

## CHAPTER 701

AN ACT

HB 2015

Relating to documents issued by the Department of Transportation; creating new provisions; amending ORS 97.953, 247.017, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 and section 4, chapter 60, Oregon Laws 2018; repealing ORS 807.735; and declaring an emergency.

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

**DRIVER LICENSES, DRIVER PERMITS  
AND IDENTIFICATION CARDS**

**SECTION 1.** ORS 807.021 is amended to read:

807.021. (1) *[Except as provided in ORS 807.310 (5) and 807.405 (4), prior to]* **Before** issuing, renewing or replacing any driver license, driver permit or identification card, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration **or a written statement that the person has not been assigned a Social Security number.** *[and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.]*

*[(2) For the purposes of subsection (1) of this section:]*

*[(a) A person provides proof of legal presence in the United States by submitting valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws.]*

*[(b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may submit a tribal identification card as proof of legal presence in the United States if the department determines that the procedures used in issuing the card are sufficient to prove that a member is legally present in the United States.]*

*[(c) If a person is not eligible for a Social Security number, the person shall provide proof, as defined by the department by rule, that the person is not eligible for a Social Security number.]*

*[(3)] (2)* The department may issue, renew or replace a driver license, driver permit or identification card for an applicant who has submitted a Social Security number only after the department verifies the Social Security number with the United States Social Security Administration. In order to verify the person's Social Security number, the department may require the person to provide proof, as defined by rule, of the person's Social Security number.

*[(4)] (3)* This section does not apply if the department previously verified the Social Security number as required by subsection *[(3)] (2)* of this

section *[and the person applying for the driver license, driver permit or identification card is a citizen or permanent legal resident of the United States].*

**(4) As used in this section, a "driver license" or "driver permit" means a driver license or driver permit that is not a:**

- (a) Commercial driver license; or**
- (b) Commercial learner driver permit.**

**SECTION 2.** ORS 807.021, as amended by section 11, chapter 568, Oregon Laws 2017, is amended to read:

807.021. (1) *[Except as provided in ORS 807.310 (5) and 807.405 (4), prior to]* **Before** issuing, renewing or replacing a driver license, driver permit or identification card *[that is not a Real ID]*, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration **or a written statement that the person has not been assigned a Social Security number.** *[and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.]*

*[(2) For the purposes of subsection (1) of this section:]*

*[(a) A person provides proof of legal presence in the United States by submitting valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws.]*

*[(b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may submit a tribal identification card as proof of legal presence in the United States if the department determines that the procedures used in issuing the card are sufficient to prove that a member is legally present in the United States.]*

*[(c) If a person is not eligible for a Social Security number, the person shall provide proof, as defined by the department by rule, that the person is not eligible for a Social Security number.]*

*[(3)] (2)* The department may issue, renew or replace a driver license, driver permit or identification card *[that is not a Real ID]* for an applicant who has submitted a Social Security number only after the department verifies the Social Security number with the United States Social Security Administration. In order to verify the person's Social Security number, the department may require the person to provide proof, as defined by rule, of the person's Social Security number.

*[(4)] (3)* This section does not apply if the department previously verified the Social Security number as required by subsection *[(3)] (2)* of this section *[and the person applying for the driver license, driver permit or identification card is a citizen or permanent legal resident of the United States].*

**(4) As used in this section, a "driver license," "driver permit" or "identification**

**card” means a driver license, driver permit or identification card that is not a:**

- (a) **Real ID;**
- (b) **Commercial driver license; or**
- (c) **Commercial learner driver permit.**

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

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

(a) The person must complete an application for a license under ORS 807.050.

(b)(A) As required by ORS 807.021 [and 807.730], [the] a person **applying for a driver license or driver permit** must provide the Social Security number assigned to the person by the United States Social Security Administration [and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number] **or a written statement that the person has not been assigned a Social Security number.**

(B) As used in this paragraph, a “**driver license**” or “**driver permit**” means a driver license or driver permit that is not a:

- (i) **Commercial driver license; or**
- (ii) **Commercial learner driver permit.**

(c) The person must submit to collection of biometric data by the department that establish the identity of the person as described in ORS 807.024.

(d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for the license under ORS 807.062.

(e) The person must successfully pass all examination requirements under ORS 807.070 for the class of license sought.

(f) The person must pay the appropriate license fee under ORS 807.370 for the class of license sought.

(g) The person must pay the Student Driver Training Fund eligibility fee.

