

Chapter 807 — Driving Privileges, Licenses and Permits

2001 EDITION

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REQUIREMENT

807.010 Operating vehicle without driving privileges or in violation of license restrictions prohibited;

penalty. (1) A person commits the offense of vehicle operating without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, indorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS 809.210 or 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) The offense described in subsection (1) of this section, vehicle operating without driving privileges, is a Class B traffic violation.

(5) The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic violation. [1985 c.608 §5 (enacted in lieu of 1983 c. 338 §299); 1987 c.730 §10; 1999 c.328 §6]

STATUTORY PRIVILEGES

807.020 Exemptions from requirement to have Oregon license or permit. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person by the person's home jurisdiction. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

- (a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;
- (b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction; or
- (c) That exceed the driving privileges granted to the person by the home jurisdiction of the person.

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person:

- (a) Has a current out-of-state license or driver permit issued by the Armed Forces; and
 - (b) Is operating an official motor vehicle in the course of the person's duties in the Armed Forces.
- (3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

(9) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

(10) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

(11) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving

privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(12) A person who does not hold a motorcycle indorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab; or

(b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

(13) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

(14) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

(15) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

(16) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person by the person's home jurisdiction. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280. [1983 c.338 §300; 1985 c.16; 123; 1985 c.608 §13; 1987 c.217 §5; 1993 c.83 §1; 1995 c.774 §14; 1997 c.400 §6; 2001 c.749 §21]

807.030 [1985 c.608 §8; 1987 c.744 §1; repealed by 1989 c.636 §54]

LICENSES, INDORSEMENTS AND PERMITS

(Licenses)

807.031 Classes of license. This section describes the type of driving privileges granted by the various licenses issued by this state. Licenses are established by class with the highest class being Class A commercial. Each class of license grants driving privileges for that class and for all lower classes. No license grants driving privileges for which an indorsement is required. The following licenses grant the driving privileges described:

(1) A Class A commercial driver license authorizes a person to operate any vehicle or combination of vehicles except that the person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.

(2) A Class B commercial driver license authorizes a person to operate any single vehicle and to tow a vehicle that is not in excess of 10,000 pounds gross vehicle weight rating. The person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.

(3) A Class C commercial driver license authorizes a person to operate:

(a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;

(b) Any vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;

(c) Any vehicle that is used in the transportation of hazardous materials if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has the proper indorsement; and

(d) Any vehicle that may be operated by the holder of a Class C license.

(4) A Class C driver license authorizes a person to operate any vehicle for which a commercial driver license is not required except that the person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.

(5) A restricted Class C license authorizes a person to operate a moped or to operate under one of the permits described in ORS 807.200 as constituting a restricted Class C license. The person may not operate any vehicle for which an indorsement is required or be granted any indorsements for the license. [1989 c.636 §12]

807.032 [1989 c.636 §12a; repealed by 1997 c.83 §1]

807.035 Kinds of indorsements. This section describes the type of driving privileges granted by various

indorsements issued by this state. The following indorsements grant the driving privileges described:

- (1) A motorcycle indorsement authorizes a person to operate any motorcycle.
- (2) A hazardous materials indorsement authorizes a person to operate a vehicle transporting hazardous materials.
- (3) A tank vehicle indorsement authorizes a person to operate tank vehicles.
- (4) A passenger indorsement authorizes a person to operate vehicles designed to transport 16 or more persons, including the driver.
- (5) A trailer indorsement authorizes a person to operate double and triple trailers.
- (6) A combined indorsement authorizes a person to operate a tank vehicle, transport hazardous materials and transport hazardous materials in a tank vehicle.
- (7) A Class A farm indorsement authorizes a person to:
 - (a) Operate or tow any vehicle that can be operated by the holder of a Class A commercial driver license if the vehicle is:
 - (A) Controlled or operated by a farmer;
 - (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - (C) Not used in the operation of a common or contract motor carrier; and
 - (D) Used within 150 miles of the farmer's farm.
 - (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting hazardous materials if the vehicle is placarded in accordance with law.
- (8) A Class B farm indorsement authorizes a person to:
 - (a) Operate or tow any vehicle that can be operated or towed by the holder of a Class B commercial driver license if the vehicle is:
 - (A) Controlled or operated by a farmer;
 - (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - (C) Not used in the operation of a common or contract motor carrier; and
 - (D) Used within 150 miles of the farmer's farm.
 - (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting hazardous materials if the vehicle is placarded in accordance with law. [1989 c.636 §13; 1991 c.185 §3; 1993 c.288 §1]

807.036 Exceptions to indorsement requirement for tow vehicle operator. Notwithstanding any other provision of law, the operator of a tow vehicle is not required to have an indorsement for towing a disabled vehicle that can be operated only by a person with an indorsement if the towing operation is the first move of the disabled vehicle and is performed as an emergency service or if it is a subsequent move of an empty vehicle that requires a passenger indorsement for operation. [1989 c.636 §13a; 1991 c.185 §4]

807.040 Requirements for issuance; rules; fees. The Department of Transportation shall issue a driver license to any person who complies with all of the following requirements:

- (1) The person must complete application for a license under ORS 807.050.
- (2) The person must not be ineligible for the license under ORS 807.060 and must be eligible for the license under ORS 807.062.
- (3) The person must successfully pass all examination requirements under ORS 807.070 for the class of license sought.
- (4) The appropriate license fee under ORS 807.370 for the class of license sought must be paid.
- (5) The Student Driver Training Fund eligibility fee must be paid.
- (6) If the application is for a commercial driver license, the applicant must be the holder of a Class C license or any higher class of license.
- (7) If the application is for a commercial driver license, the applicant must submit to the department, in a form approved by the department, the report of a medical examination that establishes, to the satisfaction of the department, that the applicant meets the medical requirements for the particular class of license. The department, by rule, shall establish medical requirements for purposes of this subsection. The medical requirements established under this subsection may include any requirements the department determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established.
- (8) If the application is for a commercial driver license, the applicant must have at least one year's driving experience.
- (9) The department shall work with other agencies and organizations to attempt to improve the issuance system for

driver licenses. [1983 c.338 §301; 1985 c.16 §124; 1985 c.182 §2; 1985 c.608 §14a; 1989 c.636 §16; 1991 c.709 §1; 1993 c.751 §34; 2001 c.668 §8]

807.045 Issuance of commercial license to person who holds out-of-state commercial license. (1) In order to be authorized to drive a commercial motor vehicle in this state, a person who holds a commercial driver license issued by a jurisdiction other than Oregon must, within 30 days of becoming domiciled in Oregon:

(a) Apply to the Department of Transportation for an Oregon commercial driver license;
(b) Certify to the department that the applicant's current commercial driver license is not subject to any disqualification, suspension, revocation or cancellation and that the applicant does not have a commercial driver license from more than one jurisdiction; and

(c) Surrender any commercial driver license issued to the applicant by another jurisdiction.

(2) The department shall issue a commercial driver license to a person who complies with subsection (1) of this section if the department determines that the person is eligible for a commercial driver license. In order to determine eligibility under this section, the department may require from the applicant any additional information that it determines necessary and may require the applicant to pass any examinations, tests or demonstrations that the department determines necessary.

(3) For purposes of this section, a person is domiciled in this state if the person meets the criteria described in ORS 803.355. [1989 c.636 §14]

807.050 Application. 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 officers 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. [1983 c.338 §302; 1985 c.16 §125; 1985 c.563 §5; 1985 c.597 §7; 1985 c.608 §15; 1989 c.636 §17; 1991 c.67 §216; 1991 c.523 §5; 1993 c.751 §35]

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

(1) A person under 16 years of age.

(2)(a) A person under 18 years of age who is not an emancipated minor unless the application of the person is signed by the person's mother, father or guardian or, if the person has no father, mother or guardian, by the person's employer. A person who signs an application under this paragraph may have the driving privileges canceled as provided under ORS 809.320.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) 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 license. [1983 c.338 §303; 1985 c.16 §126; 1985 c.396 §7; 1985 c.597 §8; 1985 c.608 §16; 1985 c.669 §8; 1987 c.137 §2; 1989 c.224 §137; 1989 c.636 §18; 1989 c.715 §5; 1991 c.702 §22; 1991 c.802 §1; 1993 c.751 §36; 1999 c.328 §5; 1999 c.619 §5; 2001 c.176 §3]

807.062 Domicile or residency requirement for driver license. (1) Unless otherwise specifically provided by law, in order to be eligible for a driver license or permit issued by this state a person must be domiciled in or resident of this state.

(2) Unless otherwise specifically provided by law, a person who is a resident of this state may not operate a motor vehicle in this state unless the person receives a driver license or permit from the Department of Transportation.

(3) For purposes of this section, "domicile" has the meaning given in ORS 803.355.

