

House Bill 3473

Sponsored by Representative GILMAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person applying for driving privileges to present verified Social Security number or verified identifying number issued by United States Department of Homeland Security indicating that person is legally present in United States.

Establishes driving privilege card for persons not able to present verified Social Security number or verified identifying number issued by United States Department of Homeland Security indicating that person is legally present in United States. Provides that driving privilege card grants same driving privileges as driver license but cannot be used for identification purposes.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 25.780, 25.785, 25.990, 283.305, 801.255, 801.261, 802.170, 802.175, 802.200, 802.210,
4 802.220, 802.230, 807.010, 807.050, 807.060, 807.130, 807.140, 807.150, 807.400, 807.500, 807.520,
5 807.530, 807.560, 807.570, 807.580, 807.590, 807.600, 809.310, 811.604, 811.605 and 811.606 and sec-
6 tion 19, chapter 666, Oregon Laws 2001.

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

8 **SECTION 1.** ORS 807.050 is amended to read:

9 807.050. An application for a license shall be in a form approved by the [*Oregon*] Department
10 of Transportation. An application must contain all the following:

11 (1) The applicant's true name, **Social Security number or other identifying information as**
12 **provided in paragraph (b) of this subsection**, age, sex, residence address, except as otherwise
13 provided for officers or eligible employees in ORS 802.250, and post-office address other than general
14 delivery. **For purposes of this subsection**, the department:

15 (a) May provide by rule for acceptance of something other than an actual residence or post-
16 office address if the department determines that the applicant does not have an actual address.

17 (b) **May accept in lieu of a Social Security number any other identifying number provided**
18 **by the United States Department of Homeland Security to a person legally present in the**
19 **United States in accordance with federal immigration laws.**

20 (c) **May accept in lieu of a Social Security number and in addition to an identifying**
21 **number provided under paragraph (b) of this subsection, any other number or identifying**
22 **information determined appropriate by the Secretary of the United States Department of**
23 **Transportation if the application is for a commercial driver license.**

24 (d) [*The department*] Shall require proof to verify the address in addition to anything else the
25 Department **of Transportation** may require of the applicant.

26 (e) **Shall verify a Social Security number with the United States Social Security Admin-**
27 **istration or shall verify a number provided under paragraph (b) of this subsection with the**
28 **United States Department of Homeland Security before issuing a driver license.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

5 (c) Whether or not the driving privileges under the license or driver permit are currently sus-
6 pended or revoked; and

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

9 (3) The class of license sought.

10 *[(4) The Social Security number of the applicant or other number or identifying information deter-*
11 *mined appropriate by the Secretary of the United States Department of Transportation, if the applica-*
12 *tion is for a commercial driver license or if the Oregon Department of Transportation by rule requires*
13 *the Social Security number on the application.]*

14 *[(5)]* (4) Any other information the Department of **Transportation** deems necessary to assist the
15 department in determining whether the applicant is qualified or eligible to be licensed.

16 **SECTION 2.** ORS 807.060 is amended to read:

17 807.060. The Department of Transportation shall not grant driving privileges to a person under
18 a license if the person is not eligible under this section. The following are not eligible for a license:

19 (1) A person under 16 years of age.

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

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

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

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

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

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

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

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

38 (9) A person who cannot be issued a license under the Driver License Compact under ORS
39 802.540.

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

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

1 under ORS 809.640.

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

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

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

6 (15) A person who holds a current out-of-state license or driver permit or a valid Oregon license
7 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
8 rendering the license, driver permit or out-of-state license or driver permit to the department before
9 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
10 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
11 807.062 to obtain an Oregon license or permit.

12 (16) A person who has not complied with the requirements and responsibilities created by cita-
13 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
14 authorizes the department to withhold issuance of a license.

15 **(17) A person who is unable to provide a Social Security number that is verified with the**
16 **United States Social Security Administration or, in lieu of a Social Security number, any**
17 **other identifying number that is verified with the United States Department of Homeland**
18 **Security as being issued by the United States Department of Homeland Security to a person**
19 **legally present in the United States in accordance with federal immigration laws.**

20 **SECTION 3.** ORS 807.400 is amended to read:

21 807.400. (1) The Department of Transportation shall issue an identification card to any person
22 who **complies with the following:**

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

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

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

26 **(d) Furnishes one of the following:**

27 **(A) A Social Security number that is verified with the United States Social Security Ad-**
28 **ministration; or**

29 **(B) In lieu of a Social Security number, any other identifying number that is verified with**
30 **the United States Department of Homeland Security as being issued by the United States**
31 **Department of Homeland Security to a person legally present in the United States in ac-**
32 **cordance with federal immigration laws.**

33 (2) The Department of **Transportation** shall work with other agencies and organizations to at-
34 tempt to improve the issuance system for identification cards.

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

41 (4) Every identification card shall be issued upon the standard license form described under ORS
42 807.110 and shall bear a statement to the effect that the identification card is not a license or any
43 other grant of driving privileges to operate a motor vehicle and is to be used for identification
44 purposes only. The department shall use the same security procedures, processes, materials and
45 features for an identification card as are required for a license under ORS 807.110.

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

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

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

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

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

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

16 (a) Issue a new identification card containing the new address but bearing the same distin-
 17 guishing number as the old identification card upon receipt of the old identification card and pay-
 18 ment of the fee established for issuing a new identification card with a changed address under ORS
 19 807.410.

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

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

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

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

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

44 (a) The department may issue an identification card under this subsection to a person who vol-
 45 untarily surrenders a license or driver permit to the department based upon the person's recognition

1 that the person is no longer competent to drive.

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

6 **SECTION 4. The amendments to ORS 807.050, 807.060 and 807.400 by sections 1 to 3 of this**
 7 **2005 Act apply to driving privileges and identification cards applied for on or after the effec-**
 8 **tive date of this 2005 Act.**

9 **SECTION 5.** ORS 807.130 is amended to read:

10 807.130. (1) Except as otherwise provided in this section, a license that is issued as an original
 11 license and not as a license that is renewed expires on the anniversary of the licensee's birthday in
 12 the eighth calendar year after the year of issuance.

13 (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-
 14 tion date of the immediately preceding license.

15 **(3) Notwithstanding subsection (1) or (2) of this section, a license that is issued to a**
 16 **person who is not a citizen or a permanent legal resident of the United States shall be valid**
 17 **only for eight years or for the length of time during which the licensee is legally present in**
 18 **the United States, whichever is sooner. The license shall expire on the date the licensee is**
 19 **no longer legally present in the United States.**

20 [(3)] (4) A license that has expired does not grant driving privileges and is not valid evidence
 21 of driving privileges.