(h) If the application is for a commercial driver license, the person must be the holder of a Class C license or any higher class of license.

(i) If the application is for a commercial driver license, the department must have received and recorded, in a form approved by the department, the report of a medical examination that establishes that the person meets the medical requirements to operate a commercial motor vehicle. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph 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.

(j) If the application is for a commercial driver license, the person must:

(A) Have at least one year’s driving experience, including relevant experience obtained in the military;

(B) Not be subject to a lifetime suspension of commercial driving privileges under ORS 809.520;

(C) Not be otherwise ineligible to hold a commercial driver license;

(D) Hold a commercial learner driver permit if the person must complete a skills demonstration under ORS 807.070 (3); [and]

(E) [In addition to meeting the requirement of providing proof of legal presence under ORS 807.021 and this section, the person must] Submit valid documentation, as defined by the department by rule, that the person is a citizen or **lawful** permanent [legal] resident of the United States or is a citizen of a country with a Compact of Free Association with the United States[.]; **and**

(F) **Provide the Social Security number assigned to the person by the United States Social Security Administration for verification by the department with the administration.**

(2) Subsection (1)(j)(E) of this section does not apply to a limited term commercial driver license or a limited term commercial learner driver permit issued under ORS 807.730.

(3) The department shall work with other agencies and organizations to attempt to improve the issuance system for driver licenses.

**SECTION 4.** ORS 807.040, as amended by section 14, chapter 568, Oregon Laws 2017, is amended to read:

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

(a) The person must complete an application for a license under ORS 807.050.

(b)(A) As required by ORS 807.021 [and 807.730], [the] a person **applying for a driver license or driver permit** must provide the Social Security number assigned to the person by the United States Social Security Administration [and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number] **or a written statement that the person has not been assigned a Social Security number.**

(B) As used in this paragraph, a “**driver license**” or “**driver permit**” means a driver license or driver permit that is not a:

- (i) **Real ID;**
- (ii) **Commercial driver license; or**
- (iii) **Commercial learner driver permit.**

(c) The person must submit to collection of biometric data by the department that establish the identity of the person as described in ORS 807.024.

(d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for the license under ORS 807.062.

(e) The person must successfully pass all examination requirements under ORS 807.070 for the class of license sought.

(f) The person must pay the appropriate license fee under ORS 807.370 for the class of license sought.

(g) The person must pay the Student Driver Training Fund eligibility fee.

(h) If the application is for a commercial driver license, the person must be the holder of a Class C license or any higher class of license.

(i) If the application is for a commercial driver license, the department must have received and recorded, in a form approved by the department, the report of a medical examination that establishes that the person meets the medical requirements to operate a commercial motor vehicle. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph 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.

(j) If the application is for a **Real ID commercial driver license or a commercial driver license that is not a Real ID**, the person must:

(A) Have at least one year's driving experience, including relevant experience obtained in the military;

(B) Not be subject to a lifetime suspension of commercial driving privileges under ORS 809.520;

(C) Not be otherwise ineligible to hold a commercial driver license;

(D) Hold a commercial learner driver permit if the person must complete a skills demonstration under ORS 807.070 (3); *and*

(E) *[In addition to meeting the requirement of providing proof of legal presence under ORS 807.021 and this section, The person must]* Submit valid documentation, as defined by the department by rule, that the person is a citizen or **lawful permanent [legal] resident** of the United States or is a citizen of a country with a Compact of Free Association with the United States[.]; **and**

**(F) Provide the Social Security number assigned to the person by the United States Social Security Administration for verification by the department with the administration.**

(k) The person must present acceptable documents to prove identity, date of birth and address. The department shall determine by rule which documents are acceptable to prove identity, date of birth and address.

(L) If the application is for a Real ID, the person must comply with the requirements under the vehicle code for issuance of Real IDs.

