

A-Engrossed
Senate Bill 640

Ordered by the Senate July 30
Including Senate Amendments dated July 30

Sponsored by Senator WINTERS; Senators ATKINSON, BEYER, GEORGE, KRUSE, MORSE, B STARR, C STARR, WHITSETT

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 applying for or renewing, replacing or reinstating driver license, driver permit or identification card to provide two forms of biometric data or to verify identity against biometric data in records of Department of Transportation. Allows department to charge \$2 per driver license, driver permit or identification card to cover costs of collecting and verifying biometric data.]

[Requires driver license to contain identifying information of person who issued license. Directs department to allow for issuance of license only by equipment that requires verification of two forms of biometric data from operator of equipment before license produced.]

Requires that person who applies for issuance, renewal or replacement of driver license, driver permit or identification card submit to collection of biometric data by Department of Transportation for purpose of establishing person's identity. Provides standards for determining when person's identity is established for purposes of issuance, renewal or replacement of driver license, driver permit or identification card.

Allows Department of Transportation to impose fee not to exceed \$3 per driver license, driver permit and identification card for purpose of covering costs of purchasing equipment and establishing and maintaining database used for collecting and verifying biometric data.

Directs department to issue license only with equipment that requires verification of identity of operator of equipment before license may be produced.

Directs department to provide for issuance of applicant temporary identification cards.

A BILL FOR AN ACT

1
2 Relating to security measures for documents issued by Department of Transportation; creating new
3 provisions; amending ORS 807.040, 807.110 and 807.400; repealing ORS 807.162; and limiting
4 expenditures.

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

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

8 **SECTION 2. "Biometric data" means measurements of the physical characteristics of an**
9 **individual's face that can be used to authenticate the identity of an individual.**

10 **SECTION 3. (1) A person who applies for issuance, renewal or replacement of a driver**
11 **license, driver permit or identification card shall submit to collection of biometric data by**
12 **the Department of Transportation for the purpose of establishing the person's identity.**
13 **Submitting to collection of biometric data under this section does not excuse a person from**
14 **responsibility for complying with requirements for proof of identity, age or residence pursu-**
15 **ant to ORS 807.050.**

16 **(2) For purposes of this section, a person's identity is established if:**

17 **(a) The department finds that the biometric data collected as required under subsection**
18 **(1) of this section match the biometric data that are already in the department's records for**

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 that person; or

2 (b) The department finds that the biometric data collected as required under subsection
3 (1) of this section do not match biometric data in the department's records for any other
4 person and the department does not otherwise have reason to believe that the person is not
5 who the person claims to be.

6 (3) If a person's identity is established as described in subsection (2) of this section, the
7 department shall mail the driver license, driver permit or identification card to the address
8 provided by the person when the person applied for the issuance, renewal or replacement of
9 the license, permit or identification card.

10 (4) If a person's identity is not established as described in subsection (2) of this section,
11 the department shall:

12 (a) Inform the person who submitted to collection of biometric data that the person's
13 identity was not established; and

14 (b) Provide the person with the opportunity to establish the person's identity by an al-
15 ternative method approved by the department by rule.

16 (5) If a person's identity was not established as described in subsection (2) of this section
17 and the department has reason to believe that the crime of identity theft, as described in
18 ORS 165.800, was committed by the person currently submitting to collection of biometric
19 data or by a person who previously submitted to collection of biometric data under the
20 identity of the person currently submitting to collection of biometric data, the department
21 shall notify a law enforcement agency that has jurisdiction over the crime.

22 (6) The department by rule shall establish procedures for providing expedited processing
23 of driver licenses, driver permits or identification cards.

24 (7) The department and employees of the department are immune from liability for any
25 damages resulting from the issuance, renewal or replacement of a driver license, driver
26 permit or identification card under another person's identity if the employee who processed
27 the biometric data for a license, permit or identification card established the applicant's
28 identity as described in subsection (2) of this section.

29 **SECTION 4.** (1) The Department of Transportation shall retain biometric data collected
30 by the department in the course of issuing, renewing or replacing driver licenses, driver
31 permits and identification cards.

32 (2) The biometric data may not be made available to anyone other than employees of the
33 department acting in an official capacity.