22 **SECTION 6. Sections 7 to 9 of this 2005 Act are added to and made a part of the Oregon**
 23 **Vehicle Code.**

24 **SECTION 7. (1) Prior to renewing, replacing or reinstating any driver license, driver**
 25 **permit or identification card, the Department of Transportation shall require a person to**
 26 **provide a Social Security number that is verified with the United States Social Security Ad-**
 27 **ministration or, in lieu of a Social Security number, any other identifying number that is**
 28 **verified with the United States Department of Homeland Security as being issued by the**
 29 **United States Department of Homeland Security to a person legally present in the United**
 30 **States in accordance with federal immigration laws.**

31 **(2) Subsection (1) of this section does not apply if a person previously provided a Social**
 32 **Security number or other identifying number as provided in subsection (1) of this section and**
 33 **the person is a citizen or a permanent legal resident of the United States.**

34 **SECTION 8. (1) The Department of Transportation shall issue a driving privilege card to**
 35 **a person who is unable to provide a Social Security number that is verified with the United**
 36 **States Social Security Administration or, in lieu of a Social Security number, any other**
 37 **identifying number that is verified with the United States Department of Homeland Security**
 38 **as being issued by the United States Department of Homeland Security to a person legally**
 39 **present in the United States in accordance with federal immigration laws.**

40 **(2) Every original application for a driving privilege card must:**

41 **(a) Contain the information required under ORS 807.050, except for the information the**
 42 **person is unable to provide under subsection (1) of this section; and**

43 **(b) Be signed by the person applying for the card.**

44 **(3) A holder of a driving privilege card is entitled to the same driving privileges and**
 45 **subjected to the same requirements as a holder of a driver license issued under ORS 807.040,**

1 except that the holder may not use the card for identification purposes other than to identify
2 the holder as the person entitled to the driving privileges granted by the card. A holder of
3 a driving privilege card may apply for the license classes, permits and endorsements available
4 to a holder of a driver license. The Department of Transportation by rule may require that
5 a person who holds a driving privilege card and applies for a commercial driver license, an
6 endorsement or a permit provide additional documentation to prove the identity of the per-
7 son.

8 (4) Every driving privilege card shall:

9 (a) Be produced with the same security procedures, processes, materials and features
10 required for a license under ORS 807.110.

11 (b) Contain the information described in ORS 807.110, except that a person may not in-
12 dicate whether the person is an anatomical donor and the driving privilege card shall clearly
13 bear a statement to the effect that the card is not valid for identification purposes.

14 (5) A driving privilege card issued under this section expires on the date of the anniver-
15 sary of the holder's birthday in the eighth calendar year after the year of issuance or on the
16 date that the holder is no longer legally present in the United States, whichever is sooner.

17 (6) A person whose driving privilege card expires under subsection (5) of this section may
18 reapply for a driving privilege card under this section.

19 (7) The fee for a driving privilege card shall be the fee established under ORS 807.370 for
20 a license that grants the same type of driving privileges granted by the card, and no addi-
21 tional fee may be imposed for the issuance of a driving privilege card.

22 (8) A driving privilege card becomes invalid if the cardholder's status of being legally
23 present in the United States is terminated or revoked.

24 (9) In the event a driving privilege card is lost, destroyed or mutilated, the person to
25 whom the card was issued may apply for another card under this section upon furnishing
26 proof satisfactory to the department of the loss, destruction or mutilation and payment of
27 the issuance fee under ORS 807.370 for a license that grants the same type of driving privi-
28 leges granted by the driving privilege card. A driving privilege card issued under this sub-
29 section shall be valid until the same date that the lost, destroyed or mutilated card would
30 have been valid.

31 (10) Upon cancellation of a driving privilege card, the card is terminated and must be
32 surrendered to the department. A driving privilege card may be canceled for any of the rea-
33 sons that driving privileges or a license may be canceled under ORS 809.310. A person may
34 reapply for a driving privilege card after cancellation under this subsection.

35 (11) A person who holds a driving privilege card because the person did not qualify for a
36 driver license under ORS 807.060 (17) may surrender the driving privilege card and apply for
37 a driver license if the person is able to provide a Social Security number that is verified with
38 the United States Social Security Administration or, in lieu of a Social Security number, any
39 other identifying number that is verified with the United States Department of Homeland
40 Security as being issued by the United States Department of Homeland Security to a person
41 legally present in the United States in accordance with federal immigration laws.

42 **SECTION 9. "Driving privilege card"** means a card granting driving privileges that is is-
43 sued under section 8 of this 2005 Act. The term "driving privilege card" may be used inter-
44 changeably with "driver license" or "license" when referring to a document issued by this
45 state as evidence of a grant of driving privileges.

1 **SECTION 10.** ORS 25.780 is amended to read:

2 25.780. In addition to any other grounds for suspension provided by law:

3 (1) The Oregon Liquor Control Commission and any entity that issues licenses, certificates,
4 permits or registrations that a person is required by state law to possess to engage in an occupation,
5 profession or recreational hunting or fishing or to use a particular occupational or professional title
6 shall suspend without further hearing the licenses, certificates, permits or registrations of a person
7 upon certification by the administrator that the person is subject to an order suspending the license,
8 certificate, permit or registration. The certification must include the information specified in ORS
9 25.750 (1).

10 (2) The Department of Transportation shall suspend without further hearing the driver license,
11 **driving privilege card** or driver permit of a person upon certification by the administrator that the
12 person is subject to an order suspending the license, **driving privilege card** or permit. The certifi-
13 cation must include the information specified in ORS 25.750 (1).

14 **SECTION 11.** ORS 25.785 is amended to read:

15 25.785. (1) Any state agency, board or commission that is authorized to issue an occupational,
16 professional, recreational or driver license, **driving privilege card**, certification, permit or regis-
17 tration subject to suspension under ORS 25.750 to 25.783 shall require that an individual's Social
18 Security number be recorded on an application for, or form for renewal of, a license, **driving priv-**
19 **ilege card**, certification, permit or registration and to the maximum extent feasible shall include the
20 Social Security number in automated databases containing information about the individual.

21 (2) **Except as provided in subsection (3) of this section**, a state agency, board or commission
22 described in subsection (1) of this section may accept a written statement from an individual who
23 has not been issued a Social Security number by the United States Social Security Administration
24 to fulfill the requirement in subsection (1) of this section.

25 **(3) An individual who has not been issued a Social Security number by the United States**
26 **Social Security Administration may provide a written statement to the Department of**
27 **Transportation to fulfill the requirement in subsection (1) of this section only if the individ-**
28 **ual is applying for or renewing a driving privilege card. If the individual is applying for or**
29 **renewing a driver license, the individual must provide the identifying number described in**
30 **ORS 807.050 (1)(b).**

31 [(3)] (4) An individual may not submit to a state agency, board or commission a written state-
32 ment described in subsection (2) of this section knowing the statement to be false.

33 **SECTION 12.** ORS 25.990 is amended to read:

34 25.990. (1) Violation of ORS 25.720 (3) is a Class A violation.

35 (2) Violation of ORS 25.260 is punishable, upon conviction, by a fine of not more than \$1,000 or
36 by imprisonment in the county jail for not more than 60 days, or by both.

37 (3) Violation of ORS 25.785 [(3)] (4) is a Class A misdemeanor.

38 **SECTION 13.** ORS 283.305 is amended to read:

39 283.305. As used in ORS 283.305 to 283.350:

40 (1) "Authorized driver" means any of the following who has a valid driver license **or driving**
41 **privilege card** and an acceptable driving record:

42 (a) A salaried state employee, including an agent of the state;

43 (b) A volunteer, appointed in writing, whose written description of duties includes driving motor
44 vehicles;

45 (c) An agency client required to drive motor vehicles as part of a rehabilitation or treatment

1 program authorized by law;

2 (d) Any personnel of any unit of government whose use of motor vehicles is permitted by an
3 authorized intergovernmental agreement;

4 (e) Any student enrolled at any state institution of higher education and whose use of motor
5 vehicles meets the requirements of ORS 283.310; and

6 (f) An inmate of a correctional institution with specific Department of Corrections approval who
7 is accompanied by a supervising correctional institution employee or who is performing a specific
8 work assignment driving a special purpose vehicle required for that assignment and within the vis-
9 ual range of a supervising correctional institution employee who is at the work assignment site or
10 who is part of the transport caravan.