**(2) Except as provided in subsection (3) of this section, acceptable documents to prove identity, date of birth or address under subsection (1)(k) of this section when a person is applying for a driver license, driver permit or**

**identification card that is not a Real ID, a commercial driver license, or a commercial learner driver permit, include but are not limited to the following:**

(a) **An unexpired valid passport from the person's country of citizenship;**

(b) **An unexpired valid consular identification document issued by the consulate of the person's country of citizenship, if the department determines that the procedure used in issuing the consular identification document is sufficient to prove the person's identity;**

(c) **A driver license, driver permit or identification card issued by this state that expired not more than 13 years from the date of the current application; or**

(d) **A driver license, driver permit or identification card issued by another state that:**

(A) **Is unexpired; or**

(B) **Expired not more than one year from the date of the current application.**

(3) **The department may refuse to accept any document described in subsection (2) of this section that is presented as proof of identity, date of birth or address, if the department has reason to believe that:**

(a) **The document is fraudulent, has been altered or does not belong to the person presenting the document; or**

(b) **The procedures used by the agency that issued the document are no longer sufficient for proving a person's identity or date of birth.**

*[(2)]* (4) Subsection (1)(j)(E) of this section does not apply to a limited term commercial driver license or a limited term commercial learner driver permit issued under ORS 807.730.

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

**SECTION 5.** ORS 807.400 is amended to read:

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

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

(b) *[As required by ORS 807.021 and 807.730,]* Provides the Social Security number assigned to the person by the United States Social Security Administration *[and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number]* **or a written statement that the person has not been assigned a Social Security number, as required under ORS 807.021;**

(c) Does not have a current, valid driver license;

(d) Furnishes evidence of the person's full legal name, age and identity as the department may require; and

(e) Submits to collection of biometric data by the department that establish the identity of the person as provided in ORS 807.024.

(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 proof 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 the applicant for renewal of an identification card, in addition to anything else the department may require. The department shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Verification of proof of address may include, but is not limited to, providing a utility bill, a tax return, a record from a financial institution, a proof of insurance card or a health benefits card, a selective service card, a mortgage document or a lease agreement. The applicant may provide the proof of address by submitting proof in the form of an original document or a copy of a document, use an electronic device to display proof of address, or provide proof through the use of a third party address verification system.

(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. The identification card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

(5) If the identification card is a limited term identification card issued under ORS 807.730, the limited term identification card shall indicate:

(a) That it is a limited term identification card; and

(b) The date on which the limited term identification card expires.

(6) 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.

(7) Upon request of the person to whom the identification card is issued and presentation of proof, as determined by the department by rule, that the person is a veteran, as defined in ORS 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

(10) The fee for an original identification card or a renewal thereof shall be the fee established under ORS 807.410.

(11) An identification card becomes invalid if the holder of the card changes the holder's 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.

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

(a) Issue a replacement identification card containing the new address upon receipt of the old identification card and payment of the fee established for issuing a replacement identification card [*with a changed address*] under ORS 807.410. Except as otherwise provided in subsection (14) of this section, the replacement identification card shall bear the same distinguishing number as the card being replaced.

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

(13) An identification card becomes invalid if the holder of the card changes the holder'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 replacement identification card upon payment of the fee required under ORS 807.410.

(14) In the event that, for a reason identified by the department by rule, a person needs a replacement identification card that bears a distinguishing number different from the number on the card being replaced, the person to whom the card was issued may obtain a replacement card from the department upon furnishing proof satisfactory to the department of the need for such replacement and payment of the replacement fee under ORS 807.410.

(15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the person's identification card does not include the fact that the person is a veteran, the department shall issue a replacement identification card that includes the fact that the person is a veteran.

(16) The department may establish by rule reasons for issuing replacement identification cards that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for a replacement identification card is provided under ORS 807.410.

(17) 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 driver 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.

(18) 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 the person's driver 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 for any of the following reasons:

(a) The person voluntarily surrenders the person's driver license or driver permit to the department based upon the person's recognition that the person is no longer competent to drive.

(b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the person voluntarily surrenders the person's driver license or driver permit to the department as provided under ORS 809.500.

**SECTION 6.** ORS 807.400, as amended by section 18, chapter 568, Oregon Laws 2017, is amended to read:

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

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

(b) **When applying for an identification card that is not a Real ID,** [*As required by ORS 807.021 and 807.730,*] provides the Social Security number assigned to the person by the United States Social Security Administration [*and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number*] **or a written statement that the person has not been assigned a Social Security number, as required under ORS 807.021;**

(c) Does not have a current, valid driver license;

(d) Furnishes evidence of the person's full legal name and date of birth; and

(e) Submits to collection of biometric data by the department that establish the identity of the person as provided in ORS 807.024.

(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 proof 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 the applicant for renewal of an identification card, in addition to anything else the department may require. The department shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Proof of address may include, but is not limited to, providing a utility bill, a tax return, a record from a financial institution, a proof of insurance card or a health benefits card, a selective service card, a mortgage document or a lease agreement. The applicant may provide the proof of address by submitting proof in the form of an original document or a copy of a document, use an electronic device to display proof of address, or provide proof through the use of a third party address verification system.