(4) For purposes of this section, a person is a resident of this state if the person engages in any gainful employment in this state or takes any action to indicate the acquiring of residence in this state. Action to acquire residence includes, but is not limited to, doing any of the following:

(a) Remaining in this state for a consecutive period of six months or more regardless of the domicile of the person.

(b) Placing children in a public school without payment of nonresident tuition fees.

(c) Making a declaration to be a resident of this state for the purpose of obtaining, at resident rates, a state license or tuition fees at an educational institution maintained by public funds.

(5) Notwithstanding subsection (4) of this section, a person who is gainfully employed in this state shall not be considered a resident of the state if the person has taken no other steps to become a resident. This section applies, but is not limited to, a student at an educational institution maintained by public funds who is paying nonresident tuition rates. [1993 c.751 §33]

807.065 Additional eligibility requirements for persons under 18 years of age; provisional driver license. (1) The Department of Transportation shall not issue a driver license to a person who is under 18 years of age unless the person:

(a) Complies with the requirements of ORS 807.040 and 807.066;

(b) Passes an examination designed to test the person's knowledge and understanding of safe driving practices, in addition to any examination required under ORS 807.070;

(c) Has had an instruction driver permit issued under ORS 807.280 for at least six months prior to application for the license;

(d) Certifies to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years;

and

(e) Completes a traffic safety education course that meets standards developed by the department under ORS 802.345. In lieu of completion of a traffic safety education course, a person may certify to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years, in addition to the 50 hours required by paragraph (d) of this subsection.

(2) A person under 18 years of age need not comply with the requirements of subsection (1)(c), (d) and (e) of this section if the person has been issued a driver license by another state and surrenders that license in order to get an Oregon license.

(3) If the person takes but does not pass a test that consists of an actual demonstration of driving ability under ORS 807.070, the department may not allow the person to perform the demonstration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a period of not less than one month.

(4) A driver license issued pursuant to this section shall be a provisional driver license.

(5) The department shall prominently identify each driver license issued pursuant to this section as a provisional driver license. [1989 c.715 §2; 1993 c.751 §37; 1999 c.328 §1; 1999 c.789 §5; 2001 c.176 §4]

807.066 School requirements for persons under 18 years of age. The Department of Transportation shall not issue driving privileges to a person who is under 18 years of age unless the person:

(1) Has graduated from high school and provides the department with proof of graduation satisfactory to the department;

(2) Has received a General Educational Development (GED) certificate from a community college and provides the department with proof of the certificate satisfactory to the department;

(3) Provides the department with a form provided by the department and signed by the principal, or the designee of the principal, of the secondary school attended by the person that declares that the person is enrolled in a secondary school of this state or any other state;

(4) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a General Educational Development (GED) certificate;

(5) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a high school diploma;

(6) Provides the department with a form provided by the department and signed by the authorized representative of the education service district or school district having jurisdiction over the area of the person's residence that declares that the person is being taught by a private teacher or parent in compliance with ORS 339.035;

(7) Provides the department with documentation satisfactory to the department that indicates that the person is exempted from school attendance requirements due to circumstances beyond the control of the person; or

(8) Provides the department with documentation satisfactory to the department that the person is exempt under ORS 339.030 (2) from the requirement to attend school. [1999 c.789 §2]

807.070 Examinations. The Department of Transportation shall administer an examination to establish qualification for each class of license and indorsement. The examination for each class of license or indorsement shall include all of the following as described:

(1) A test of the applicant's eyesight.

(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. The following all apply to the test under this subsection:

(a) The test shall not cover any subject that is not presented in the publications of the department intended for the instruction of applicants for licenses and driver permits.

(b) The test for each class of license and indorsement shall include, but is not limited to, a test of knowledge and understanding of traffic laws that relate specifically to the type of driving privileges granted under the specific class of license or indorsement sought.

(c) The test under this subsection shall include, but is not limited to, the following subjects:

(A) Rights of blind pedestrians.

(B) The meaning of official traffic signs and signals.

(C) Proper operating procedure in emergency situations.

(D) Vehicle safety equipment and its use.

(E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

(d) The department may waive the test under circumstances described in ORS 807.072.

(3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property. The following apply to this subsection:

(a) The actual demonstration for each class of license shall be performed in a vehicle that may be operated under the class of license sought, but that may not be operated under lower classes of license.

(b) An actual demonstration for a passenger indorsement shall be performed in a vehicle that is designed to transport 16 or more persons, including the driver.

(c) The department may waive the demonstration under circumstances described in ORS 807.072.

(4) Any other examination or test, including demonstrations, that the department determines may be necessary to assist the department in establishing whether the applicant is eligible for a license under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the highways of this state. In any examination or test under this subsection, the department shall only conduct an investigation for facts relating directly to the ability of the applicant to operate a motor vehicle safely or other facts that are specifically required to show the fitness of the applicant for license. [1983 c.338 §304; 1985 c.608 §17; 1989 c.636 §19; 1993 c.309 §1; 1997 c.83 §2; 1999 c.1051 §87; 2001 c.410 §1]

807.072 Waiver of certain examinations, tests and demonstrations; rules. (1) The Department of Transportation, by rule, may waive any examination, test or demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives satisfactory proof that the person required to take the examination, test or demonstration has passed an examination, test or demonstration approved by the department that:

(a) Is given in conjunction with a traffic safety education course certified by the department under ORS 802.345;

(b) Is given in conjunction with a motorcycle rider education course established under ORS 802.320; or

(c) Is given in conjunction with a course conducted by a commercial driver training school certified by the department under ORS 822.515.

(2) The department, by rule, may waive the actual demonstration required under ORS 807.070 (3) for an applicant for a commercial driver license or a Class C license if the applicant holds a valid out-of-state license or applies for an Oregon license within one year of the expiration of a valid out-of-state license. A demonstration may be waived under this subsection only if the person has applied for the same driving privileges as those granted under the person's out-of-state license or for privileges granted by a lower class of license.

(3) The department may waive the actual demonstration required under ORS 807.070 for any applicant for a commercial driver license who submits to the department a certificate of competency, issued under ORS 807.080 for the class of license sought or under other circumstances, established by the department by rule, if the applicant establishes the applicant's ability to drive without an actual demonstration.

(4) The department may issue a Class A farm indorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class A commercial driver license and the person's two-part driving record does not show either a traffic accident within two years of the date of application for the indorsement or a conviction for one of the following traffic crimes within five years of the date of application for the indorsement:

(a) Reckless driving, as defined in ORS 811.140.

(b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(c) Failure to perform the duties of a driver involved in an accident or collision, as described in ORS 811.700 or 811.705.

(d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(5) The department may issue a Class B farm indorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class B commercial driver license and the person's two-part driving record does not show either a conviction for a traffic crime specified in subsection (4) of this section within five years of the date of application for the indorsement or a traffic accident within two years of the date of application for the indorsement.

(6) The department by rule may establish other circumstances under which a farm indorsement may be issued

without an actual demonstration. The authority granted by this subsection includes, but is not limited to, authority to adopt rules specifying circumstances under which the indorsement may be granted to a person despite the appearance of traffic accidents on the person's record. [2001 c.410 §3]

807.080 Driver competency testing certificates; waiver of demonstration test for persons certified; rules; fees.

- (1) The Department of Transportation, by rule, shall provide for the following in a manner consistent with this section:
 - (a) The issuance of driver competency testing certificates.
 - (b) The regulation of persons issued driver competency testing certificates.
- (2) A person issued a driver competency testing certificate under this section may certify, in a manner established by the department, the competency of drivers to safely exercise driving privileges granted only under one or more of the following:
 - (a) A Class A commercial driver license.
 - (b) A Class B commercial driver license.
 - (c) A Class C commercial driver license.
- (3) The department may waive an actual demonstration of ability to operate a motor vehicle under ORS 807.070 for an applicant who is certified by the holder of a driver competency testing certificate as competent to exercise the driving privileges in the class of license sought by the applicant.
- (4) The rules adopted by the department under this section may include any of the following:
 - (a) The rules may establish reasonable fees for the issuance of a certificate or as part of any program of regulating certificate holders that is established by the department.
 - (b) The department may make the certificate renewable upon any basis determined convenient by the department and may include provisions for cancellation, revocation or suspension of certificates or for probation of certificate holders.
 - (c) The department may provide for the issuance of certifications allowing the holder to certify competency in several classes or types of driving privileges or limiting the classes or types of driving privileges for which the holder may certify competency.
 - (d) The department may establish the forms of certificates to be issued.
 - (e) The department may establish and require forms that are to be used by certificate holders in certifying competency.
 - (f) The department may establish any qualifications or requirements for obtaining a certificate that the department determines necessary to protect the interests of persons seeking certification by certificate holders.
 - (g) The department may issue certificates to publicly owned and operated educational facilities to allow programs for certification of competency.
 - (h) The department may issue certificates to employers to allow the employers to establish programs primarily for the certification of employees' competency. The department may provide that programs established under this paragraph may be operated without driver training school certificates under ORS 822.500 and without driver training instructor certificates under ORS 822.525.
 - (i) The department may establish any other provisions or requirements necessary to carry out the purposes of this section. [1985 c.608 §36; 1989 c.636 §20]