11 (2) "Alternative fuel" means natural gas, liquified petroleum gas, methanol, ethanol, any fuel
12 mixture containing at least 85 percent methanol or ethanol and electricity.

13 (3) "Motor vehicles" includes state-owned, leased or otherwise controlled motor vehicles and the
14 supplies, parts and equipment for the operation, maintenance or repair of such motor vehicles.

15 (4) "Official state business" means activity conducted by a state agency that advances the lawful
16 policies of the agency as specified by the Oregon Department of Administrative Services by rule.

17 (5) "Standard passenger vehicle" means a motor vehicle that is commonly known as a sedan or
18 a station wagon and that is not equipped with special or unusual equipment.

19 (6) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its
20 statutory, standing, special or interim committees, at the option of such committee.

21 **SECTION 14.** ORS 801.255 is amended to read:

22 801.255. "Driving privilege" means the grant of authority by a jurisdiction to a person that al-
23 lows that person to drive a vehicle on highways within that jurisdiction. Driving privileges grant
24 authority to a person not to a vehicle. The driving privilege includes any such grant of authority
25 whether or not documents are issued as evidence of the authority. In this state, driving privileges
26 may be granted under:

27 (1) A license as defined under ORS 801.207 and 801.245.

28 **(2) A driving privilege card as described in section 8 of this 2005 Act.**

29 [(2)] **(3)** Driver permits as described in ORS 801.250.

30 [(3)] **(4)** The driving privileges established under ORS 807.020.

31 [(4)] **(5)** Any endorsement of a license or driver permit or limitations on a license or driver
32 permit that allows a person to operate a motor vehicle.

33 **SECTION 15.** ORS 801.261 is amended to read:

34 801.261. "Endorsement," when used in relation to driving privileges, means a grant of driving
35 privileges, or the evidence thereof, to a person who holds a license, **a driving privilege card** or, in
36 some instances, a driver permit, allowing the person to exercise driving privileges that are not
37 granted by the license, **driving privilege card** or driver permit. The types of endorsements granted
38 by this state and the driving privileges granted under each type of endorsement are established by
39 ORS 807.035.

40 **SECTION 16.** ORS 802.170 is amended to read:

41 802.170. If any person pays the Department of Transportation any fee or tax with a bank check
42 and the check is returned to the department as uncollectible, or if a person pays the department
43 with a credit or debit card and for any reason the department does not get payment from the issuer
44 of the card, the department may charge the person the fee for dishonored checks or other orders for
45 the payment of money under ORS 30.701 (5). If the person does not pay the fee charged under this

1 section, the department may do all of the following:

2 (1) Suspend or cancel, or refuse to issue or renew, any vehicle registration or title, vehicle
3 permit, driver license, **driving privilege card** or driver permit in payment of which the check or
4 other order for the payment of money was presented.

5 (2) Authorize any department employee or police officer to seize and recover any evidence of the
6 registration, title, license, **driving privilege card** or permit suspended or canceled.

7 (3) If evidence of the suspended or canceled registration, title, license, **driving privilege card**
8 or permit is not recovered, refuse to conduct any further transactions with the person until the fee
9 charged under this section is paid.

10 **SECTION 17.** ORS 802.175 is amended to read:

11 802.175. As used in ORS 802.175 to 802.191:

12 (1) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an
13 identification card issued by the Department of Transportation, a vehicle title or a vehicle regis-
14 tration. "Motor vehicle record" does not mean a record pertaining to a manufactured structure.

15 (2) "Person" means an individual, an organization or an entity, but does not include the State
16 of Oregon or any agency thereof.

17 (3) "Personal information" means the following information that identifies an individual:

18 (a) Driver license, **driving privilege card**, driver permit or identification card number;

19 (b) Name;

20 (c) Address (excluding five-digit zip code); and

21 (d) Telephone number.

22 **SECTION 18.** ORS 802.175, as amended by section 96, chapter 655, Oregon Laws 2003, is
23 amended to read:

24 802.175. As used in ORS 802.175 to 802.191:

25 (1) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an
26 identification card issued by the Department of Transportation, a vehicle title or a vehicle regis-
27 tration.

28 (2) "Person" means an individual, an organization or an entity, but does not include the State
29 of Oregon or any agency thereof.

30 (3) "Personal information" means the following information that identifies an individual:

31 (a) Driver license, **driving privilege card**, driver permit or identification card number;

32 (b) Name;

33 (c) Address (excluding five-digit zip code); and

34 (d) Telephone number.

35 **SECTION 19.** ORS 802.200 is amended to read:

36 802.200. In addition to any other records the Department of Transportation may establish, the
37 department is subject to the following provisions concerning records:

38 (1) The department shall maintain records concerning the titling of vehicles in this state. The
39 records under this subsection shall include the following:

40 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
41 the following:

42 (A) The name of the vehicle owner and any security interest holders in order of priority, except
43 that a security interest holder need not be identified if the debtor who granted the interest is in the
44 business of selling vehicles and the vehicles constitute inventory held for sale;

45 (B) The name of any lessor of the vehicle;

- 1 (C) The vehicle description; and
 2 (D) Whether a certificate of title was issued for the vehicle.
- 3 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
 4 vehicle is reconstructed.
- 5 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.
- 6 (d) Any other information concerning the titling of vehicles that the department considers con-
 7 venient or appropriate.
- 8 (e) All odometer readings for a vehicle that are reported to the department under provisions of
 9 the vehicle code.
- 10 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
 11 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
 12 reason for the report was theft and the vehicle has been recovered.
- 13 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
 14 in this state, the department shall retain a record of any odometer readings shown on the title or
 15 registration documents submitted to the department at the time of registration or title.
- 16 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
 17 cerning the registration of vehicles required to be registered by the department. The records con-
 18 cerning the registration of vehicles may be stored along with records concerning the titling of
 19 vehicles. The records under this subsection shall include the following:
- 20 (a) For vehicles registered by the department, the records shall identify the vehicle and contain
 21 the following:
- 22 (A) The registration plate number assigned by the department to the vehicle;
 23 (B) The name of the vehicle owner;
 24 (C) The vehicle description and vehicle identification number; and
 25 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
 26 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
 27 was theft and the vehicle has been recovered.
- 28 (b) Any other information concerning the registration of vehicles that the department considers
 29 convenient or appropriate.
- 30 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
 31 records required under this subsection shall include the following information about persons issued
 32 dealer certificates:
- 33 (a) The person's application for a vehicle dealer certificate.
 34 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.
 35 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.
- 36 (5) The department shall maintain a file on vehicles for which the title record is canceled under
 37 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
 38 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
 39 canceled title record for each vehicle and the make and year model for each vehicle.
- 40 (6) The department shall maintain records on each manufactured structure. The records required
 41 under this subsection shall contain all of the following:
- 42 (a) The permanent registration plate number required under ORS 803.520.
 43 (b) All transfers of ownership occurring after January 1, 1972.
 44 (c) All movements indicated by trip permits filed with the department.
 45 (d) Information on manufactured structures subject to an exemption under ORS 820.510 that the

1 department determines necessary.