(4) Every identification card shall be issued upon the standard driver license form described under ORS 807.110 and shall bear a statement to the effect that the identification card is not a driver 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 driver license under ORS 807.110. The identification card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

(5) If the identification card is a limited term identification card issued under ORS 807.730, the limited term identification card shall indicate:

(a) That it is a limited term identification card; and

(b) The date on which the limited term identification card expires.

(6) 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.

(7) Upon request of the person to whom the identification card is issued and presentation of proof, as determined by the department by rule, that the person is a veteran, as defined in ORS 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

(10) The fee for an original identification card or a renewal thereof shall be the fee established under ORS 807.410.

(11) An identification card becomes invalid if the holder of the card changes the holder's 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.

(12) If a person to whom an identification card was issued and who changes the person's residence address appears in person at a department office that

issues identification cards, the department may do any of the following:

(a) Issue a replacement identification card containing the new address upon receipt of the old identification card and payment of the fee established for issuing a replacement identification card [with a changed address] under ORS 807.410. Except as otherwise provided in subsection (14) of this section, the replacement identification card shall bear the same distinguishing number as the card being replaced.

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

(13) An identification card becomes invalid if the holder of the card changes the holder'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 replacement identification card upon payment of the fee required under ORS 807.410.

(14) In the event that, for a reason identified by the department by rule, a person needs a replacement identification card that bears a distinguishing number different from the number on the card being replaced, the person to whom the card was issued may obtain a replacement card from the department upon furnishing proof satisfactory to the department of the need for such replacement and payment of the replacement fee under ORS 807.410.

(15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the person's identification card does not include the fact that the person is a veteran, the department shall issue a replacement identification card that includes the fact that the person is a veteran.

(16) The department may establish by rule reasons for issuing replacement identification cards that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for a replacement identification card is provided under ORS 807.410.

(17) 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 driver 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.

(18) 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 the person's driver 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 for any of the following reasons:

(a) The person voluntarily surrenders the person's driver license or driver permit to the department based upon the person's recognition that the person is no longer competent to drive.

(b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the person voluntarily surrenders the person's driver license or driver permit to the department as provided under ORS 809.500.

(19) If a person is applying for an identification card that is a Real ID, the person must comply with the requirements under the vehicle code for issuance of Real IDs.

**SECTION 7.** ORS 807.730, as amended by section 19, chapter 568, Oregon Laws 2017, is amended to read:

807.730. (1) The Department of Transportation may issue or replace a **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **Real ID** limited term driver permit, limited term commercial learner driver permit, **limited term commercial driver license that is not a Real ID** or **Real ID** limited term identification card only for a person who provides proof, as determined by the department by rule, that the person [is legally present] **has lawful status** in the United States on a temporary basis.

(2) A **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **limited term commercial driver license that is not a Real ID** or **Real ID** limited term identification card is valid:

(a) During the applicant's authorized stay in the United States, but no longer than eight years from the date of issuance; or

(b) If there is no definite end to the authorized stay, for a period of one year.

(3) A **Real ID** limited term driver permit or a limited term commercial learner driver permit is valid:

(a) During the applicant's authorized stay in the United States, but no longer than the period of time for which a driver permit of the same type is issued by the department.

(b) If there is no definite end to the authorized stay, for a period of one year but no longer than the period of time for which a driver permit of the same type is issued by the department.

(4) A **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **limited term commercial driver license that is not a Real ID**, **Real ID** limited term driver permit[, limited term commercial learner driver permit] or **Real ID** limited term identification card may be renewed only upon presentation of valid documentation, as determined by the department by rule, that the sta-

tus by which the applicant qualified for the **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **limited term commercial driver license that is not a Real ID**, **Real ID** limited term driver permit[, *limited term commercial learner driver permit*] or **Real ID** limited term identification card has been extended or is still in effect.

(5) A **Real ID** limited term driver license or **Real ID** limited term driver permit grants the same **driving** privileges as a driver license or driver permit.

(6) A **Real ID** limited term identification card shall bear a statement to the effect that the **Real ID** limited term 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.

(7) A limited term commercial driver license, a **Real ID limited term commercial driver license** or limited term commercial learner driver permit grants the same privileges as a commercial driver license or commercial learner driver permit.