807.090 Establishing eligibility notwithstanding disease or disability. (1) If the Department of Transportation determines that a person may be ineligible for a license because the person has a history of any physical or mental disease or disability that may impair the person's ability to safely operate a motor vehicle, the person may establish eligibility for a license, notwithstanding the disability or disease:

- (a) By personally demonstrating to the satisfaction of the department that notwithstanding the disease or disability the person is qualified to safely operate a motor vehicle; or
 - (b) If the department reasonably believes that, notwithstanding the demonstration under paragraph (a) of this subsection, the person's disease or disability may impair the ability of the person to safely operate a motor vehicle, by obtaining a certificate of eligibility from the State Health Officer under this section.
- (2) The State Health Officer shall issue to the department a certificate of eligibility required under this section if an applicant for a certificate establishes to the satisfaction of the State Health Officer that the person's disease or disability does not impair the ability of the person to safely operate a motor vehicle. The State Health Officer shall use the following to establish qualification for a certificate of eligibility under this subsection:
- (a) A report submitted by the applicant from the applicant's physician, nurse practitioner or physician assistant of

the applicant's condition.

(b) If the applicant's condition apparently involves only visual deficiencies, the department may require an applicant to submit a report from a licensed optometrist or a licensed physician who specializes in diagnosis and treatment of diseases of the eye.

(c) The State Health Officer may require an examination and a written report of findings and recommendations from a physician, nurse practitioner or physician assistant designated by the State Health Officer in addition to other reports submitted.

(3) If a person establishes eligibility for a license under this section by obtaining a certificate of eligibility, the department may require the person to reestablish eligibility at reasonable intervals. The frequency of reestablishing eligibility under this subsection shall be established by the State Health Officer after reviewing recommendations from the physician, nurse practitioner or physician assistant of the person required to reestablish eligibility.

(4) The State Health Officer may enter into an agreement with any physician, nurse practitioner or physician assistant allowing the physician, nurse practitioner or physician assistant to perform the duties assigned to the State Health Officer by this section. [1983 c.338 §305; 1989 c.224 §138; 1993 c.309 §2; 1999 c.770 §1]

807.100 Medical certificates; when required. A vehicle that may be operated only by the holder of a commercial driver license may be operated only when a medical certificate approved by the Department of Transportation is in the licensee's immediate possession and has been issued within two years prior to the date of operation of the vehicle. The holder of a commercial driver license who does not have a medical certificate required by this section may exercise driving privileges granted by a Class C license. [1985 c.608 §8a; 1989 c.636 §21]

807.110 Contents of license. 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 officers 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. [1983 c.338 §306; 1985 c.16 §127; 1985 c.563 §6; 1985 c.608 §18; 1989 c.636 §22; 1991 c.67 §217; 1991 c.523 §6; 1993 c.751 §39]

807.115 Duplicate images of photographs. The Department of Transportation shall retain a duplicate image of each photograph used on a driver license under the provisions of ORS 807.110 or an identification card under ORS 807.400. The duplicates may not be made available to anyone other than law enforcement officials and employees of the department acting in an official capacity. [1989 c.902 §2]

807.120 Restrictions generally. (1) The Department of Transportation may place restrictions on driving privileges granted a person if the department determines that there is good cause to restrict the driving privileges of the person in order to insure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a license by the department under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include:

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the person; or

(c) Any other restrictions the department determines appropriate to insure the safe operation of a motor vehicle by the person.

(3) The department shall place a restriction on the commercial driver license of a person who performs the skill demonstration required under ORS 807.070 for issuance of a commercial license in a vehicle that is not equipped with air brakes. A restriction imposed under this subsection prohibits the person from operating commercial motor vehicles equipped with air brakes.

(4) The department may impose restrictions under this section by setting forth the restrictions on the regular license form or by issuing a special form for licenses with restrictions.

(5) The department shall place restrictions on driving privileges under this section when ordered by a court under ORS 809.210 or 809.270. Any restriction imposed under this subsection shall be made a part of the person's driving record and shall remain in effect until the court notifies the department in writing that the restrictions are removed.

(6) The department may impose restrictions under this section on driving privileges that are restored after having been suspended or revoked. The restrictions imposed under this subsection may include any restrictions that have been recommended by a convicting magistrate.

(7) The use of the term "restrictions" in this section includes any restrictions, conditions or requirements.

(8) Violation of any restrictions placed on driving privileges under this section is punishable as provided under ORS 807.010. [1983 c.338 §307; 1985 c.16 §128; 1989 c.636 §23]

807.122 Restrictions on operation with provisional driver license. (1) The Department of Transportation shall place the following restrictions on a provisional driver license issued under ORS 807.065:

(a) Except as provided in subsection (2) of this section, for the first six months after issuance of the license, the holder of the license may not operate a motor vehicle that is carrying a passenger under 20 years of age who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under 20 years of age and who are not members of the holder's immediate family.

(b) For the first year after issuance of the license, the holder of the license may not operate a motor vehicle between the hours of 12 midnight and 5 a.m. except when:

(A) The holder is driving between the holder's home and place of employment;

(B) The holder is driving between the holder's home and a school event for which no other transportation is available;

(C) The holder is driving for employment purposes; or

(D) The holder is accompanied by a licensed driver who is at least 25 years of age.

(2) Subsection (1)(a) of this section does not apply to the holder of a provisional driver license who:

(a) Is employed by a farmer, rancher or orchardist;

(b) Is operating, solely for employment purposes, a motor vehicle that is owned by the employer and for which financial responsibility requirements of ORS 806.060 have been met;

(c) Is transporting passengers who are employed by the same employer as the driver and who are being transported solely for employment purposes;

(d) Is not transporting more passengers than the number of available seat belts; and

(e) Has in the vehicle a written statement signed by the employer certifying that the driver is employed by the employer and that there is no other option for transporting the employees.

(3) Subsection (1)(a) of this section does not apply to a holder of a license who is 16 or 17 years of age and who is operating a motor vehicle with an instructor in the vehicle as part of a certified traffic safety education course. [1999 c.328 §3; 2001 c.410 §6; 2001 c.608 §1]

807.130 Expiration. (1) Except as otherwise provided in this section, a license that is issued as an original license

and not as a license that is renewed expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of issuance.

(2) A license that is renewed under ORS 807.150 expires eight years from the specified expiration date of the immediately preceding license.

(3) A license that has expired does not grant driving privileges and is not valid evidence of driving privileges. [1983 c.338 §308; 1985 c.16 §129; 1999 c.91 §1]

Note: Sections 9 and 10, chapter 91, Oregon Laws 1999, provide:

Sec. 9. The Department of Transportation may adopt any rules the department determines necessary for an orderly transition to an eight-year cycle for issuing and renewing driver licenses, disability golf cart driver permits, identification cards and disabled person parking permits. The rules may include but need not be limited to:

(1) Provisions for issuing one four-year renewal when a person who holds a valid license, card or permit on the effective date of this 1999 Act [October 23, 1999] is authorized to renew the license, card or permit by mail.

(2) Provisions for charging the renewal fees in effect just prior to the effective date of this 1999 Act for a person who is authorized to renew a license, card or permit for a four-year period under the rules.

(3) Provisions for issuing a duplicate or replacement license that expires eight years after the date it is issued. [1999 c.91 §9]

Sec. 10. Section 9 of this 1999 Act is repealed on December 31, 2008. [1999 c.91 §10]

807.140 Notice prior to expiration; exceptions; effect of failure to notify; records. (1) Before the expiration of any license or a license with an indorsement under the vehicle code, the Department of Transportation shall notify the person to whom the license was issued of the approaching expiration. Within a reasonable time prior to the expiration date, the notice shall be mailed to the person to whom the license was issued at the address shown in the files maintained by the department.

(2) The department is not required to notify the person of an approaching expiration if the person's license has been suspended, canceled or revoked or if the person has failed to notify the department of a change of address as required under ORS 807.560.

(3) Failure to receive a notice of expiration from the department is not a defense to a charge of driving with an expired license. However, the court may dismiss the charge if the person renews the license before the scheduled court appearance.

(4) The department responsibility to maintain records concerning notice under this section is as provided under ORS 802.210. [1983 c.338 §309; 1985 c.16 §130; 1985 c.597 §9; 1993 c.751 §41]

807.150 Renewal. (1) When a license expires or is about to expire, the Department of Transportation shall renew the license under this section if the holder of the license qualifies for renewal of the license under this section and:

(a) Applies for renewal within one year of the expiration of a similar license under ORS 807.130; or

(b) Applies for issuance of a license within six months after the applicant is discharged from the Armed Forces of the United States and was licensed by this state at the time of the applicant's entry into the Armed Forces.