2 (7) The department shall maintain a record of each agreement or declaration under ORS 802.500
3 and 802.520.

4 (8) The department shall maintain separate and comprehensive records of all transactions af-
5 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

6 (9) The department shall maintain suitable records of driver licenses, **driving privilege cards**
7 and driver permits. The records required under this subsection shall include all of the following:

8 (a) An index by name, [*and*] **by license or permit number and by Social Security number or**
9 **other number or identifying information as provided under ORS 807.050.**

10 (b) Supporting documentation of all licenses, **driving privilege cards** or driver permits issued.

11 (c) Every application for a driver license, **driving privilege card** or driver permit.

12 (d) All licenses, **driving privilege cards** or driver permits that have been suspended or revoked.

13 [*e*] *For each commercial driver license, the Social Security number of the person to whom the li-*
14 *cence is issued, or any other number or identifying information that the Secretary of the United States*
15 *Department of Transportation determines appropriate to identify the person.]*

16 (10) The department shall maintain a two-part driving record consisting of an employment driv-
17 ing record and a nonemployment driving record for each person as required under this subsection.
18 All of the following apply to the records required under this subsection:

19 (a) The department shall maintain driving records on:

20 (A) Every person who is granted driving privileges under a driver license, **driving privilege**
21 **card**, driver permit or a statutory grant of driving privileges under ORS 807.020;

22 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
23 vehicle code;

24 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

25 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
26 806.220, 806.230 or 806.240.

27 (b) In addition to other information required by this paragraph, the employment driving record
28 shall include all reports of drug test results that are made to the department under ORS 825.410.
29 Notwithstanding any other provision of law, release of the portion of the employment driving record
30 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
31 802.202. The employment driving record shall also include all motor vehicle accidents in which the
32 person is involved, all suspensions of driving privileges required to be placed on the record under
33 ORS 809.280, all suspensions of the person's commercial driver license that result from operation
34 or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle
35 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-
36 leges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include only such accidents, sus-
37 pensions and convictions that occur while the person is driving a motor vehicle:

38 (A) In the course of the person's employment when the person is employed by another for the
39 principal purpose of driving a motor vehicle;

40 (B) Carrying persons or property for compensation;

41 (C) In the course of the person's employment in the collection, transportation or delivery of mail
42 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
43 in accordance with government rules;

44 (D) That is an authorized emergency vehicle;

45 (E) That is a commercial motor vehicle; or

1 (F) In the course of the person's employment with a federal, state or local government in a
 2 public works project involving repair or maintenance of water, sewer or road systems.

3 (c) The nonemployment driving record shall include the person's:

4 (A) Motor vehicle accidents;

5 (B) Suspensions, cancellations and revocations of licenses, **driving privilege cards**, permits and
 6 driving privileges;

7 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
 8 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
 9 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
 10 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

11 (D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

12 (d) The department may record other entries to indicate correspondence, interviews, partic-
 13 ipation in driver improvement programs or other matters concerning the status of the driving priv-
 14 ileges of the person.

15 (e) When a person from another jurisdiction applies for a driver license, **driving privilege card**
 16 or permit issued by this state, the department shall request a copy of the person's driving record
 17 from the other jurisdiction. At the time the person is issued a license in Oregon, the record from
 18 the other jurisdiction shall become part of the driver's record in this state with the same force and
 19 effect as though entered on the driver's record in this state in the original instance. The department
 20 by rule may specify methods for converting entries from out-of-state records for use in Oregon.

21 (f) When a suspension of a driver permit, driver license, **driving privilege card** or other driving
 22 privilege is placed on the driving record under ORS 809.280 for failure to appear in court on a traffic
 23 crime, the department shall note on the record that the suspension was for failure to appear in court
 24 and shall also note the offense charged against the person on which the person failed to appear.

25 (g) The department, in consultation with the Department of State Police, shall devise and im-
 26 plement a method of noting suspensions and revocations of driving privileges on the record in such
 27 a way that police agencies can determine directly from the record what class of offense, as provided
 28 by law, is committed by a person who drives in violation of the suspension or revocation. If the
 29 department and the Department of State Police devise a mutually agreeable alternative method of
 30 informing police agencies of the nature of a suspension or revocation and the consequences of its
 31 violation, the implementation of that method shall satisfy the duty of the department under this
 32 paragraph.

33 (11) The Department of Transportation shall maintain records of judgments or convictions sent
 34 to the department under ORS 810.375.

35 (12) The department shall maintain accident reports filed with the department under ORS
 36 810.460 and 811.725 to 811.735.

37 (13) The department shall maintain records of bank checks or money orders returned under ORS
 38 802.110.

39 (14) The department shall maintain records of trip permits issued by the department under ORS
 40 803.600, as provided under this subsection. The records required by this subsection shall include the
 41 following:

42 (a) A description of the vehicle sufficient to identify the vehicle.

43 (b) The person to whom the permit was issued.

44 (c) When the permit was issued.

45 (d) The type of permit issued.

1 (e) For registration weight trip permits, the maximum allowable registration weight permitted
2 for operation under the permit.

3 (f) Any other information the department determines appropriate or convenient.

4 **SECTION 20.** ORS 802.200, as amended by section 97, chapter 655, Oregon Laws 2003, is
5 amended to read:

6 802.200. In addition to any other records the Department of Transportation may establish, the
7 department is subject to the following provisions concerning records:

8 (1) The department shall maintain records concerning the titling of vehicles in this state. The
9 records under this subsection shall include the following:

10 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
11 the following:

12 (A) The name of the vehicle owner and any security interest holders in order of priority, except
13 that a security interest holder need not be identified if the debtor who granted the interest is in the
14 business of selling vehicles and the vehicles constitute inventory held for sale;

15 (B) The name of any lessor of the vehicle;

16 (C) The vehicle description; and

17 (D) Whether a certificate of title was issued for the vehicle.

18 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
19 vehicle is reconstructed.

20 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

21 (d) Any other information concerning the titling of vehicles that the department considers con-
22 venient or appropriate.

23 (e) All odometer readings for a vehicle that are reported to the department under provisions of
24 the vehicle code.

25 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
26 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
27 reason for the report was theft and the vehicle has been recovered.

28 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
29 in this state, the department shall retain a record of any odometer readings shown on the title or
30 registration documents submitted to the department at the time of registration or title.

31 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
32 cerning the registration of vehicles required to be registered by the department. The records con-
33 cerning the registration of vehicles may be stored along with records concerning the titling of
34 vehicles. The records under this subsection shall include the following:

35 (a) For vehicles registered by the department, the records shall identify the vehicle and contain
36 the following:

37 (A) The registration plate number assigned by the department to the vehicle;

38 (B) The name of the vehicle owner;

39 (C) The vehicle description and vehicle identification number; and

40 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
41 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
42 was theft and the vehicle has been recovered.

43 (b) Any other information concerning the registration of vehicles that the department considers
44 convenient or appropriate.

45 (4) The department shall maintain separate records for the regulation of vehicle dealers. The

1 records required under this subsection shall include the following information about persons issued
2 dealer certificates:

3 (a) The person's application for a vehicle dealer certificate.