(8) The department may issue a **Real ID limited term commercial driver license**, limited term commercial driver license **that is not a Real ID** or limited term commercial learner driver permit if the applicant is otherwise eligible for commercial driving privileges. The department may adopt rules describing eligibility requirements for **Real ID** limited term commercial driver licenses, **limited term commercial driver licenses that are not Real ID** and limited term commercial learner driver permits.

(9) A **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **limited term commercial driver license that is not a Real ID**, **Real ID limited term driver permit**, **limited term commercial learner driver permit** or **Real ID** limited term identification card shall clearly indicate **on the face of the card and in the machine readable zone** that it is a **Real ID** limited term driver license, **Real ID** limited term commercial driver license, **limited term commercial driver license that is not a Real ID**, **Real ID limited term driver permit**, **limited term commercial learner driver permit** or **Real ID** limited term identification card and indicate the date on which it expires.

**SECTION 8.** Section 9 of this 2019 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 9.** A driver license, driver permit or identification card that is not a **Real ID** may not be used as evidence of the holder's citizenship or immigration status for any purpose.

**SECTION 10.** Section 11 of this 2019 Act is added to and made a part of ORS chapter 659A.

**SECTION 11.** (1) As used in this section, "Real ID" has the meaning given that term in ORS 807.450.

(2) A person may not discriminate against an individual because the individual holds or presents a form of government issued identification other than a **Real ID**.

(3) An individual claiming to be aggrieved by a violation of subsection (2) of this section may bring a civil action under ORS 659A.885 and recover the relief as provided by ORS 659A.885 (1) and (3).

**SECTION 12.** ORS 659A.885, as amended by section 9, chapter 197, Oregon Laws 2017, and section 13, chapter 691, Oregon Laws 2017, is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355 or 659A.421 or section 11 of this 2019 Act; or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.355 or 659A.421 or section 11 of this 2019 Act:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(8) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1).

(9) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

(a) In an amount not exceeding \$50,000 for a first violation; and

(b) In an amount not exceeding \$100,000 for any subsequent violation.

(10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.



**SECTION 13.** ORS 659A.885, as amended by sections 9 and 10, chapter 197, Oregon Laws 2017, and section 13, chapter 691, Oregon Laws 2017, is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355, 659A.357 or 659A.421 **or section 11 of this 2019 Act**; or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.355, 659A.357 or 659A.421 **or section 11 of this 2019 Act**:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(8) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the

judgment pursuant to the standard established by ORS 19.415 (1).

(9) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

(a) In an amount not exceeding \$50,000 for a first violation; and

(b) In an amount not exceeding \$100,000 for any subsequent violation.

(10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

**SECTION 14.** ORS 802.195 is amended to read: 802.195. (1) As used in this section:

(a) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an identification card issued by the Department of Transportation, a vehicle title or a vehicle registration.

(b) "Person" has the meaning given that term in ORS 802.175.

(2) Neither the Department of Transportation nor any officer, employee or contractor of the department may knowingly disclose or otherwise make available to any person:

(a) An individual's Social Security number that is obtained by the department in connection with a motor vehicle record; or

**(b) Whether a person provided a Social Security number to the department when applying for a driver license, driver permit or identification card.**

(3) Notwithstanding subsection (2) of this section, the department may, upon the request of another government agency, or shall, as required by law, disclose an individual's Social Security number or lack thereof from a motor vehicle record to the other agency for use in carrying out the other agency's governmental functions.

(4) An Oregon government agency that receives an individual's Social Security number under subsection (3) of this section may not redisclose the Social Security number except as required by law. An Oregon government agency that rediscloses a Social Security number as authorized by this subsection shall keep for five years records that identify each other government agency that receives the Social Security number. Records kept in accordance with this subsection must be made available to the department upon request.

(5) The department may establish fees reasonably calculated to reimburse the department for the actual cost of making an individual's Social Security number available to a government agency as required in subsection (3) of this section.

(6) Nothing in this section prohibits an individual from having access to that individual's own Social Security number that is contained in motor vehicle records.

(7) Knowingly obtaining or using a Social Security number from a motor vehicle record in violation of this section is a Class A misdemeanor.

(8) A person aggrieved by violation of this section may bring a civil action against a person who has knowingly obtained or used the aggrieved person's Social Security number in violation of this section. The action shall be for actual damages or \$2,500, whichever is greater, plus attorney fees and court costs reasonably incurred in the action.