34 **SECTION 5.** (1) In addition to any fee imposed under ORS 807.370 and 807.410, the De-
35 partment of Transportation may impose a fee for each driver license, driver permit and
36 identification card that is issued, renewed or replaced, for the purpose of covering the costs
37 of purchasing equipment and establishing and maintaining a database used for collecting and
38 verifying biometric data.

39 (2) A fee imposed under this section may not be more than \$3 per driver license, driver
40 permit or identification card.

41 **SECTION 6.** ORS 807.040 is amended to read:

42 807.040. (1) The Department of Transportation shall issue a driver license to any person who
43 complies with all of the following requirements:

44 [(1)] (a) The person must complete application for a license under ORS 807.050.

45 (b) The person must submit to collection of biometric data by the department that es-

1 **tabish the identity of the person as described in section 3 of this 2005 Act.**

2 [(2)] (c) The person must not be ineligible for the license under ORS 807.060 and must be eligible
3 for the license under ORS 807.062.

4 [(3)] (d) The person must successfully pass all examination requirements under ORS 807.070 for
5 the class of license sought.

6 [(4)] (e) **The person must pay** the appropriate license fee under ORS 807.370 for the class of
7 license sought [*must be paid*].

8 [(5)] (f) **The person must pay** the Student Driver Training Fund eligibility fee [*must be paid*].

9 [(6)] (g) If the application is for a commercial driver license, the [*applicant*] **person** must be the
10 holder of a Class C license or any higher class of license.

11 [(7)] (h) If the application is for a commercial driver license, the [*applicant*] **person** must submit
12 to the department, in a form approved by the department, the report of a medical examination that
13 establishes[*to the satisfaction of the department,*] that the [*applicant*] **person** meets the medical re-
14 quirements for the particular class of license. The department, by rule, shall establish medical re-
15 quirements for purposes of this [*subsection*] **paragraph**. The medical requirements established under
16 this [*subsection*] **paragraph** may include any requirements the department determines are necessary
17 for the safe operation of vehicles permitted to be operated under the class of license for which the
18 requirements are established.

19 [(8)] (i) If the application is for a commercial driver license, the [*applicant*] **person** must have
20 at least one year's driving experience.

21 [(9)] (2) The department shall work with other agencies and organizations to attempt to improve
22 the issuance system for driver licenses.

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

24 807.110. (1) A license issued by the Department of Transportation shall [*comply with*] **contain**
25 all of the following:

26 [(1)] (a) [*A license shall bear*] The distinguishing number assigned to the person issued the li-
27 cense by the department.

28 [(2)] (b) [*A license shall contain,*] For the purpose of identification, a brief description of the
29 person to whom the license is issued.

30 [(3)] (c) [*A license shall contain*] The name, date of birth and, except as provided for officers or
31 eligible employees in ORS 802.250, residence address of the person to whom the license is issued and
32 a space for the person's signature.

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

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

37 [(6)] (f) Except as otherwise provided in this [*subsection*] **paragraph**, [*a license shall bear*] a
38 photograph described in this [*subsection*] **paragraph**. The Director of Transportation, by rule, may
39 provide for issuance of a valid license without a photograph if the applicant shows good cause. The
40 director shall include religious preferences as good cause for issuance of a license without a pho-
41 tograph but shall not limit good cause to religious grounds. A photograph required under this [*sub-*
42 *section*] **paragraph** shall:

43 [(a)] (A) Be a full-faced, color photograph of the person to whom the license is issued;

44 [(b)] (B) Be of a size approved by the department; and

45 [(c)] (C) Be taken at the time of application for issuance of the license whether the application

1 is for an original license, replacement of a license under ORS 807.160 or for renewal of a license
2 under ORS 807.150.

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

4 *[(8) (g) [A license shall indicate] The class of license issued and any endorsements granted. If*
5 *the license is a commercial driver license, the words “commercial driver license” or the letters*
6 *“CDL” shall appear on the license.*

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

8 *[(9) (3) The department shall use [such] security procedures, processes and materials in the*
9 *preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone’s*
10 *ability to alter, counterfeit, duplicate or modify the license without ready detection. The security*
11 *features used in the production of the licenses shall provide for:*

12 **(a) The [rapid] authentication of a genuine document in a reasonable time; and**

13 **(b) The production of the license only by equipment that requires verification of the**
14 **identity of the operator of the equipment before a license may be produced.**