4 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

5 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

6 (5) The department shall maintain a file on vehicles for which the title record is canceled under
7 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
8 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
9 canceled title record for each vehicle and the make and year model for each vehicle.

10 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500
11 and 802.520.

12 (7) The department shall maintain separate and comprehensive records of all transactions af-
13 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

14 (8) The department shall maintain suitable records of driver licenses, **driving privilege cards**
15 and driver permits. The records required under this subsection shall include all of the following:

16 (a) An index by name, [*and*] **by license or permit number and by Social Security number or**
17 **other number or identifying information as provided under ORS 807.050.**

18 (b) Supporting documentation of all licenses, **driving privilege cards** or driver permits issued.

19 (c) Every application for a driver license, **driving privilege card** or driver permit.

20 (d) All licenses, **driving privilege cards** or driver permits that have been suspended or revoked.

21 [*e*] *For each commercial driver license, the Social Security number of the person to whom the li-*
22 *cence is issued, or any other number or identifying information that the Secretary of the United States*
23 *Department of Transportation determines appropriate to identify the person.*]

24 (9) The department shall maintain a two-part driving record consisting of an employment driving
25 record and a nonemployment driving record for each person as required under this subsection. All
26 of the following apply to the records required under this subsection:

27 (a) The department shall maintain driving records on:

28 (A) Every person who is granted driving privileges under a driver license, **driving privilege**
29 **card**, driver permit or a statutory grant of driving privileges under ORS 807.020;

30 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
31 vehicle code;

32 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

33 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
34 806.220, 806.230 or 806.240.

35 (b) In addition to other information required by this paragraph, the employment driving record
36 shall include all reports of drug test results that are made to the department under ORS 825.410.
37 Notwithstanding any other provision of law, release of the portion of the employment driving record
38 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
39 802.202. The employment driving record shall also include all motor vehicle accidents in which the
40 person is involved, all suspensions of driving privileges required to be placed on the record under
41 ORS 809.280, all suspensions of the person's commercial driver license that result from operation
42 or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle
43 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-
44 leges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include only such accidents, sus-
45 pensions and convictions that occur while the person is driving a motor vehicle:

1 (A) In the course of the person's employment when the person is employed by another for the
2 principal purpose of driving a motor vehicle;

3 (B) Carrying persons or property for compensation;

4 (C) In the course of the person's employment in the collection, transportation or delivery of mail
5 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
6 in accordance with government rules;

7 (D) That is an authorized emergency vehicle;

8 (E) That is a commercial motor vehicle; or

9 (F) In the course of the person's employment with a federal, state or local government in a
10 public works project involving repair or maintenance of water, sewer or road systems.

11 (c) The nonemployment driving record shall include the person's:

12 (A) Motor vehicle accidents;

13 (B) Suspensions, cancellations and revocations of licenses, **driving privilege cards**, permits and
14 driving privileges;

15 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
16 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
17 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
18 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

19 (D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

20 (d) The department may record other entries to indicate correspondence, interviews, partic-
21 ipation in driver improvement programs or other matters concerning the status of the driving priv-
22 ileges of the person.

23 (e) When a person from another jurisdiction applies for a driver license, **driving privilege card**
24 or permit issued by this state, the department shall request a copy of the person's driving record
25 from the other jurisdiction. At the time the person is issued a license in Oregon, the record from
26 the other jurisdiction shall become part of the driver's record in this state with the same force and
27 effect as though entered on the driver's record in this state in the original instance. The department
28 by rule may specify methods for converting entries from out-of-state records for use in Oregon.

29 (f) When a suspension of a driver permit, driver license, **driving privilege card** or other driving
30 privilege is placed on the driving record under ORS 809.280 for failure to appear in court on a traffic
31 crime, the department shall note on the record that the suspension was for failure to appear in court
32 and shall also note the offense charged against the person on which the person failed to appear.

33 (g) The department, in consultation with the Department of State Police, shall devise and im-
34 plement a method of noting suspensions and revocations of driving privileges on the record in such
35 a way that police agencies can determine directly from the record what class of offense, as provided
36 by law, is committed by a person who drives in violation of the suspension or revocation. If the
37 department and the Department of State Police devise a mutually agreeable alternative method of
38 informing police agencies of the nature of a suspension or revocation and the consequences of its
39 violation, the implementation of that method shall satisfy the duty of the department under this
40 paragraph.

41 (10) The Department of Transportation shall maintain records of judgments or convictions sent
42 to the department under ORS 810.375.

43 (11) The department shall maintain accident reports filed with the department under ORS
44 810.460 and 811.725 to 811.735.

45 (12) The department shall maintain records of bank checks or money orders returned under ORS

1 802.110.

2 (13) The department shall maintain records of trip permits issued by the department under ORS
 3 803.600, as provided under this subsection. The records required by this subsection shall include the
 4 following:

- 5 (a) A description of the vehicle sufficient to identify the vehicle.
- 6 (b) The person to whom the permit was issued.
- 7 (c) When the permit was issued.
- 8 (d) The type of permit issued.
- 9 (e) For registration weight trip permits, the maximum allowable registration weight permitted
 10 for operation under the permit.
- 11 (f) Any other information the department determines appropriate or convenient.

12 **SECTION 21.** ORS 802.210 is amended to read:

13 802.210. The Department of Transportation is not required to maintain records on any of the
 14 following:

- 15 (1) The preparation and mailing of notices required on approaching expiration of registration
 16 under ORS 803.450.
- 17 (2) The preparation and mailing of notices required on approaching expiration of driver
 18 license, **driving privilege card** or driver permit under ORS 807.140.

19 **SECTION 22.** ORS 802.220 is amended to read:

20 802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the
 21 Department of Transportation maintains under ORS 802.200 on vehicles are public records. The re-
 22 cords of vehicles registered under ORS 805.060 are not public records and are exempt from public
 23 inspection as provided under ORS 181.548 and are for the confidential use of criminal justice agen-
 24 cies described under ORS 181.010. The department may charge the fee established under ORS
 25 802.230 for furnishing information under this section concerning a vehicle or its owner.

26 (2) The department may charge the fee established under ORS 802.230 for furnishing to the
 27 public information from the records the department maintains under ORS 802.200 concerning driver
 28 licenses, **driving privilege cards** or driver permits.

29 (3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS
 30 810.375 shall be open to the inspection of any person during reasonable business hours. Nothing in
 31 this subsection authorizes the release of personal information as defined in ORS 802.175.

32 (4) The department shall upon request furnish any person certified abstracts of the employment
 33 driving record and the nonemployment driving record of any person whose driving records are
 34 maintained under ORS 802.200. If an abstract of the employment driving record is not specifically
 35 requested, the department shall only furnish an abstract of the nonemployment driving record.
 36 Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.
 37 The department shall collect the fee established for abstracts of driving records under ORS 802.230.
 38 A certified abstract issued under this section shall not contain any of the following, unless the ab-
 39 stract is being requested under ORS 746.265 (3):

- 40 (a) Any accident or conviction for violation of motor vehicles laws that occurred more than
 41 three years immediately preceding a request for abstract.
- 42 (b) Any suspension ordered under ORS 809.220 after the department has received notice to ter-
 43 minate the suspension under ORS 809.220.
- 44 (c) Any diversion agreement under ORS 813.220 entered into more than three years immediately
 45 preceding a request for the abstract.