(9) A person aggrieved by a violation of this section, a district attorney or the Attorney General may obtain appropriate relief to enforce this section, together with attorney fees and costs reasonably incurred in an action.

(10) Any person whose use or acquisition of a Social Security number in violation of this section subjects the State of Oregon to any liability or claim shall indemnify and hold harmless this state from all such liabilities and claims, including attorney fees and court costs, incurred in any action brought under this section.

**CONFORMING AMENDMENTS**

**SECTION 15.** ORS 97.953, as amended by section 24, chapter 36, Oregon Laws 2018, is amended to read:

97.953. As used in ORS 97.951 to 97.982:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agent" means:

(a) A health care representative or an alternate health care representative appointed under ORS 127.510; or

(b) An individual expressly authorized to make an anatomical gift on the principal's behalf by any record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

(4) "Body part" means an organ, an eye or tissue of a human being. The term does not include the whole body.

(5) "Decedent" means a deceased individual whose body or body part is or may be the source of an anatomical gift, and includes a stillborn infant or a fetus.

(6)(a) "Disinterested witness" means a witness other than:

(A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who makes, amends, revokes or refuses to make an anatomical gift; or

(B) An adult who exhibited special care and concern for the individual.

(b) "Disinterested witness" does not include a person to whom an anatomical gift could pass under ORS 97.969.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement, symbol or designation on a driver license, identification card or donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means a centralized database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(10) "Driver license" means a license or permit issued under ORS [807.021,] 807.040, 807.200, 807.280 or 807.730, regardless of whether conditions are attached to the license or permit.

(11) "Eye bank" means an organization licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

(12) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of an individual. "Guardian" does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the law of any state or a facility op-

erated as a hospital by the United States, a state or a subdivision of a state.

(14) "Identification card" means the card issued under ORS [807.021,] 807.400 or 807.730, or a comparable provision of the motor vehicle laws of another state.

(15) "Know" means to have actual knowledge.

(16) "Minor" means an individual who is under 18 years of age.

(17) "Organ procurement organization" means an organization designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(18) "Parent" means a parent whose parental rights have not been terminated.

(19) "Physician" means an individual authorized to practice medicine under the law of any state.

(20) "Procurement organization" means an eye bank, organ procurement organization or tissue bank.

(21) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a body part that could be medically suitable for transplantation, therapy, research or education. The term does not include an individual who has made a refusal.

(22) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(23) "Recipient" means an individual into whose body a decedent's body part has been or is intended to be transplanted.

(24) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(25) "Refusal" means a record that expressly states an intent to prohibit other persons from making an anatomical gift of an individual's body or body part.

(26) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

(27) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(28) "Technician" means an individual determined to be qualified to remove or process body parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.

(29) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(30) "Tissue bank" means a person that is licensed, accredited or regulated under federal or

state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

(31) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

**SECTION 16.** ORS 802.200 is amended to read:

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

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

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

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

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

(C) The vehicle description; and

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

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

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

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

(e) All odometer disclosures and readings for a vehicle that are reported to the department under provisions of the vehicle code. The department shall keep the most recent version of records required under this paragraph in electronic form.

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

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

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

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

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

(B) The name of the vehicle owner;

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

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

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

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

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

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

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

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

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

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

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

(a) An index by name and number.

(b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

(c) Every application for a driver license, driver permit or identification card.

(d) All driver licenses or driver permits that have been suspended or revoked.

(e)(A) For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or [proof that the person is not eligible for a Social Security number] **the written statement that the person has not been assigned a Social Security number.**

(B) **As used in this paragraph, a "driver license," "driver permit" or "identification card"**

**means a driver license, driver permit or identification card that is not a:**

- (i) Real ID;
- (ii) Commercial driver license; or
- (iii) Commercial learner driver permit.

(f) For each commercial driver license and commercial learner driver permit, the Social Security number of the person to whom the license or permit is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

**(g) For each Real ID, the Social Security number of the person to whom the Real ID is issued, or proof that the person is not eligible for a Social Security number.**

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

(a) The department shall maintain driving records on:

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

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

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

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

(b) In addition to other information required by this paragraph, the employment driving record shall include all reports of drug test results that are made to the department under ORS 825.410 or 825.415. Notwithstanding any other provision of law, release of the portion of the employment driving record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in accordance with ORS 802.202. The employment driving record shall also include all motor vehicle accidents that the person is required to report under ORS 811.720, all suspensions of driving privileges required to be placed on the record under ORS 809.280, all suspensions of the person's commercial driving privileges that result from operation or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of driving privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

(B) Carrying persons or property for compensation;

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

(D) That is an authorized emergency vehicle;

(E) That is a commercial motor vehicle; or

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

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

(A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than the motor vehicle accidents that are included on the person's employment driving record;

(B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

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

(D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement programs or other matters concerning the status of the driving privileges of the person.