(2) To qualify for renewal of a license under this section, a person must meet all of the requirements under ORS 807.040 for the class of license sought to be renewed, except that the department may waive the examination under ORS 807.070 of a person applying for renewal of a license unless the department has reason to believe that the applicant is not qualified to hold the license or unless the applicant for renewal has not previously been examined.

(3) To receive a renewal under this section, the license renewal fee and the Student Driver Training Fund eligibility fee under ORS 807.370 must be paid.

(4) If a person who applies for a renewal under this section is not qualified to renew the class of license sought to be renewed, the department may issue the person any lower class of license for which the person qualifies in lieu of renewing the person's license for the class of license held by the person.

(5) A license that is renewed under this section may be used on or after the date of issuance. If the department issues a license renewal to a person under this section before the expiration of the license being renewed, the older license is invalid. A license that becomes invalid under this subsection shall be destroyed by the person to whom it was issued.

(6) If the address of the applicant has changed since the last time a license was issued to or renewed for the applicant, the department shall require proof to verify the address of an applicant for renewal of a license in addition to anything else the department may require of the applicant. [1983 c.338 §310; 1985 c.16 §131; 1985 c.597 §10; 1985

c.608 §19; 1991 c.709 §2; 1993 c.751 §42; 2001 c.668 §9]

- 807.160 Duplicate or replacement license.** (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 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.
- (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. [1983 c.338 §313; 1985 c.16 §133; 1985 c.174 §9; 1985 c.258 §4; 1985 c.396 §8; 1985 c.563 §7; 1985 c.597 §12a; 1985 c.669 §9; 1989 c.535 §1; 1991 c.67 §218; 1991 c.523 §7; 1991 c.702 §23; 1993 c.393 §2; 1993 c.751 §43]

807.162 Proof of identity for replacement license, permit or identification card; exception. (1) Prior to issuing a replacement identification card, driver permit or driver license to a person who is applying in person, the Department of Transportation shall require one of the following proofs of identity in addition to the proofs of identity, age and residence required by rule:

- (a) An original or certified copy of a birth certificate.
 - (b) A photo identification card including but not limited to a military or armed forces identification card, an alien registration card, a passport or a valid state or Canadian identification card.
- (2) For the purposes of subsection (1) of this section, "birth certificate" means a certificate issued by the State of Oregon or another jurisdiction. "Birth certificate" does not include a hospital birth certificate, a hospital card, a birth registration or a baptismal certificate.
- (3) Subsection (1) of this section does not apply if the Department of Transportation is able to verify the person's identification through a duplicate image of a photograph retained by the department under ORS 807.115. [2001 c.789 §2]

(Indorsements)

- 807.170 Requirements for issuance; fees; cancellation.** (1) The Department of Transportation shall provide for the granting of driver license indorsements in a manner consistent with this section.
- (2) The department shall grant an indorsement to any person who complies with all of the following requirements:
- (a) The person must hold a valid license other than a restricted Class C license issued under the vehicle code.

(b) The person must successfully complete any tests and demonstrations referred to in ORS 807.070 that the department determines necessary to determine whether the applicant is qualified for the type of indorsement sought. The actual demonstration required under ORS 807.070, if any, must be performed in a vehicle that may be operated under the indorsement sought but that may not be operated without the indorsement. Tests shall include, but are not limited to, those tests necessary to determine whether the applicant:

(A) Has satisfactory knowledge of laws relating to operation under the type of indorsement sought, defensive driving skills, the common causes of accidents involving vehicles operated under the type of indorsement sought; and

(B) Can operate under the indorsement in a manner that will not jeopardize the safety of persons or property.

(c) The appropriate fee under ORS 807.370 for the indorsement, including the fee for the Motorcycle Safety Subaccount, must be paid.

(d) If the person is under 21 years of age and an applicant for a motorcycle indorsement, the person must comply with ORS 807.175.

(3) An indorsement granted under this section is subject to the following:

(a) It is part of the license upon which it is indorsed and is subject to any provisions applicable to the indorsed license under the statutes of this state.

(b) It is valid only if the license indorsed is valid.

(c) The appropriate fee under ORS 807.370 must be paid upon renewal of the indorsement in addition to any fee for renewal of the license indorsed.

(d) Except as provided under ORS 807.350 or as specifically provided under ORS 809.410 an indorsement cannot be canceled, suspended or revoked separately from the license indorsed. When an indorsed license is canceled, suspended or revoked, all indorsements on the license are subject to the same cancellation, suspension or revocation as the license.

(4) Before the department may renew any license with a motorcycle indorsement, the applicant shall pay the department the Motorcycle Safety Subaccount fee established under ORS 807.370 in addition to any fee for renewal of the license. [1983 c.338 §312; 1985 c.16 §132; 1985 c.608 §20; 1989 c.427 §4; 1989 c.636 §24; 1997 c.292 §2]

807.175 Motorcycle education course for persons under 21 years of age. The Department of Transportation may not issue a motorcycle indorsement to any person who is under 21 years of age unless the person shows to the satisfaction of the department that the person has successfully completed a motorcycle rider education course established by the department under ORS 802.320. This requirement is in addition to any other requirement for the indorsement. [1989 c.427 §2; 1991 c.453 §13; 1993 c.288 §2; 1997 c.292 §3]

(Permits)

807.200 Types of permit. (1) The following permits may be issued as restricted Class C licenses:

(a) Disability golf cart driver permits described under ORS 807.210.

(b) Emergency driver permits described under ORS 807.220.

(c) Special student driver permits described under ORS 807.230.

(2) Hardship driver permits described under ORS 807.240 and probationary driver permits described under ORS 807.270 may be issued as Class A commercial, Class B commercial, Class C commercial or Class C licenses. The licensee must have qualified for the class of license issued. Restrictions on the license shall be as provided under ORS 807.240 and 807.270.

(3) Instruction driver permits described under ORS 807.280 may be issued for any class of commercial driver license and for a Class C license. A person must have a Class C license before obtaining a Class A commercial, Class B commercial or Class C commercial instruction driver permit.

(4) Motorcycle instruction driver permits described under ORS 807.280 may be issued only to persons having a commercial driver license or a Class C license. [1985 c.608 §8b; 1987 c.801 §2; 1989 c.636 §25]

807.210 Disability golf cart permit. The Department of Transportation shall provide for issuance of disability golf cart driver permits in a manner consistent with this section. A disability golf cart driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a disability golf cart driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class C license. The following apply to a disability golf cart driver permit:

(1) The department shall issue a disability golf cart driver permit only to persons with ambulatory disabilities.

(2) The department shall issue a disability golf cart driver permit to an applicant who would not qualify for a license because of the person's disability if the department determines that the person's disability does not prevent the person from reasonable and ordinary control of vehicles operated under the permit when operated as allowed under the permit.

(3) In addition to any other restrictions placed on the permit by the department, the permit only grants driving privileges for the operation of golf carts or substantially similar vehicles on roads or streets in an area with a speed designation not greater than 25 miles per hour.

(4) The department may require an applicant for the permit to demonstrate that the applicant is qualified to safely exercise the driving privileges granted under a disability golf cart driver permit notwithstanding the disability of the person.

(5) The fees for issuance or renewal of a disability golf cart driver permit are the disability golf cart driver permit issuance or renewal fees established under ORS 807.370. This subsection only affects the fees payable for issuance and renewal and is not an exemption from payment of other fees payable at the time of issuance and renewal of a license.

(6) A person with a disability golf cart driver permit who commits the offense of violation of license restrictions under ORS 807.010 by driving on a road or street in an area with a speed designation greater than 25 miles per hour commits a Class D traffic violation. [1983 c.338 §321; 1985 c.16 §139; 1985 c.608 §25; 1989 c.636 §26]

807.220 Emergency driver permit; fees. (1) The Department of Transportation shall provide for the issuance of emergency driver permits in a manner consistent with this section.

(2) Except as otherwise provided in this section an emergency driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class C license.

(3) The following apply to an emergency driver permit:

(a) The department may issue an emergency driver permit to a person 14 years of age or older.

(b) The department shall place restrictions on the permit that designate the routes over which the permit is valid. The department shall designate routes it determines necessary from the facts creating the emergency.

(c) The permit shall only be issued if the department is satisfied that an emergency exists that requires operation of a motor vehicle by the applicant.

(d) The department may establish a form for the permit that differs from the form required for a license.

(e) The only fee required for issuance of the permit is the emergency driver permit fee under ORS 807.370.

(f) The department may establish a period for the expiration of the permit that coincides with the end of the emergency that is the basis for the permit.