1 (5) Except as otherwise provided in this subsection, accident reports filed with the department
 2 under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report
 3 and shall be for the confidential use of state administrative and enforcement agencies. The depart-
 4 ment may use the confidential accident reports to provide the following information to the persons
 5 described:

6 (a) Upon request, the department shall disclose the following information to any party involved
 7 in the accident or to their personal representative or any member of the family of a party involved
 8 in the accident:

9 (A) The identity of the owner, driver, occupants and the registration number of a vehicle in-
 10 volved in the accident;

11 (B) The names of any companies insuring the owner or driver of a vehicle involved in the acci-
 12 dent; and

13 (C) The names of any witnesses to the accident.

14 (b) The department shall furnish a certificate showing that a specified accident report has or
 15 has not been made to the department upon demand of any person who has or claims to have made
 16 such a report or upon demand of a court.

17 (6) The department shall tabulate and may analyze all accident reports to develop statistical
 18 information based thereon as to the number and circumstances of traffic accidents. The department
 19 shall publish information compiled under this section in the manner provided under ORS 802.050.

20 (7) Except as otherwise provided in this subsection, the records the department is required un-
 21 der ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The de-
 22 partment may charge a fee established under ORS 802.230 for furnishing information from the
 23 records on trip permits. Nothing in this subsection authorizes the release of personal information
 24 as defined in ORS 802.175.

25 (8) The records the department maintains under ORS 802.200 concerning odometer readings for
 26 vehicles are public records. The department may separately furnish information concerning
 27 odometer readings shown by its records. The department may charge the fee established under ORS
 28 802.230 for information separately provided under this subsection. Nothing in this subsection au-
 29 thORIZES the release of personal information as defined in ORS 802.175.

30 **SECTION 23.** ORS 802.230 is amended to read:

31 802.230. (1) The fee for furnishing information concerning vehicle registration records under
 32 ORS 802.220 is a reasonable fee established by the Department of Transportation.

33 (2) The fee for furnishing information concerning driver licenses, **driving privilege cards** or
 34 driver permits under ORS 802.220 is a reasonable fee established by the department.

35 (3) The fee for an abstract of driving record under ORS 802.220 is a reasonable fee established
 36 by the department.

37 (4) The fee for furnishing information concerning trip permit records under ORS 802.220 is a
 38 reasonable fee established by the department.

39 (5) The fee for separate records on vehicle odometer readings under ORS 802.220 is a reasonable
 40 fee established by the department.

41 **SECTION 24.** ORS 807.010 is amended to read:

42 807.010. (1) A person commits the offense of vehicle operating without driving privileges if the
 43 person operates a motor vehicle upon a highway or premises open to the public in this state and the
 44 person does not have an appropriate grant of driving privileges from this state in the form of a li-
 45 cense, **driving privilege card**, driver permit, endorsement or statutory grant of driving privileges

1 allowing the person to engage in the particular type of operation.

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

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

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

13 (5) The offense described in subsection (2) of this section, operating in violation of license re-
14 strictions, is a Class B traffic violation.

15 **SECTION 25.** ORS 807.140 is amended to read:

16 807.140. (1) Before the expiration of any license **or driving privilege card** or a license **or**
17 **driving privilege card** with an endorsement under the vehicle code, the Department of Transpor-
18 tation shall notify the person to whom the license **or card** was issued of the approaching expiration.
19 Within a reasonable time prior to the expiration date, the notice shall be mailed to the person to
20 whom the license **or card** was issued at the address shown in the files maintained by the depart-
21 ment.

22 (2) The department is not required to notify the person of an approaching expiration if the per-
23 son's license **or driving privilege card** has been suspended, canceled or revoked or if the person
24 has failed to notify the department of a change of address as required under ORS 807.560.

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

28 (4) The department responsibility to maintain records concerning notice under this section is
29 as provided under ORS 802.210.

30 **SECTION 26.** ORS 807.150 is amended to read:

31 807.150. (1) When a license **or driving privilege card** expires or is about to expire, the De-
32 partment of Transportation shall renew the license **or card** under this section if the holder of the
33 license **or card** qualifies for renewal of the license **or card** under this section and:

34 (a) Applies for renewal within one year of the expiration of a similar license **or card** under ORS
35 807.130; or

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

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

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

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

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

10 (6) If the address of the applicant has changed since the last time a license **or card** was issued
 11 to or renewed for the applicant, the department shall require proof to verify the address of an ap-
 12 plicant for renewal of a license **or card** in addition to anything else the department may require
 13 of the applicant.

14 **SECTION 27.** ORS 807.500 is amended to read:

15 807.500. (1) A person commits the offense of unlawful production of identification cards, **driving**
 16 **privilege cards**, licenses, permits, forms or camera cards if the person, without the authority of the
 17 Department of Transportation, advertises for the production of, produces in any way or causes to
 18 be produced any facsimiles of the identification cards, **driving privilege cards**, licenses, permits,
 19 forms or camera cards upon which the department issues identification cards, **driving privilege**
 20 **cards**, licenses or driver permits under the vehicle code.

21 (2) The offense described in this section, unlawful production of identification cards, **driving**
 22 **privilege cards**, licenses, permits, forms or camera cards, is a Class C felony.

23 (3) It is an affirmative defense to violating subsection (1) of this section that the person charged
 24 with the offense:

25 (a) Was under 21 years of age at the time of committing the offense and the person produced
 26 an identification card, license or permit solely for the purpose of enabling the person to purchase
 27 alcohol; or

28 (b) Was under 18 years of age at the time of committing the offense and the person produced
 29 an identification card, license or permit solely for the purpose of enabling the person to purchase
 30 tobacco products.

31 **SECTION 28.** ORS 807.520 is amended to read:

32 807.520. (1) A person commits the offense of false swearing to receive a driver license **or a**
 33 **driving privilege card** if the person makes any false affidavit or knowingly swears or affirms falsely
 34 to any matter required to be sworn to or affirmed in the process of applying for, receiving and
 35 holding a license, **card** or driver permit under the vehicle code.

36 (2) The offense described in this section, false swearing to receive a driver license **or a driving**
 37 **privilege card**, is a Class A misdemeanor.

38 **SECTION 29.** ORS 807.530 is amended to read:

39 807.530. (1) A person commits the offense of providing a false application for a license **or a**
 40 **driving privilege card** if the person in applying for a license, **card** or driver permit or for renewal
 41 or duplication thereof under the vehicle code knowingly:

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

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

44 (c) Gives or uses a false age;

45 (d) Makes a false statement;

1 (e) Conceals a material fact;

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

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

5 (h) Otherwise commits fraud in the application.

6 (2) The offense described in this section, providing a false application for a license **or a driving**
7 **privilege card**, is a Class A misdemeanor.

8 **SECTION 30.** ORS 807.560 is amended to read:

9 807.560. (1) A person to whom a license, **driving privilege card** or driver permit is issued
10 commits the offense of failure to notify upon change of driver address or name if the person does
11 not notify the Department of Transportation in a manner authorized by the department by rule upon
12 any change of the person's:

13 (a) Residence from that noted on the person's license, **driving privilege card** or driver permit
14 as issued;

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

17 (c) Place of employment, if the person is an officer or eligible employee, as defined in ORS
18 802.250, whose place of employment address is noted on department records in accordance with ORS
19 802.250.

