

Senate Bill 640

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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to security measures for documents issued by Department of Transportation; creating new
3 provisions; and amending ORS 807.040, 807.110 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 ORS chapter 801.**

6 **SECTION 2. "Biometric data" means measurements of physical characteristics that are**
7 **unique to an individual and that can be used to authenticate the identity of an individual.**

8 **SECTION 3. ORS 807.040 is amended to read:**

9 807.040. (1) The Department of Transportation shall issue a driver license to any person who
10 complies with all of the following requirements:

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

12 **(b) The person must provide two forms of biometric data.**

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

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

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

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

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

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

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 requirements are established.

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

4 [(9)] (2) The department shall work with other agencies and organizations to attempt to improve
 5 the issuance system for driver licenses.

6 **SECTION 4.** ORS 807.110 is amended to read:

7 807.110. (1) A license issued by the Department of Transportation shall [comply with] **contain**
 8 all of the following:

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

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

13 **(c) Information about the two forms of biometric data provided by the person under ORS**
 14 **807.040.**

15 [(3)] (d) [A license shall contain] The name, date of birth and, except as provided for officers or
 16 eligible employees in ORS 802.250, residence address of the person to whom the license is issued and
 17 a space for the person’s signature.

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

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

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

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

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

30 [(c)] (C) Be taken at the time of application for issuance of the license whether the application
 31 is for an original license, replacement of a license under ORS 807.160 or for renewal of a license
 32 under ORS 807.150.

33 [(7)] (h) [A license is not valid until signed by] **The signature of** the person to whom it is issued.

34 [(8)] (i) [A license shall indicate] The class of license issued and any endorsements granted. If
 35 the license is a commercial driver license, the words “commercial driver license” or the letters
 36 “CDL” shall appear on the license.

37 **(j) Identifying information of the person who issued the license, including the name of**
 38 **the person and a unique number assigned to the person by the department.**

39 [(9)] (2) The department shall use such security procedures, processes and materials in the
 40 preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone’s
 41 ability to alter, counterfeit, duplicate or modify the license without ready detection. The security
 42 features used in the production of the licenses shall provide:

43 (a) For the rapid authentication of a genuine document.

44 **(b) Issuance of the license only by equipment that requires verification of two forms of**
 45 **biometric data from the operator of the equipment before a license may be produced.**

SECTION 5. 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[.];

and

(d) Provides two forms of biometric data.

(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.

- (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

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 6. The amendments to ORS 807.040, 807.110 and 807.440 by sections 3 to 5 of this**
28 **2005 Act apply to driver licenses, driver permits and identification cards issued on or after**
29 **the effective date of this 2005 Act.**

30 **SECTION 7. Sections 8 to 10 of this 2005 Act are added to and made a part of the Oregon**
31 **Vehicle Code.**

32 **SECTION 8. Prior to renewing, replacing or reinstating any driver license, driver permit**
33 **or identification card, the Department of Transportation shall:**

34 (1) **Require a person to provide two forms of biometric data if the person has not previ-**
35 **ously provided biometric data to the department; or**

36 (2) **Verify the person's identity by comparing the person's biometric data with the**
37 **biometric data that is in the records of the department.**

38 **SECTION 9. The Department of Transportation shall retain biometric data collected by**
39 **the department in the course of issuing, renewing, replacing or reinstating driver licenses,**
40 **driver permits and identification cards. The biometric data may not be made available to**
41 **anyone other than law enforcement officials and employees of the department acting in an**
42 **official capacity.**

43 **SECTION 10. In addition to any fee imposed under ORS 807.370, the Department of**
44 **Transportation may impose a fee for each driver license, driver permit and identification**
45 **card that is issued, renewed, replaced or reinstated for the purpose of covering the costs of**

1 **collecting and verifying biometric data. A fee imposed under this section may not be more**
2 **than \$2 per driver license, driver permit or identification card.**

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