(g) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807.370.

(h) The department shall cancel the permit if the department determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than one approved under the permit.

(i) If an emergency driver permit is canceled, the person issued the permit is ineligible to be issued another emergency driver permit for a period of one year.

(j) In addition to any other application requirements for the emergency driver permit, the applicant must obtain the indorsement on the application of the sheriff of the county in which the applicant resides.

(4) The department may issue an emergency driver permit, if the person qualifies for the permit, to a person whose driving privileges are suspended under ORS 809.280 because the department has received an order of denial of driving privileges under ORS 809.260. For purposes of this subsection an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of this section in addition to other emergency situations. [1983 c.338 §322; 1985 c.16 §140; 1985 c.174 §10; 1985 c.608 §26; 1987 c.262 §1; 1989 c.636 §27; 2001 c.410 §4]

807.230 Special student driver permit; rules. The Department of Transportation shall provide for issuance of special student driver permits in a manner consistent with this section. A special student driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a special student driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class C license. The following apply to a special student driver permit:

(1) The department may issue a special student driver permit to a person 14 years of age or older.

(2) The department shall place restrictions on the permit to limit operation of a vehicle under the permit to

operation necessary as a means of transportation to or from the school, college or other educational institution attended by the person to whom the driver permit is issued.

(3) The permit shall only be issued if the applicant has no other available means of transportation by which to continue the applicant's education.

(4) The permit shall only be issued if the department is satisfied that the applicant has had sufficient experience in the operation of motor vehicles to operate a motor vehicle without endangering the safety of the public.

(5) The department may establish a form for the permit that differs from the form required for a license that is issued.

(6) The only fee required for issuance of the permit is the special student driver permit fee under ORS 807.370.

(7) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807.370.

(8) The department shall cancel the permit if the department determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than as approved under the permit.

(9) If a special student driver permit is canceled, the person issued the permit is ineligible to be issued any license or driver permit until the person is old enough to be eligible for a license.

(10) In addition to any other application requirements for the special student driver permit, the applicant must:

(a) Certify that the applicant has no other available means of transportation that would enable the applicant to continue the applicant's education;

(b) Specify the road or highway over which the applicant desires to operate motor vehicles;

(c) Obtain the indorsement of the sheriff of the county in which the applicant resides and of the principal of the school the applicant attends; and

(d) Provide any other information required by the department. [1983 c.338 §323; 1985 c.174 §11; 1985 c.597 §17a; 1985 c.608 §27; 1989 c.636 §28]

807.240 Hardship permit; fees; rules. The Department of Transportation shall provide for issuance of hardship driver permits in a manner consistent with this section. A hardship driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a hardship driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license. The following apply to a hardship driver permit:

(1) The department shall only issue a permit to a person whose driving privileges under the vehicle code have been suspended.

(2) Except as provided in ORS 813.520, the department may reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended by issuing the person a hardship permit described under this section if such person qualifies under this section, ORS 807.250, 807.252 and 813.500. However, the department shall not issue a hardship permit authorizing a person to drive a commercial motor vehicle if the person's commercial driver license is suspended independently of a suspension of the person's Class C license.

(3) To qualify for a hardship permit, a person must do all of the following in addition to any applicable provisions under ORS 807.250, 807.252 and 813.500:

(a) The person must submit to the department an application for the permit that demonstrates the person's need for the permit.

(b) The person must present satisfactory evidence, as determined by the department by rule:

(A) That the person must operate a motor vehicle as a requisite of the person's occupation or employment;

(B) That the person must operate a motor vehicle to get to or from a place of employment;

(C) That the person must operate a motor vehicle to get to or from an alcohol treatment or rehabilitation program;

(D) That the person or a member of the person's immediate family requires medical treatment on a regular basis and that the person must operate a motor vehicle in order that the treatment may be obtained; or

(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS 806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and that the person must operate a motor vehicle in order to provide necessary services to the person or to a member of the person's family. The department shall determine by rule what constitutes necessary services for purposes of this subparagraph. The rule shall include as necessary services, but need not be limited to, grocery shopping, driving the person or the person's children to school, driving to medical appointments and caring for elderly family members.

(c) If the person is applying for a permit because the person or a member of the person's immediate family requires medical treatment on a regular basis, the person must present, in addition to any evidence required by the department

under paragraph (b) of this subsection, a statement signed by a licensed physician that indicates that the person or a member of the person's immediate family requires medical treatment on a regular basis.

(d) The person must show that the person is not incompetent to drive nor a habitual incompetent, reckless or criminally negligent driver as established by the person's driving record in this or any other jurisdiction.

(e) The person must make a future responsibility filing.

(f) The person must submit any other information the department may require for purposes of determining whether the person qualifies under this section, ORS 807.250, 807.252, 813.500 and 813.520.

(4) If the department finds that the person meets the requirements of this section and any applicable requirements under ORS 807.250, 807.252, 813.500 and 813.520, the department may issue the person a hardship permit, valid for the duration of the suspension or for a shorter period of time established by the department unless sooner suspended or revoked under this section. If the department issues the permit for a period shorter than the suspension period, renewal of the permit shall be on such terms and conditions as the department may require. The permit:

(a) Shall limit the holder to operation of a motor vehicle only during specified times.

(b) May bear other reasonable limitations relating to the hardship permit or the operation of a motor vehicle that the department deems proper or necessary. The limitations may include any limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS 811.175 or 811.182.

(5) The department, upon receiving satisfactory evidence of any violation of the limitations of a permit issued under this section or limitations placed on a hardship permit under ORS 807.252 or 813.510, may suspend or revoke the hardship permit.

(6) The fee charged for application or issuance of a hardship driver permit is the hardship driver permit application fee under ORS 807.370. The fee shall not be refunded if the application is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit shall be the same fee as that charged for renewal of a license. The application fee charged under this subsection is in addition to any fee charged for reinstatement of driving privileges under ORS 807.370.

(7) The department may issue a permit granting the same driving privileges as those suspended or may issue a permit granting fewer driving privileges, as the department determines necessary to assure safe operation of motor vehicles by the permit holder. [1983 c.338 §327; 1985 c.16 §144; 1985 c.608 §29; 1987 c.730 §11; 1987 c.801 §3; 1989 c.636 §33; 1991 c.860 §4; 1993 c.627 §2; 1993 c.751 §45; 1999 c.796 §4; 2001 c.294 §1]

807.250 Restrictions on issuance of hardship permit. (1) In addition to any requirements under ORS 807.240 and any applicable conditions under ORS 813.500 and 813.520, the Department of Transportation shall not issue a hardship permit under ORS 807.240 to a person whose suspension of driving privileges is based upon a conviction of any of the following unless the person submits to the department a recommendation from the judge before whom the person was convicted:

(a) ORS 811.140.

(b) ORS 811.540.

(c) Driving while under the influence of intoxicants. If a person's driving privileges are suspended for a conviction for driving while under the influence of intoxicants and the person is determined under ORS 813.500 to have a problem condition involving alcohol, inhalants or controlled substances as described in ORS 813.040, the judge must:

(A) Make the recommendation with reference to the best interest of the public as well as of the defendant and the recommendation must be in writing.

(B) Recommend times, places, routes and days minimally necessary for the person to retain employment, to attend any alcohol treatment or rehabilitation program or to receive necessary medical treatment for the person or a member of the person's immediate family.

(2) The department shall not issue a hardship permit to a person whose suspension of driving privileges is based on a conviction described in ORS 809.265.

(3) The department shall not issue a hardship permit to a person whose driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783. [1985 c.16 §150; 1987 c.262 §2; 1987 c.801 §4; 1991 c.835 §5; 1995 c.750 §§3,6; 1999 c.619 §6]

807.252 Restrictions on issuance of hardship permit to person convicted of assault in second, third or fourth degree. (1) The Department of Transportation may not issue a hardship permit to a person whose driving privileges are suspended for conviction of assault in the second, third or fourth degree if the person, within 10 years preceding application for the permit, has been convicted of any degree of murder, manslaughter, criminally negligent homicide

or assault resulting from the operation of a motor vehicle or of:

(a) Reckless driving, as defined in ORS 811.140.

(b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(c) Failure to perform the duties of a driver involved in an accident or collision, as described in ORS 811.700 or 811.705.

(d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(2) A conviction arising out of the same episode as the current suspension is not considered a conviction for purposes of subsection (1) of this section.

(3) The department may not issue a hardship permit to a person whose driving privileges are suspended for a conviction of assault in the second, third or fourth degree:

(a) For a period of four years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the second degree and the person was not incarcerated for that conviction.

(b) For a period of four years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the second degree and the person was incarcerated for that conviction.

(c) For a period of two years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the third degree and the person was not incarcerated for that conviction.

(d) For a period of two years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the third degree and the person was incarcerated for that conviction.

