and an employee of the Department of Corrections Release Center whose duties, as assigned by the Chief of the Release Center, include the custody of persons committed to the custody of or transferred to the Release Center.

(d) A police officer appointed under ORS 276.021 or 276.023.

(e) An employee of the State Department of Agriculture who is classified as a brand inspector by the Director of Agriculture.

(f) An investigator of the Criminal Justice Division of the Department of Justice.

(g) A corrections officer as defined in ORS 181.610.

(h) A federal officer. As used in this paragraph, "federal officer" means a special agent or law enforcement officer employed by:

(A) The Federal Bureau of Investigation;

(B) The United States Secret Service;

(C) The Immigration and Naturalization Service;

(D) The United States Marshals Service;

(E) The Drug Enforcement Administration;

(F) The United States Postal Service;

(G) The United States Customs Service;

(H) The United States General Services Administration;

(I) The United States Department of Agriculture;

(J) The Bureau of Alcohol, Tobacco and Firearms;

(K) The Internal Revenue Service;

(L) The United States Department of the Interior; or

(M) Any federal agency if the person is empowered to effect an arrest with or without warrant for violations of the United States Code and is authorized to carry firearms in the performance of duty.

(i) An employee of the Department of Human Services whose duties include personal contact with clients or patients of the department.

(j) Any judge of a court of this state.

(k) An employee of the Oregon Youth Authority whose duties include personal contact with persons committed to the legal or physical custody of the authority.

(L) A district attorney, **as defined in ORS 131.005**, or deputy district attorney.

**(m) An employee who provides educational services to persons who are clients or patients of the Department of Human Services, who are under the jurisdiction of the Psychiatric Security Review Board or who are under the custody or supervision of the Department of Corrections, the State Board of Parole and Post-Prison Supervision, a community corrections agency, the Oregon Youth Authority or a juvenile department. As used in this paragraph, "employee who provides educational services" means a person who provides instruction, or services related to the instruction, of a subject usually taught in an elementary school, a secondary school or a community college or who provides special education and related services in other than a school setting and who works for:**

**(A) An education service district or a community college district; or**

**(B) A state officer, board, commission, bureau, department or division in the executive branch of state government that provides educational services.**

**(n) An employee of the Oregon Liquor Control Commission who is:**

**(A) An inspector;**

**(B) An investigator; or**

**(C) A regulatory manager.**

*[(5) As used in subsections (6) and (7) of this section:]*

*[(a) "Corrections officer" means a person employed in a correctional facility, wherever it may be located, who primarily performs the duty of custody, control or supervision of individuals convicted of a criminal offense.]*

*[(b) "Correctional facility" means an institution used for the confinement of persons convicted of a criminal offense or held by court order.]*

*[(6) A corrections officer, who is a resident of Oregon but is employed in a correctional facility located in a state other than Oregon, may request that any driver or vehicle record kept by the de-*

partment that contains or is required to contain the officer's residence address contain instead the address of the correctional facility employing the officer. A request under this subsection shall:]

[(a) Be in a form specified by the department that includes designation of the Oregon county of residence.]

[(b) Contain verification of employment as determined adequate by the department to establish eligibility for this service.]

[(7) If the officer qualifying under subsection (6) of this section ceases to be employed in the correctional facility, the officer shall notify the department of a change of address as provided in ORS 803.220 or 807.560.]

**SECTION 1a. If House Bill 2261 becomes law, section 1 of this 2005 Act (amending ORS 802.250) is repealed and ORS 802.250, as amended by section 513, chapter 22, Oregon Laws 2005 (Enrolled House Bill 2261), is amended to read:**

802.250. (1) [A police officer or] An eligible public employee may request that any driver or vehicle record kept by the Department of Transportation that contains or is required to contain the [officer's or] eligible employee's residence address contain instead the address of the public agency employing the [officer or] eligible employee. A request under this section shall:

(a) Be in a form specified by the department that provides for verification of the [officer's or] eligible employee's employment.

(b) Contain verification by the employing public agency of the [officer's or] eligible employee's employment with the public agency.