20 (2) Notice required under this section:

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

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

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

24 **SECTION 31.** ORS 807.570 is amended to read:

25 807.570. (1) A person commits the offense of failure to carry a license **or a driving privilege**
26 **card** or to present a license **or a driving privilege card** to a police officer if the person either:

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

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

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

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

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

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

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

40 (5) The offense described in this section, failure to carry a license **or a driving privilege card**
41 or to present a license **or a driving privilege card** to a police officer, is a Class C misdemeanor.

42 **SECTION 32.** ORS 807.580 is amended to read:

43 807.580. (1) A person commits the offense of using an invalid license **or driving privilege card**
44 if the person knowingly displays or permits to be displayed or possesses any license, **driving priv-**
45 **ilege card** or driver permit that the person knows is fictitious, canceled, revoked, suspended or

1 fraudulently altered.

2 (2) The offense described in this section, using an invalid license **or driving privilege card**, is
 3 a Class A misdemeanor.

4 **SECTION 33.** ORS 807.590 is amended to read:

5 807.590. (1) A person commits the offense of permitting misuse of a license **or of a driving**
 6 **privilege card** if the person has been issued a license, **card** or driver permit and the person know-
 7 ingly lends the license, **card** or driver permit to another or knowingly permits another person to
 8 use the license, **card** or driver permit.

9 (2) The offense described in this section, permitting misuse of a license **or of a driving privilege**
 10 **card**, is a Class A misdemeanor.

11 **SECTION 34.** ORS 807.600 is amended to read:

12 807.600. (1) A person commits the offense of using another’s license **or driving privilege card**
 13 if the person knowingly displays or represents as the person’s license, **card** or driver permit a li-
 14 cense, **card** or driver permit that has not been issued to the person.

15 (2) The offense described in this section, using another’s license **or driving privilege card**, is
 16 a Class A misdemeanor.

17 **SECTION 35.** ORS 809.310 is amended to read:

18 809.310. (1) The Department of Transportation may cancel any driving privileges upon deter-
 19 mining that the person is not entitled to the driving privileges under the vehicle code. The depart-
 20 ment may reissue driving privileges canceled under this subsection when the applicant has satisfied
 21 all requirements for the driving privileges sought.

22 (2) The department may cancel any driver license, **driving privilege card** or permit that con-
 23 tains any error or defect or that is found to have been issued on the basis of false information given
 24 to the department. Cancellation under this subsection is in addition to any suspension of driving
 25 privileges authorized for the same conduct.

26 (3) The department may suspend any driving privileges or right to apply for privileges or any
 27 identification card or right to apply for [a] **an identification** card upon determining that the person
 28 issued or applying for the driving privileges or identification card has committed any of the follow-
 29 ing acts:

30 (a) Failed to give the required or correct information in the application for the driving privileges
 31 or for an identification card, in violation of ORS 807.430 or 807.530.

32 (b) Committed false swearing in making application for the driving privileges in violation of ORS
 33 807.520.

34 (c) Used an invalid license, **driving privilege card** or identification card in violation of ORS
 35 807.430 or 807.580.

36 (d) Permitted misuse of a license, **driving privilege card**, permit or identification card in vio-
 37 lation of ORS 807.430 or 807.590.

38 (e) Used the license, **driving privilege card**, permit or identification card of another in violation
 39 of ORS 807.430 or 807.600.

40 (f) Produced identification cards, **driving privilege cards**, licenses, permits, forms or camera
 41 cards in violation of ORS 807.500.

42 (g) Transferred documents for the purpose of misrepresentation in violation of ORS 807.510.

43 (h) Given false information to a police officer in violation of ORS 807.620.

44 (4) Upon suspension or cancellation of driving privileges under this section, a person whose
 45 privileges are suspended or canceled shall surrender to the department any license, **driving privi-**

1 **lege card** or driver permit issued for the driving privileges. Failure to comply with this subsection
2 is subject to penalty as provided under ORS 809.500.

3 (5) To obtain driving privileges after the period of suspension or cancellation under this section,
4 a person must reapply for driving privileges in the manner established by law.

5 **SECTION 36.** ORS 811.604 is amended to read:

6 811.604. (1) Application for issuance of a disabled person parking permit in the form of an indi-
7 vidual placard or decal issued under ORS 811.602 shall include:

8 (a) A certificate by a licensed physician, a certified nurse practitioner or a licensed physician
9 assistant to the Department of Transportation that the applicant is a disabled person or a certificate
10 by a licensed optometrist that the applicant is a disabled person because of loss of vision or sub-
11 stantial loss of visual acuity or visual field beyond correction; and

12 (b) The number of a current, valid driver license, **driving privilege card**, golf cart driver permit
13 or identification card issued to the applicant by the department.

14 (2) Application for renewal of a disabled person parking permit shall be a signed statement from
15 the holder of the permit saying that the person is still qualified to hold the permit.

16 **SECTION 37.** ORS 811.605 is amended to read:

17 811.605. An applicant for an individual placard or decal issued by the Department of Transpor-
18 tation under ORS 811.602 must have a driver license, **a driving privilege card**, a disability golf cart
19 driver permit or an identification card issued by the department. The placard or decal shall be valid
20 so long as the license, **driving privilege card**, permit or identification card is valid and may be
21 renewed when the license, permit or card is renewed. An individual placard or decal shall contain:

22 (1) The driver license, **driving privilege card**, golf cart driver permit or identification card
23 number of the person to whom the placard is issued; and

24 (2) An expiration date that is visible from outside the vehicle when the placard or decal is dis-
25 played on or in the vehicle. The expiration date shall be the same as the expiration date of the
26 driver license, **driving privilege card**, golf cart driver permit or identification card of the holder
27 of the placard.

28 **SECTION 38.** ORS 811.606 is amended to read:

29 811.606. The Department of Transportation may issue a placard with identifying information and
30 showing an expiration date not to exceed six months after the date of issuance for use by tempo-
31 rarily disabled persons upon submission by the applicant of a certificate described in ORS 811.604
32 except that it certifies that the applicant is temporarily disabled for less than four years. An appli-
33 cant for a temporary permit need not have a driver license, **driving privilege card**, permit or
34 identification card.

35 **SECTION 39.** Section 19, chapter 666, Oregon Laws 2001, as amended by section 5, chapter 696,
36 Oregon Laws 2001, section 52, chapter 14, Oregon Laws 2003, section 4, chapter 383, Oregon Laws
37 2003, section 11, chapter 577, Oregon Laws 2003, and section 16, chapter 801, Oregon Laws 2003, is
38 amended to read:

39 **Sec. 19.** The crimes to which section 1 (11)(b), chapter 666, Oregon Laws 2001, applies are:

40 (1) Bribe giving, as defined in ORS 162.015.

41 (2) Bribe receiving, as defined in ORS 162.025.

42 (3) Public investment fraud, as defined in ORS 162.117.

43 (4) Bribing a witness, as defined in ORS 162.265.

44 (5) Bribe receiving by a witness, as defined in ORS 162.275.

45 (6) Simulating legal process, as defined in ORS 162.355.