(e) For a period of six months from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person is not incarcerated for that conviction.

(f) For a period of six months from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person was incarcerated for that conviction.

(4) A hardship permit issued to a person whose driving privileges are suspended because of a conviction for assault in the second, third or fourth degree shall limit the person's driving privileges:

(a) To the times, places, routes and days the department determines to be minimally necessary for the person to retain employment, to attend any alcohol treatment or rehabilitation program or to obtain required medical treatment for the person or a member of the person's immediate family; and

(b) To times, places, routes and days that are specifically stated.

(5) The person's driving privileges under the permit are subject to suspension or revocation if the person does not maintain a good driving record, as defined by the administrative rules of the department, during the term of the permit.

(6) The department may require the person to complete a driver improvement program under ORS 809.480 as a condition of the permit.

(7) The department shall condition the permit so that the permit will be revoked if the person is convicted of any of the following:

(a) Reckless driving under ORS 811.140.

(b) Driving under the influence of intoxicants under ORS 813.010.

(c) Failure to perform the duties of a driver under ORS 811.700 or 811.705.

(d) Fleeing or attempting to elude a police officer under ORS 811.540.

(e) Driving while suspended or revoked under ORS 811.175 or 811.182.

(f) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle. [1999 c.796 §3; 2001 c.104 §302]

807.260 Notice to police about hardship permit holders and limitations on permits. The Department of Transportation may make arrangements with police agencies in communities to provide the police agencies with information concerning the issuance of hardship permits under ORS 807.240 to people within the communities and concerning conditions or limits placed upon such permits. [1985 c.16 §152; 1987 c.801 §5]

807.270 Probationary driver permit; fee; rules. The Department of Transportation shall provide for issuance of probationary driver permits in a manner consistent with this section. A probationary driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a probationary driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to the corresponding class of license. The following apply to a probationary driver permit:

(1) The department may issue a probationary driver permit to a person whose driving privileges have been revoked as a habitual offender under ORS 809.640.

(2) The department may issue a probationary driver permit that is valid for the duration of the revocation period unless the permit is suspended or revoked.

(3) A probationary driver permit shall only be issued to a person while that person's driving privileges and right to apply for driving privileges are otherwise revoked under ORS 809.640 because the person has been determined to be a habitual offender.

(4) The fee charged for application or issuance of a probationary driver permit is the probationary driver permit application fee under ORS 807.370. The fee shall not be refunded if the application is denied or if the driver permit is suspended or revoked. The application fee charged under this subsection is in addition to any fee charged for reinstatement of driving privileges under ORS 807.370.

(5) Before an applicant may be issued a probationary driver permit, the applicant must meet the following qualifications in addition to any other qualifications for the permit:

(a) The applicant must successfully complete a driver improvement course approved by the department; and

(b) The applicant must submit a report of a diagnostic examination conducted by a private physician showing to the satisfaction of the Director of Human Services that the applicant is physically and mentally competent to operate a motor vehicle.

(6) A person who is issued a probationary driver permit must continually satisfy the conditions of the permit.

(7) If a person issued a probationary driver permit is convicted of one offense described in ORS 809.600 (1) or more than one offense described in ORS 809.600 (2) within any 12-month period, the permit shall be revoked and no license or permit may be issued for one year from the date of the revocation.

(8) The department may establish by rule additional limitations for a probationary driver permit. The limitations may include any limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS 811.175 and 811.182.

(9) Upon receiving satisfactory evidence of any violation of the limitations placed on a probationary driver permit under this section, the department may suspend or revoke the probationary driver permit. [1983 c.338 §326; 1985 c.16 §143; 1985 c.597 §18; 1985 c.608 §28; 1987 c.730 §12; 1999 c.1051 §280; 2001 c.294 §2]

Note: Section 3, chapter 294, Oregon Laws 2001, provides:

Sec. 3. The Department of Transportation by rule may establish procedures whereby a probationary driver permit issued under ORS 807.270 prior to the effective date of this 2001 Act [January 1, 2002] may become a nonrenewable probationary driver permit valid as provided in ORS 807.270 as amended by section 2 of this 2001 Act. [2001 c.294 §3]

807.280 Instruction driver permit; fees. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or indorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or indorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and indorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle indorsement, but the permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of indorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle indorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The only fee required for issuance of an instruction driver permit is the instruction driver permit issuance fee under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. A permit issued under this section may not be renewed.

(5) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an indorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting motorcycle driving privileges, the holder of the permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper indorsements for the vehicle being operated by the holder of the permit.

(6) The holder of a permit granting motorcycle driving privileges is subject to the following in addition to any other requirements under this section:

(a) The holder may only operate a motorcycle during daylight hours.

(b) The holder may not carry any passengers on the motorcycle.

(c) The holder of the permit must wear an approved helmet while operating a motorcycle.

(7) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807.370. [1983 c.338 §316; 1985 c.16 §135; 1985 c.608 §23; 1989 c.397 §1; 1989 c.636 §29; 1991 c.67 §219; 2001 c.410 §5]

807.290 Special temporary instruction driver permit; fees. (1) The Department of Transportation shall provide for the issuance of special temporary instruction driver permits in a manner consistent with this section. Except as provided in this section, a special temporary instruction driver permit is subject to the same fees, provisions, conditions, prohibitions and penalties applicable to an instruction driver permit under ORS 807.280.

(2) The department may issue a special temporary instruction driver permit, without charge, to a person who has filed an application for and paid the fee for a special student driver permit or an emergency driver permit but was unable to qualify for the permit because of lack of experience in the operation of motor vehicles. A permit issued under this section shall be valid for only 60 days. [1983 c.338 §317]

807.300 [1985 c.608 §29b; 1987 c.744 §7; repealed by 1989 c.636 §54]

807.310 Applicant temporary permit. (1) The Department of Transportation shall provide for the issuance of applicant temporary driver permits in a manner consistent with this section.

(2) The department may issue an applicant temporary driver permit to an applicant for a license or for a driver permit while the department is determining all facts relative to application for the license or driver permit. The department shall set forth on the applicant temporary driver permit the driving privileges granted under the permit.

(3) The holder of an applicant temporary driver permit must have the temporary driver permit on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver permit must operate within the driving privileges granted under the temporary driver permit.

(4) An applicant temporary driver permit shall be valid for a period of 30 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit shall not be for more than 30 additional days. An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause.

(5) No fee shall be charged for issuance of an applicant temporary driver permit under this section. [1983 c.338 §315; 1985 c.16 §134; 1985 c.597 §13; 1985 c.608 §22]

807.320 Court issued temporary driver permit. (1) Courts shall provide for issuance of court issued temporary

driver permits in a manner consistent with this section. A court issued temporary driver permit grants only those driving privileges specifically granted under the permit.

(2) If a court takes immediate possession of a license or driver permit under ORS 809.250 upon suspension or revocation of the driving privileges under the license or driver permit, the court shall issue a court issued temporary driver permit to the person convicted if the court determines issuance of the permit is necessary to give full effect to the requirement that the court take the license or driver permit under ORS 809.250.

(3) A court issued temporary driver permit:

(a) Shall be issued in a form specified by the Department of Transportation.

(b) Is valid until midnight of the day of conviction of the person issued the permit. [1983 c.338 §324; 1993 c.751 §47]

807.330 Court bail driver permit. (1) Courts shall provide for the issuance of court bail driver permits in a manner and to grant driving privileges consistent with this section.

(2) The court bail driver permit shall act as a receipt for a license that is accepted as security by a court under ORS 810.300 and 810.310.

(3) The permit confers on the person to whom it is issued the same driving privileges as the license which was accepted as security.

(4) The Department of Transportation shall prepare a form for the permit and all permits issued pursuant to this section shall conform to the form so prepared.

(5) Upon issuance of a permit, a court shall promptly notify the department of the fact.

(6) The driving privileges granted under the permit are valid only until the time fixed for appearance or the expiration of 30 days from the date the permit is issued, whichever first occurs.

(7) No fee shall be charged for issuance of the permit. [1983 c.338 §325; 1999 c.1051 §280a]

(Continuing Eligibility)

807.340 Reestablishment of eligibility; when required; effect of failure to reestablish. (1) The Department of Transportation may require any person to whom a license, driver permit or indorsement is issued to appear before the department and reestablish the person's eligibility by taking either an examination under ORS 807.070 or following the procedures in ORS 807.090, as appropriate. The department may act under this section if the department has reason to believe that the person may:

(a) No longer be qualified to hold a license, driver permit or indorsement; or

(b) No longer be able to safely operate a motor vehicle.