(2) Upon receipt of a request and verification under subsection (1) [or (6)] of this section, the department shall remove the [police officer, corrections officer or] eligible employee's residence address from its records, if necessary, and substitute therefor the address of the public agency employing the [officer or] eligible employee. The department shall indicate on the records that the address shown is an employment address. While the request is in effect, the eligible employee [or officer] may enter the address of the public agency employing the [officer or] eligible employee on any driver or vehicle form issued by the department that requires an address.

(3) A public agency that verifies an [officer's or] eligible employee's employment under subsection (1) of this section shall notify the department within 30 days if the [officer or] eligible employee ceases to be employed by the public agency. The [officer or] eligible employee shall notify the department of a change of address as provided in ORS 803.220 or 807.560.

(4) As used in this section, "eligible employee" means:

(a) A member of the State Board of Parole and Post-Prison Supervision.

(b) The Director of the Department of Corrections and an employee of an institution defined in ORS 421.005 as Department of Corrections institutions, whose duties, as assigned by the superintendent, include the custody of persons committed to the custody of or transferred to the institution.

(c) A parole and probation officer employed by the Department of Corrections and an employee of the Department of Corrections Release Center whose duties, as assigned by the Chief of the Release Center, include the custody of persons committed to the custody of or transferred to the Release Center.

(d) A police officer appointed under ORS 276.021 or 276.023.

(e) An employee of the State Department of Agriculture who is classified as a brand inspector by the Director of Agriculture.

(f) An investigator of the Criminal Justice Division of the Department of Justice.

(g) A corrections officer as defined in ORS 181.610.

(h) A federal officer. As used in this paragraph, "federal officer" means a special agent or law enforcement officer employed by:

(A) The Federal Bureau of Investigation;

(B) The United States Secret Service;

(C) The United States Citizenship and Immigration Services;

(D) The United States Marshals Service;

(E) The Drug Enforcement Administration;  
(F) The United States Postal Service;  
(G) The United States Customs and Border Protection;  
(H) The United States General Services Administration;  
(I) The United States Department of Agriculture;  
(J) The Bureau of Alcohol, Tobacco and Firearms;  
(K) The Internal Revenue Service;  
(L) The United States Department of the Interior; or  
(M) Any federal agency if the person is empowered to effect an arrest with or without warrant for violations of the United States Code and is authorized to carry firearms in the performance of duty.

(i) An employee of the Department of Human Services whose duties include personal contact with clients or patients of the department.

(j) Any judge of a court of this state.

(k) An employee of the Oregon Youth Authority whose duties include personal contact with persons committed to the legal or physical custody of the authority.

(L) A district attorney, **as defined in ORS 131.005**, or deputy district attorney.

**(m) An employee who provides educational services to persons who are clients or patients of the Department of Human Services, who are under the jurisdiction of the Psychiatric Security Review Board or who are under the custody or supervision of the Department of Corrections, the State Board of Parole and Post-Prison Supervision, a community corrections agency, the Oregon Youth Authority or a juvenile department. As used in this paragraph, "employee who provides educational services" means a person who provides instruction, or services related to the instruction, of a subject usually taught in an elementary school, a secondary school or a community college or who provides special education and related services in other than a school setting and who works for:**

**(A) An education service district or a community college district; or**

**(B) A state officer, board, commission, bureau, department or division in the executive branch of state government that provides educational services.**

**(n) An employee of the Oregon Liquor Control Commission who is:**

**(A) An inspector;**

**(B) An investigator; or**

**(C) A regulatory manager.**

*[(5) As used in subsections (6) and (7) of this section:]*

*[(a) "Correctional facility" means an institution used for the confinement of persons convicted of a criminal offense or held by court order.]*

*[(b) "Corrections officer" means a person employed in a correctional facility, wherever it may be located, who primarily performs the duty of custody, control or supervision of individuals convicted of a criminal offense.]*

*[(6) A corrections officer, who is a resident of Oregon but is employed in a correctional facility located in a state other than Oregon, may request that any driver or vehicle record kept by the department that contains or is required to contain the officer's residence address contain instead the address of the correctional facility employing the officer. A request under this subsection shall:]*

*[(a) Be in a form specified by the department that includes designation of the Oregon county of residence.]*

*[(b) Contain verification of employment as determined adequate by the department to establish eligibility for this service.]*

*[(7) If the officer qualifying under subsection (6) of this section ceases to be employed in the correctional facility, the officer shall notify the department of a change of address as provided in ORS 803.220 or 807.560.]*

**SECTION 2. Section 3 of this 2005 Act is added to and made a part of the Oregon Vehicle Code.**

**SECTION 3. (1) As used in this section:**

(a) "Correctional facility" means an institution used for the confinement of persons convicted of a criminal offense or held by court order.