- 1 (7) Official misconduct in the first degree, as defined in ORS 162.415.
- 2 (8) Custodial interference in the second degree, as defined in ORS 163.245.
- 3 (9) Custodial interference in the first degree, as defined in ORS 163.257.
- 4 (10) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 5 (11) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 6 (12) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 7 (13) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 8 (14) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- 9 (15) Possession of materials depicting sexually explicit conduct of a child in the first degree, as
10 defined in ORS 163.688.
- 11 (16) Possession of materials depicting sexually explicit conduct of a child in the second degree,
12 as defined in ORS 163.689.
- 13 (17) Theft in the second degree, as defined in ORS 164.045.
- 14 (18) Theft in the first degree, as defined in ORS 164.055.
- 15 (19) Aggravated theft in the first degree, as defined in ORS 164.057.
- 16 (20) Theft by extortion, as defined in ORS 164.075.
- 17 (21) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 18 (22) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 19 (23) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 20 (24) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 21 (25) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 22 (26) Laundering a monetary instrument, as defined in ORS 164.170.
- 23 (27) Engaging in a financial transaction in property derived from unlawful activity, as defined
24 in ORS 164.172.
- 25 (28) Burglary in the second degree, as defined in ORS 164.215.
- 26 (29) Burglary in the first degree, as defined in ORS 164.225.
- 27 (30) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 28 (31) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 29 (32) Arson in the second degree, as defined in ORS 164.315.
- 30 (33) Arson in the first degree, as defined in ORS 164.325.
- 31 (34) Computer crime, as defined in ORS 164.377.
- 32 (35) Robbery in the third degree, as defined in ORS 164.395.
- 33 (36) Robbery in the second degree, as defined in ORS 164.405.
- 34 (37) Robbery in the first degree, as defined in ORS 164.415.
- 35 (38) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 36 (39) Unlawful recording of a live performance, as defined in ORS 164.869.
- 37 (40) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 38 (41) A violation of ORS 164.877.
- 39 (42) Endangering aircraft, as defined in ORS 164.885.
- 40 (43) Interference with agricultural operations, as defined in ORS 164.887.
- 41 (44) Forgery in the second degree, as defined in ORS 165.007.
- 42 (45) Forgery in the first degree, as defined in ORS 165.013.
- 43 (46) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 44 (47) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 45 (48) Criminal possession of a forgery device, as defined in ORS 165.032.

- 1 (49) Criminal simulation, as defined in ORS 165.037.
- 2 (50) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 3 (51) Fraudulent use of a credit card, as defined in ORS 165.055.
- 4 (52) Negotiating a bad check, as defined in ORS 165.065.
- 5 (53) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 6 (54) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 7 (55) Falsifying business records, as defined in ORS 165.080.
- 8 (56) Sports bribery, as defined in ORS 165.085.
- 9 (57) Sports bribe receiving, as defined in ORS 165.090.
- 10 (58) Misapplication of entrusted property, as defined in ORS 165.095.
- 11 (59) Issuing a false financial statement, as defined in ORS 165.100.
- 12 (60) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 13 (61) A violation of ORS 165.543.
- 14 (62) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 15 (63) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 16 (64) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 17 (65) Identity theft, as defined in ORS 165.800.
- 18 (66) A violation of ORS 166.190.
- 19 (67) Unlawful use of a weapon, as defined in ORS 166.220.
- 20 (68) A violation of ORS 166.240.
- 21 (69) Unlawful possession of a firearm, as defined in ORS 166.250.
- 22 (70) A violation of ORS 166.270.
- 23 (71) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
- 24 firearms silencer, as defined in ORS 166.272.
- 25 (72) A violation of ORS 166.275.
- 26 (73) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 27 (74) A violation of ORS 166.370.
- 28 (75) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 29 (76) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 30 (77) Possession of a hoax destructive device, as defined in ORS 166.385.
- 31 (78) A violation of ORS 166.410.
- 32 (79) Providing false information in connection with a transfer of a firearm, as defined in ORS
- 33 166.416.
- 34 (80) Improperly transferring a firearm, as defined in ORS 166.418.
- 35 (81) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 36 (82) A violation of ORS 166.429.
- 37 (83) A violation of ORS 166.470.
- 38 (84) A violation of ORS 166.480.
- 39 (85) A violation of ORS 166.635.
- 40 (86) A violation of ORS 166.638.
- 41 (87) Unlawful paramilitary activity, as defined in ORS 166.660.
- 42 (88) A violation of ORS 166.720.
- 43 (89) Prostitution, as defined in ORS 167.007.
- 44 (90) Promoting prostitution, as defined in ORS 167.012.
- 45 (91) Compelling prostitution, as defined in ORS 167.017.

- 1 (92) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 2 (93) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 3 (94) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 4 (95) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 5 (96) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 6 (97) Possession of a gambling device, as defined in ORS 167.147.
- 7 (98) Possession of a gray machine, as defined in ORS 167.164.
- 8 (99) Cheating, as defined in ORS 167.167.
- 9 (100) Tampering with drug records, as defined in ORS 167.212.
- 10 (101) A violation of ORS 167.262.
- 11 (102) Research and animal interference, as defined in ORS 167.312.
- 12 (103) Animal abuse in the first degree, as defined in ORS 167.320.
- 13 (104) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 14 (105) Animal neglect in the first degree, as defined in ORS 167.330.
- 15 (106) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS
16 167.352.
- 17 (107) Involvement in animal fighting, as defined in ORS 167.355.
- 18 (108) Dogfighting, as defined in ORS 167.365.
- 19 (109) Participation in dogfighting, as defined in ORS 167.370.
- 20 (110) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 21 (111) Interference with livestock production, as defined in ORS 167.388.
- 22 (112) A violation of ORS 167.390.
- 23 (113) A violation of ORS 471.410.
- 24 (114) Failure to report missing precursor substances, as defined in ORS 475.955.
- 25 (115) Illegally selling drug equipment, as defined in ORS 475.960.
- 26 (116) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 27 (117) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.991.
- 28 (118) A violation of ORS 475.992, if it is a felony or a Class A misdemeanor.
- 29 (119) A violation of ORS 475.993, if it is a felony or a Class A misdemeanor.
- 30 (120) A violation of ORS 475.994.
- 31 (121) A violation of ORS 475.995, if it is a felony or a Class A misdemeanor.
- 32 (122) A violation of ORS 475.999 (1)(a).
- 33 (123) Misuse of an identification card, as defined in ORS 807.430.
- 34 (124) Unlawful production of identification cards, licenses, **driving privilege cards**, permits,
35 forms or camera cards, as defined in ORS 807.500.
- 36 (125) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- 37 (126) Using an invalid license **or driving privilege card**, as defined in ORS 807.580.
- 38 (127) Permitting misuse of a license **or driving privilege card**, as defined in ORS 807.590.
- 39 (128) Using another's license **or driving privilege card**, as defined in ORS 807.600.
- 40 (129) Criminal driving while suspended or revoked, as defined in ORS 811.182, when it is a fel-
41 ony.
- 42 (130) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
43 felony.
- 44 (131) Unlawful distribution of cigarettes, as defined in ORS 323.482.
- 45 (132) A violation of ORS 180.440 (2).

1 (133) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to (132) of this
2 section if the attempt, conspiracy or solicitation is a felony or a Class A misdemeanor.
3 _____