(2) If a person does not appear before the department within a reasonable time after receiving notice from the department under this section or is unable to reestablish eligibility to the satisfaction of the department under this section, the department may take action to suspend the person's driving privileges under ORS 809.410. [1983 c.338 §314; 1985 c.608 §21]

807.350 Cancellation of privileges for failure to meet qualifications; issuance of more limited license or permit. (1) The Department of Transportation, at any time, may cancel the driving privileges or part of the driving privileges granted any person under any class of license or under any indorsement or any driver permit if the department determines that the person no longer meets the qualifications or requirements for the license, indorsement or permit.

(2) Upon cancellation under this section, a person whose privileges are canceled shall surrender to the department any license or driver permit issued for the driving privileges. Failure to comply with this subsection is subject to penalty as provided under ORS 809.500.

(3) If the department cancels driving privileges under this section, the department may provide for the issuance of a license, driver permit or license with indorsement or limitations granting driving privileges for which the person does qualify or meet the requirements. The department may provide for the waiver of all or part of the fees relating to the issuance of a license or driver permit when the department issues a driver permit or license under this subsection, as the department determines equitable.

(4) A person whose driving privileges are canceled under this section may only regain the canceled driving privileges by reapplying for the privileges and establishing eligibility and qualification for the driving privileges as provided by law. [1985 c.608 §33]

FEES

807.370 License, indorsement and permit fees. The following are the fees relating to the issuance and renewal of licenses, driver permits and indorsements:

- (1) Disability golf cart driver permit fees under ORS 807.210, as follows:
 - (a) For issuance, \$38.50.
 - (b) For renewal fee under ORS 807.210, \$26.50.
- (2) Emergency driver permit fee under ORS 807.220, \$11.
- (3) Instruction driver permit issuance fee under ORS 807.280, \$13.
- (4) License issuance fee for a Class C license, \$48.50.
- (5) License issuance fee for a restricted Class C license, \$48.50.
- (6) License issuance fee for a commercial driver license, whether or not the license contains indorsements, \$50.
- (7) Test fees for a commercial driver license or permit:
 - (a) To take the knowledge test for a Class A commercial license or permit, \$3.
 - (b) To take the skills test for a Class A commercial license, \$56.
 - (c) To take the knowledge test for a Class B commercial license or permit, \$3.
 - (d) To take the skills test for a Class B commercial license, \$56.
 - (e) To take the knowledge test for a Class C commercial license or permit, \$3.
 - (f) To take the skills test for a Class C commercial license, \$56.
- (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license of any class when the Department of Transportation accepts a certificate of competency issued under ORS 807.080, \$33 in addition to the fee under subsection (6) of this section.
- (9) For a farm indorsement, \$26.
- (10) Test fees for the knowledge test for indorsements other than motorcycle and farm indorsements:
 - (a) For a hazardous materials indorsement, \$3.
 - (b) For a tank vehicle indorsement, \$3.
 - (c) For a passenger indorsement, \$3.
 - (d) For a trailer indorsement, \$3.
- (11) Fee to take an airbrake knowledge test, \$3.
- (12) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- (13) License renewal fee for a commercial driver license, \$36.50.
- (14) License renewal fee for a Class C license, \$28.50.
- (15) License replacement fee under ORS 807.160, \$21.
- (16) Original indorsement issuance fee under ORS 807.170 for a motorcycle indorsement, \$46, in addition to any fees for the indorsed license.
- (17) Permit replacement fee under ORS 807.220, 807.230, 807.280 and 807.290, \$21.
- (18) Special student driver permit fee under ORS 807.230, \$11.
- (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- (20) Motorcycle Safety Subaccount fee as follows:
 - (a) Upon original issuance of motorcycle indorsements under ORS 807.170, \$28.
 - (b) Upon renewal of a license with a motorcycle indorsement under ORS 807.170, \$28.
- (21) Probationary driver permit application fee under ORS 807.270, \$50.
- (22) Hardship driver permit application fee under ORS 807.240, \$50.
- (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges. [1983 c.338 §344; 1985 c.16 §161; 1985 c.279 §2; 1985 c.736 §4a; 1985 c.608 §31; 1987 c.790 §3; 1987 c.801 §6; 1989 c.161 §2; 1989 c.427 §5; 1989 c.636 §30; 1989 c.902 §3a; 1991 c.709 §3; 1991 c.835 §6; 1993 c.288 §3; 1997 c.292 §1; 1999 c.91 §2; 1999 c.770 §5; 1999 c.795 §§1,2; 2001 c.294 §4; 2001 c.668 §3]

807.380 [1985 c.16 §157; 1985 c.258 §3; repealed by 1999 c.91 §8]

807.390 Waiver of certain fees; rules. (1) The Department of Transportation, by rule, may provide for a waiver of the fee under ORS 807.160 for issuance of a replacement or duplicate license.

(2) Rules adopted by the department under this section may provide for waiver of the described fee only when all of the following apply:

(a) A person requests a change in information contained on a license or the department determines such change is necessary.

(b) The change in information requested under this subsection is generally accomplished under procedures that do not require the issuance of a new license.

(c) The department decides to issue a new license:

(A) For purposes of convenience; or

(B) Under circumstances in which the department does not generally issue a new license. [1985 c.258 §2; 1999 c.91 §7]

IDENTIFICATION CARDS

807.400 Issuance; application; contents; renewal; fee; validity; replacement; cancellation. (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.

(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) 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) 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 a provision of ORS 809.410 or 813.400 that provides the department may issue an identification card for purposes of identification. 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. [1983 c.338 §866; 1985 c.16 §437; 1985 c.174 §13; 1985 c.301 §2; 1989 c.535 §2; 1993 c.393 §2a; 1993 c.741 §82; 1993 c.751 §48; 2001 c.452 §1]

807.410 Fees. This section establishes the fees relating to identification cards. The following fees apply to identification cards unless otherwise provided by ORS 807.400 or otherwise provided by law:

(1) For issuance of an original identification card, \$26. This subsection does not require a fee for issuance when ORS 807.400 provides for issuance of an identification card without charge of a fee.

(2) For renewal of an identification card, \$22.

(3) For replacement of an identification card, \$21.

(4) For reinstatement of an identification card after suspension, \$75. [1983 c.338 §867; 1985 c.16 §438; 1985 c.174 §14; 1985 c.301 §3; 1985 c.736 §7; 1987 c.790 §4; 1989 c.902 §4; 1993 c.393 §2b; 1999 c.91 §3; 2001 c.668 §4]

807.420 Failure to notify department on change of name or address; penalty. (1) A person to whom an identification card is issued under ORS 807.400 commits the offense of failure to notify the Department of Transportation on change of identification card holder name or address if the person does not notify the department in the manner described in subsection (2) of this section upon any change of the person's:

(a) Residence address from that noted on the person's identification card as issued; or

(b) Name from that noted on the person's identification card as issued, including a change of name by marriage.

(2) Notice required under this section:

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

(b) Must contain the new residence address or name.

(c) Must contain the number of the old identification card.

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

(3) The department shall note on its records any change reported to the department under this section.

(4) The offense described in this section, failure to notify department on change of identification card holder name or address, is a Class D traffic violation. [1983 c.338 §868; 1993 c.751 §49]

807.430 Misuse of identification card; penalty. (1) A person commits the offense of misuse of an identification card if the person performs any act in relation to an identification card issued under ORS 807.400 that is prohibited in relation to a license under ORS 807.530, 807.580 to 807.600 or 809.500 or fails to perform any act in relation to an identification card issued under ORS 807.400 that is required in relation to a license under ORS 807.530, 807.580 to 807.600 or 809.500.

(2) The offense described by this section, misuse of identification card, is a Class A misdemeanor. [1983 c.338 §869; 1985 c.393 §67; 1987 c.262 §3]

OFFENSES

807.500 Unlawful production of certain documents; penalty. (1) A person commits the offense of unlawful production of identification cards, licenses, permits, forms or camera cards if the person, without the authority of the Department of Transportation, advertises for the production of, produces in any way or causes to be produced any facsimiles of the identification cards, licenses, permits, forms or camera cards upon which the department issues identification cards, licenses or driver permits under the vehicle code.

(2) The offense described in this section, unlawful production of identification cards, licenses, permits, forms or camera cards, is a Class A misdemeanor. [1983 c.338 §330; 1985 c.597 §19; 1993 c.393 §3]

807.510 Transfer of documents for purposes of misrepresentation; penalty. (1) A person commits the offense of transfer of documents for the purposes of misrepresentation if the person:

(a) Manufactures, produces, sells, offers for sale or transfers to another person any document purporting to be a certificate of birth, certificate of baptism, driver license or any other document designated by the Department of Transportation by rule as acceptable for establishing age or identity; and

(b) Knows or has reason to know that the document may be used to represent a person as another person in obtaining documents issued by a government agency to grant driving privileges or for identification purposes.