(b) "Corrections officer" means a person employed in a correctional facility, wherever it may be located, who primarily performs the duty of custody, control or supervision of individuals convicted of a criminal offense.

(2) A corrections officer, who is a resident of Oregon but is employed in a correctional facility located in a state other than Oregon, may request that any driver or vehicle record kept by the Department of Transportation that contains or is required to contain the corrections officer's residence address contain instead the address of the correctional facility employing the corrections officer. A request under this subsection must:

(a) Be in a form specified by the department that includes designation of the Oregon county of residence.

(b) Contain verification of employment as determined adequate by the department to establish eligibility for this service.

(3) Upon receipt of a request and verification under this section, the department shall remove the corrections officer's residence address from its records, if necessary, and substitute the address of the correctional facility employing the corrections officer. The department shall indicate on the records that the address shown is an employment address. While the request is in effect, the corrections officer may enter the address of the correctional facility employing the corrections officer on any driver or vehicle form issued by the department that requires an address.

(4) If the corrections officer ceases to be employed in the correctional facility, the corrections officer shall notify the department of a change of address as provided in ORS 803.220 or 807.560.

**SECTION 4.** ORS 802.251 is amended to read:

802.251. The Department of Transportation on behalf of the State of Oregon may enter into contracts with other states and with the federal government for the exchange of employment information necessary to implement and administer ORS 802.250 **and section 3 of this 2005 Act.**

**SECTION 5.** ORS 803.370 is amended to read:

803.370. This section establishes requirements for an application for vehicle registration in this state. If an applicant fails to comply with requirements under this section, the Department of Transportation may refuse to register or reregister a vehicle until the applicant complies with the requirements. An application shall contain all of the following:

(1) The true name and, except as provided for **corrections officers in section 3 of this 2005 Act** or eligible employees in ORS 802.250, actual residence or business address of the owner. The department may provide by rule for acceptance of something other than an actual residence or business address if the department determines that the applicant does not have an actual address.

(2) A description of the vehicle, including the name of the make and the vehicle identification number.

(3) An odometer disclosure in a form determined by the department by rule pursuant to ORS 803.120, if a disclosure is otherwise required.

(4) Any other information required by the department.

(5) If the application is for registration or reregistration of a vehicle that is subject to the federal heavy vehicle use tax, proof that the federal use tax has been paid. The department shall adopt rules to determine proof that will be acceptable for purposes of this subsection.

(6) A statement:

(a) That the applicant is domiciled in this state as described in ORS 803.355 if the applicant is required by ORS 803.360 to be domiciled in this state in order to register a vehicle in the state; and

(b) That so long as the vehicle remains registered to the applicant in this state, the applicant will remain domiciled in this state if required to do so in order to register the vehicle.

(7) A statement:

(a) That the vehicle qualifies under ORS 803.360 (2) for registration in this state, if the owner is not domiciled in this state and is not required by ORS 803.200, or any other provision of law, to register the vehicle in this state; and

(b) That so long as the vehicle remains registered to the applicant under the provisions of ORS 803.360 (2), the owner and the vehicle will meet the qualifications of this subsection.

(8) A statement upon initial registration that the applicant is in compliance with financial responsibility requirements for the vehicle and will remain in compliance until the vehicle is transferred. Exemptions from this subsection are established in ORS 806.020.

(9) If the application is for registration or renewal of registration of a motor vehicle by a motor carrier, the information on drug and alcohol testing programs required by ORS 825.410.