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

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

(g) The Department of Transportation, in consultation with the Department of State Police, shall devise and implement a method of noting suspensions and revocations of driving privileges on the record in such a way that police agencies can determine directly from the record what class of offense, as provided by law, is committed by a person who drives in violation of the suspension or revocation. If the Department of Transportation and the

Department of State Police devise a mutually agreeable alternative method of informing police agencies of the nature of a suspension or revocation and the consequences of its violation, the implementation of that method shall satisfy the duty of the Department of Transportation under this paragraph.

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

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

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

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

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

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

(c) When the permit was issued.

(d) The type of permit issued.

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

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

**SECTION 17.** ORS 807.130 is amended to read:

807.130. (1) A license that is **not a limited term driver license and 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) Notwithstanding subsections (1) and (2) of this section, a **limited term commercial driver** license that is issued to a person who is not a citizen or **lawful** permanent *[legal]* resident of the United States **or a citizen of a country with a Compact of Free Association with the United States** expires on the date the licensee is no longer authorized to stay in the United States, as indicated by the documentation the person presented to the Department of Transportation to provide proof of *[legal presence]* **lawful status** in the United States as required by ORS *[807.021 and]* 807.730, but no longer than eight years from the date of issuance or, if there is no definite end to the authorized stay, after a period of one year.

*[(4) Subsection (3) of this section does not apply to a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of legal presence in the United States as defined by the department by rule.]*

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

**SECTION 18.** ORS 807.130, as amended by section 20, chapter 568, Oregon Laws 2017, is amended to read:

807.130. (1) A license that is **not a limited term driver license and 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) Notwithstanding subsections (1) and (2) of this section, a **limited term commercial driver** license **or a limited term Real ID** that is issued to a person who is not a citizen or **lawful** permanent *[legal]* resident of the United States **or a citizen of a country with a Compact of Free Association with the United States** expires on the date the licensee is no longer authorized to stay in the United States, as indicated by the documentation the person presented to the Department of Transportation to provide proof of *[legal presence]* **lawful status** in the United States as required by ORS *[807.021 and]* **807.455 and 807.730** *[or proof of lawful status in the United States as required by ORS 807.455]*, but no longer than eight years from the date of issuance or, if there is no definite end to the authorized stay, after a period of one year.

*[(4) Subsection (3) of this section does not apply to a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of legal presence in the United States as defined by the department by rule.]*

*[(5) Notwithstanding subsection (4) of this section, a Real ID issued to a person who is a citizen of a country with a Compact of Free Association with the United States expires on the date the licensee is no longer authorized to stay in the United States, as indicated by the documentation the person presented to the department or, if there is no definite end to the authorized stay, after a period of one year.]*

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

**SECTION 19.** ORS 807.173 is amended to read:

807.173. (1) Notwithstanding ORS 807.170, the Department of Transportation may not issue or renew a commercial driver license with a hazardous materials endorsement and may cancel a commercial driver license with a hazardous materials endorsement if a person:

(a) Does not complete and pass a security threat assessment from the federal Transportation Security Administration, including receipt by the department of a notice from the federal Transportation Security Administration showing that the person does not pose a security threat. The department shall establish by rule the process and frequency for obtaining a security threat assessment.

(b) Is assessed as a security threat by the federal Transportation Security Administration. The assess-

ment must be received by the department in the form of a notice from the federal Transportation Security Administration.

(c) Is not a U.S. citizen or **lawful permanent** [legal] resident as defined by the department by rule.

(2) A person is entitled to administrative review under ORS 809.440 when the department does not issue or renew a commercial driver license with a hazardous materials endorsement under this section or cancels a commercial driver license with a hazardous materials endorsement under this section.

(3) To the extent possible, rules promulgated by the department under this section should be uniform with any applicable federal regulations related to the holding of a commercial driver license with a hazardous materials endorsement.