(2) The offense described in this section, transfer of documents for purposes of misrepresentation, is a Class A misdemeanor. [1983 c.338 §331; 1985 c.597 §20; 1993 c.393 §4]

807.520 False swearing to receive license; penalty. (1) A person commits the offense of false swearing to receive a driver license if the person makes any false affidavit or knowingly swears or affirms falsely to any matter required to be sworn to or affirmed in the process of applying for, receiving and holding a license or driver permit under the vehicle code.

(2) The offense described in this section, false swearing to receive a driver license, is a Class A misdemeanor. [1983 c.338 §332]

807.530 False application for license; penalty. (1) A person commits the offense of providing a false application for a license if the person in applying for a license or driver permit or for renewal or duplication thereof under the vehicle code knowingly:

(a) Uses or gives a false or fictitious name or identity;

(b) Gives or uses a false or fictitious address;

(c) Gives or uses a false age;

(d) Makes a false statement;

(e) Conceals a material fact;

(f) Uses or attempts to use false identification documents;

(g) Allows another person to take any test related to issuance of a license or permit on behalf of the applicant; or

(h) Otherwise commits fraud in the application.

(2) The offense described in this section, providing a false application for a license, is a Class A misdemeanor. [1983 c.338 §333; 1985 c.16 §153; 1993 c.393 §5; 1999 c.770 §3]

807.540 Failure to surrender prior license; penalty. (1) A person commits the offense of failing to surrender a prior license if the person accepts a license or driver permit issued by the Department of Transportation to that person without first surrendering all out-of-state licenses or driver permits issued to that person.

(2) The offense described in this section, failure to surrender a prior license, is a Class D traffic violation. [1983 c.338 §334; 1985 c.16 §154; 1985 c.597 §21; 1995 c.383 §9]

807.550 Holding multiple licenses; penalty. (1) A person commits the offense of holding multiple licenses if the person applies for and accepts a license or driver permit, other than an instruction driver permit, when the person holds an existing license or driver permit.

(2) The offense described in this section, holding multiple licenses, is a Class B traffic violation. [1983 c.338 §335; 1985 c.608 §30]

807.560 Failure to notify department upon change of address or name; penalty. (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 the manner described in subsection (2) of this section 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 eligible employee, as defined in ORS 802.250, whose place of employment address is noted on department records in accordance with ORS 802.250.

(2) Notice required under this section:

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

(b) Must be in writing and contain the old and new residence address or name.

(c) Must contain the number of the license or driver permit held.

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

(e) May be given in person or by mail for a change of residence.

(3) Failure to notify upon change of driver address or name is a Class D traffic violation. [1983 c.338 §337; 1985 c.563 §8; 1989 c.695 §2; 1991 c.523 §8]

807.570 Failure to carry or present license; penalty. (1) A person commits the offense of failure to carry a license or to present a license to a police officer if the person either:

(a) Drives any motor vehicle upon a highway in this state without a license, driver permit or out-of-state license in the person's possession; or

(b) Does not present and deliver such license or permit to a police officer when requested by the police officer under any of the following circumstances:

(A) Upon being lawfully stopped or detained when driving a vehicle.

(B) When the vehicle that the person was driving is involved in an accident.

(2) This section does not apply to any person expressly exempted under ORS 807.020 from the requirement to have a driver license or driver permit.

(3) Except as provided in ORS 813.110, it is a defense to any charge under this section that the person so charged produce a license, driver permit or out-of-state license that had been issued to the person and was valid at the time of violation of this section.

(4) A police officer may detain a person arrested or cited for the offense described in this section only for such time as reasonably necessary to investigate and verify the person's identity.

(5) The offense described in this section, failure to carry a license or to present a license to a police officer, is a Class C misdemeanor. [1983 c.338 §339; 1985 c.16 §158; 1987 c.217 §6]

807.580 Using invalid license; penalty. (1) A person commits the offense of using an invalid license if the person knowingly displays or permits to be displayed or possesses any license or driver permit that the person knows is fictitious, canceled, revoked, suspended or fraudulently altered.

(2) The offense described in this section, using an invalid license, is a Class A misdemeanor. [1983 c.338 §340]

807.590 Permitting misuse of license; penalty. (1) A person commits the offense of permitting misuse of a license if the person has been issued a license or driver permit and the person knowingly lends the license or driver permit to another or knowingly permits another person to use the license or driver permit.

(2) The offense described in this section, permitting misuse of a license, is a Class A misdemeanor. [1983 c.338 §341]

807.600 Using another's license; penalty. (1) A person commits the offense of using another's license if the person knowingly displays or represents as the person's license or driver permit a license or driver permit that has not been issued to the person.

(2) The offense described in this section, using another's license, is a Class A misdemeanor. [1983 c.338 §342; 1985 c.16 §159]

807.610 Employing or providing vehicle to unqualified driver; penalty. (1) A person commits the offense of

employing or providing a vehicle to an unqualified driver if the person does any of the following:

(a) Employs another person for the purpose of engaging in a particular type of operation of a vehicle for which the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, indorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(b) Rents, leases or otherwise furnishes a motor vehicle owned or controlled by the person to any other person without first seeing the other person's license, driver permit or license with indorsement allowing the person, under the vehicle code, to operate the particular type of vehicle being furnished.

(2) The offense described in this section, employing or providing a vehicle to an unqualified driver, is a Class D traffic violation. [1985 c.608 §7; 1995 c.383 §10]

807.620 Giving false information to police officer; penalty. (1) A person commits the offense of giving false information to a police officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any police officer who is enforcing motor vehicle laws.

(2) The offense described in this section, giving false information to a police officer, is a Class A misdemeanor. [1983 c.338 §343; 1985 c.16 §160; 1985 c.597 §22]

807.630 [1987 c.744 §9; repealed by 1989 c.636 §54]

MISCELLANEOUS

807.700 Notification to department as to released mentally ill or retarded licensed operators. (1) It shall be the duty of the superintendent of the hospital for the mentally ill or mentally retarded to notify the Department of Transportation as to released licensed operators who, in the opinion of the superintendent, should not drive because of their mental condition.

(2) Upon receipt of information submitted under this section, the department is subject to the provisions relating to this section under ORS 809.410. [1985 c.16 §436]

807.710 Reports of persons suffering from chronic nervous disorders; forms; reports confidential. (1) All persons authorized by the State of Oregon to diagnose and treat disorders of the nervous system shall report immediately to the Department of Transportation every person over 14 years of age diagnosed as having a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic.

(2) Reports required under this section shall be upon forms prescribed or provided by the department. Each report shall include the person's name, address, date of birth, sex, and the name of the disorder.

(3) The reports required by this section are confidential and shall be used by the department only to determine the qualifications of persons to operate motor vehicles upon the highways. [1983 c.338 §872; 1999 c.770 §2]

Note: The amendments to 807.710 by section 1, chapter 736, Oregon Laws 2001, become operative January 1, 2003. See section 3, chapter 736, Oregon Laws 2001. The text that is operative on and after January 1, 2003, is set forth for the user's convenience.

807.710. (1) For the purposes of this section:

(a) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the Board of Medical Examiners for the State of Oregon.

(b) "Health care provider" means a person licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care.

(2) In consultation with medical experts and experts on cognitive or functional impairments, the Department of Transportation shall adopt rules requiring reporting and:

(a) Designating physicians and health care providers required to report to the department a person whose cognitive or functional impairment affects that person's ability to safely operate a motor vehicle. If a designated physician or health care provider makes a report to the department in good faith, that person shall be immune from civil liability that might otherwise result from making the report.

(b) Designating the cognitive or functional impairments that are likely to affect a person's ability to safely operate a motor vehicle.

(3) Determinations regarding a person's ability to safely operate a motor vehicle may not be based solely on the diagnosis of a medical condition or cognitive or functional impairment, but must be based on the actual effect of that

condition or impairment on the person's ability to safely operate a motor vehicle.

(4) Reports required by the department under this section shall be upon forms prescribed or provided by the department. Each report shall include the person's name, address, date of birth, sex and a description of how the person's current medical status affects the person's ability to safely operate a motor vehicle. The State Health Officer shall consider this information in determining whether to issue a certificate of eligibility under ORS 807.090.

(5) The medical information in the reports required by the department under this section is confidential and shall be used by the department only to determine the qualifications of persons to operate motor vehicles upon the highways.

Note: Section 2, chapter 736, Oregon Laws 2001, provides:

Sec. 2. The Department of Transportation shall adopt rules required by section 1 (2) of this 2001 Act [807.710 (2)] by January 1, 2003. [2001 c.736 §2]

807.720 Death certificates to be filed with department. On or before the 15th day of each month, the Director of Human Services shall forward to the Department of Transportation a copy of the death certificate covering the death, resulting from a motor vehicle accident, of any persons within the Director of Human Services' jurisdiction during the preceding calendar month. [1983 c.338 §871; 1985 c.16 §440]

CHAPTER 808

[Reserved for expansion]