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

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

(1) The applicant's true name, age, sex, residence address, except as otherwise provided for **corrections officers in section 3 of this 2005 Act** or eligible employees in ORS 802.250, and post-office address other than general delivery. The department may provide by rule for acceptance of something other than an actual residence or post-office address if the department determines that the applicant does not have an actual address. The department shall require proof to verify the address in addition to anything else the department may require of the applicant.

(2) Whether or not the applicant has ever been issued any driver license or driver permit. If the applicant has been issued any license or driver permit:

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

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

(c) Whether or not the driving privileges under the license or driver permit are currently suspended or revoked; and

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

(3) The class of license sought.

(4) The Social Security number of the applicant or other number or identifying information determined appropriate by the Secretary of the United States Department of Transportation, if the application is for a commercial driver license or if the Oregon Department of Transportation by rule requires the Social Security number on the application.

(5) Any other information the department deems necessary to assist the department in determining whether the applicant is qualified or eligible to be licensed.

**SECTION 7.** ORS 807.110 is amended to read:

807.110. A license issued by the Department of Transportation shall comply with all of the following:

(1) A license shall bear the distinguishing number assigned to the person issued the license by the department.

(2) A license shall contain, for the purpose of identification, a brief description of the person to whom the license is issued.

(3) A license shall contain the name, date of birth and, except as provided for **corrections officers in section 3 of this 2005 Act** or eligible employees in ORS 802.250, residence address of the person to whom the license is issued and a space for the person's signature.

(4) Upon request of the person to whom the license is issued, a license shall indicate on the license the fact that the person is an anatomical donor.

(5) Upon order of the juvenile court, a license shall indicate on the license the fact that the person to whom the license is issued is an emancipated minor.

(6) Except as otherwise provided in this subsection, a license shall bear a photograph described in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid license without a photograph if the applicant shows good cause. The director shall include religious

preferences as good cause for issuance of a license without a photograph but shall not limit good cause to religious grounds. A photograph required under this subsection shall:

- (a) Be a full-faced, color photograph of the person to whom the license is issued;
- (b) Be of a size approved by the department; and
- (c) Be taken at the time of application for issuance of the license whether the application is for an original license, replacement of a license under ORS 807.160 or for renewal of a license under ORS 807.150.

(7) A license is not valid until signed by the person to whom it is issued.

(8) A license shall indicate the class of license issued and any endorsements granted. If the license is a commercial driver license, the words "commercial driver license" or the letters "CDL" shall appear on the license.

(9) The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

**SECTION 8.** ORS 807.160 is amended to read:

807.160. (1) Except as provided in subsection (5) 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*] **a corrections officer or an** eligible employee who has requested in accordance with **section 3 of this 2005 Act or** 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.

(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) 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) 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) 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 8a. If House Bill 2106 becomes law, section 8 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*] **a corrections officer or an** eligible employee who has requested, in accordance with **section 3 of this 2005 Act or** 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.

(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.

(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 9.** ORS 807.560 is amended to read:

807.560. (1) A person to whom a license or driver permit is issued commits the offense of failure to notify upon change of driver address or name if the person does not notify the Department of Transportation in a manner authorized by the department by rule upon any change of the person's:

(a) Residence from that noted on the person's license or driver permit as issued;

(b) Name from that noted on the person's license or driver permit as issued, including a change of name by marriage; or

(c) Place of employment, if the person is *[an officer or]* **a corrections officer, as provided in section 3 of this 2005 Act, or an** eligible employee, as defined in ORS 802.250, whose place of employment address is noted on department records in accordance with **section 3 of this 2005 Act or** ORS 802.250.

(2) Notice required under this section:

(a) Must be given within 30 days of change.

(b) Must be given in person for a change of name.

(3) Failure to notify upon change of driver address or name is a Class D traffic violation.

**Passed by Senate March 15, 2005**

**Received by Governor:**

**Repassed by Senate June 13, 2005**

.....M.,....., 2005

**Approved:**

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Secretary of Senate

.....M.,....., 2005

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President of Senate

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Governor

**Passed by House June 6, 2005**

**Filed in Office of Secretary of State:**

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Speaker of House

.....M.,....., 2005

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Secretary of State