15 **SECTION 8.** ORS 807.400 is amended to read:

16 807.400. (1) The Department of Transportation shall issue an identification card to any person
17 who:

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

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

20 (c) Furnishes such evidence of the person’s age and identity as the department may require[.];

21 **and**

22 **(d) Submits to collection of biometric data by the department that establish the identity**
23 **of the person as provided in section 3 of this 2005 Act.**

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

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

32 (4) Every identification card shall be issued upon the standard license form described under ORS
33 807.110 and shall bear a statement to the effect that the identification card is not a license or any
34 other grant of driving privileges to operate a motor vehicle and is to be used for identification
35 purposes only. The department shall use the same security procedures, processes, materials and
36 features for an identification card as are required for a license under ORS 807.110.

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

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

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

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

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

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

7 (a) Issue a new identification card containing the new address but bearing the same distin-
8 guishing number as the old identification card upon receipt of the old identification card and pay-
9 ment of the fee established for issuing a new identification card with a changed address under ORS
10 807.410.

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

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

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

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

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

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

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

42 **SECTION 9. Sections 10 to 12 of this 2005 Act are added to and made a part of the Oregon**
43 **Vehicle Code.**

44 **SECTION 10. (1) The Department of Transportation shall provide for the issuance of ap-**
45 **plicant temporary identification cards in a manner consistent with this section.**

1 (2) The department may issue an applicant temporary identification card to an applicant
2 while the department is determining all facts relative to the application for an identification
3 card.

4 (3) An applicant temporary identification card shall be valid for a period of 30 days from
5 the date issued. The department may extend the term of the applicant temporary identifica-
6 tion card for sufficient cause. An extension of the term of the applicant temporary identifi-
7 cation card may not be for more than 30 additional days. An applicant temporary
8 identification card automatically becomes invalid if the applicant's identification card is is-
9 sued or refused for good cause.

10 (4) The department may not charge a fee for issuance of an applicant temporary iden-
11 tification card under this section.

12 **SECTION 11.** If an applicant has complied with all requirements for an application for a
13 driver license, driver permit or identification card, the department at the time of application
14 may issue to the applicant:

15 (1) An applicant temporary driver permit as provided in ORS 807.310; or

16 (2) An applicant temporary identification card as provided in section 10 of this 2005 Act.

17 **SECTION 12.** Notwithstanding any provision of the Public Contracting Code, the Depart-
18 ment of Transportation may, without competitive sealed bidding, competitive sealed pro-
19 posals or other competition required in ORS 279B.050 to 279B.085, extend or amend any
20 contract related to the security procedures, processes and materials used in the preparation,
21 manufacture and issuance of driver licenses, driver permits and identification cards provided
22 that:

23 (1) The extended or amended contract is financially prudent; and

24 (2) The contract is not extended or amended beyond July 1, 2013.

25 **SECTION 13.** Section 11 of this 2005 Act is repealed on July 1, 2008.

26 **SECTION 14.** Section 12 of this 2005 Act is repealed on July 1, 2013.

27 **SECTION 15.** ORS 807.162 is repealed on July 1, 2008.

28 **SECTION 16.** Notwithstanding any other law limiting expenditures, the limitation on
29 expenditures established for the Department of Transportation for driver and motor vehicle
30 services, for the biennium beginning July 1, 2005, as the maximum limit for payment of ex-
31 penses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding
32 lottery funds and federal funds, collected or received by the Department of Transportation,
33 is increased by \$298,000 for the purpose of carrying out the provisions of sections 2 to 5 and
34 10 to 12 of this 2005 Act and the amendments to ORS 807.040, 807.110 and 807.400 by sections
35 6 to 8 of this 2005 Act.

36 **SECTION 17.** Sections 2 to 5 of this 2005 Act and the amendments to ORS 807.040, 807.110
37 and 807.400 by sections 6 to 8 of this 2005 Act become operative on July 1, 2008.

38 **SECTION 18.** The Department of Transportation may take any action before the opera-
39 tive date of sections 2 to 5 of this 2005 Act that is necessary to enable the department to
40 implement sections 2 to 5 of this 2005 Act and the amendments to ORS 807.040, 807.110 and
41 807.400 by sections 6 to 8 of this 2005 Act on and after the operative date of sections 2 to 5
42 of this 2005 Act.