**SECTION 20.** ORS 807.285 is amended to read:

807.285. (1) The Department of Transportation shall issue commercial learner driver permits in the manner provided by this section. Except as provided in this section, a person who is issued a commercial learner driver permit may exercise the same driving privileges as those under the class of commercial driver license or endorsement for which the permit is issued. Except as provided in this section, a commercial learner driver permit is subject to the provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges.

(2) The department may issue commercial learner driver permits under this section that grant the driving privileges of a Class A commercial, Class B commercial or Class C commercial driver license, subject to the requirements and restrictions described in this section.

(3) An applicant for a commercial learner driver permit must be 18 years of age or older and must have a valid driver license issued by the department.

(4) In addition to meeting the requirement of providing [proof of legal presence] **proof of lawful status** under ORS [807.021 and] 807.040, an applicant for a commercial learner driver permit must submit valid documentation, as defined by the department by rule, that the person is a citizen or **lawful permanent** [legal] resident of the United States **or a citizen of a country with a Compact of Free Association with the United States.** The requirements of this subsection do not apply to[.]

[a] an applicant for a limited term commercial learner driver permit issued under ORS 807.730.

[b] *A person who is a citizen of a country with a Compact of Free Association with the United States.*

(5) A commercial learner driver permit is valid for a period of one year from the date of issuance and is not renewable.

(6) Except as provided in subsection (7) of this section, the holder of the commercial learner driver permit may not operate a commercial motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person who:

(a) Is at least 21 years of age;

(b) Holds a class of commercial driver license and endorsements that grant the driving privileges required to operate the vehicle;

(c) Has no restrictions on the person's driving privileges that would make operation of the vehicle unlawful under ORS 807.010 (2);

(d) Has the permit holder under observation and direct supervision; and

(e) Is occupying a seat beside the holder of the permit or, in the case of a commercial passenger vehicle, directly behind or in the first row behind the driver.

(7) When taking an examination as described in ORS 807.070 (3) with an examiner employed by the department, the holder of a commercial learner driver permit is not required to be accompanied by a commercial driver license holder as otherwise required under subsection (6) of this section.

(8) The holder of a commercial learner driver permit may not operate:

(a) Any vehicle transporting hazardous materials.

(b) A tank vehicle, unless the tank is empty.

(c) A commercial passenger vehicle while transporting passengers, unless the passengers are federal or state auditors or inspectors, test examiners or other trainees and there is a commercial driver license holder accompanying the permit holder as required by subsection (6) of this section.

(d) A school bus while transporting passengers, unless the other passengers are federal or state auditors or inspectors, test examiners or other trainees and there is a commercial driver license holder accompanying the permit holder as required by subsection (6) of this section.

(e) A commercial motor vehicle combination consisting of more than one towed vehicle.

(9) A commercial learner driver permit must contain all of the applicable information described in ORS 807.110 (1) and a prominent statement that the permit is a "commercial learner permit" or "CLP."

(10) An applicant for a commercial learner driver permit must pay the commercial learner driver permit fee established under ORS 807.370.

**SECTION 21.** ORS 807.310 is amended to read:

807.310. (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 driver license or for a driver permit while the department is determining all facts relative to application for the driver 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 is 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 may not exceed an additional 30 days.

*[(5) If an applicant has complied with all the requirements for an application for a driver license or driver permit, except that the applicant is unable to produce the documentation required by the department under ORS 807.021 and 807.730, the department, at the time of application, may issue to the applicant an applicant temporary driver permit as provided in this section if the applicant certifies that the applicant is, to the best of the applicant's knowledge, legally present in the United States.]*

*[(6) An applicant temporary driver permit issued to an applicant who is applying for noncommercial driving privileges under subsection (5) of this section is valid for a period of 90 days from the date issued. The department may extend the term of the permit up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.]*

*[(7) Notwithstanding subsection (6) of this section, the department may, in the manner provided by rule, further extend the term of the applicant temporary driver permit for an applicant who needs additional time to obtain the documentation required under ORS 807.021 and 807.730.]*

*[(8) (5) An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause.*

*[(9) (6) The department may not charge a fee for issuance of an applicant temporary driver permit under this section.*

**SECTION 22.** ORS 807.405 is amended to read: 807.405. (1) The Department of Transportation shall provide for the issuance of applicant temporary identification cards in a manner consistent with this section.

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

(3) An applicant temporary identification card is valid for a period of 30 days from the date issued. The department may extend the term of the applicant temporary identification card for sufficient cause. An extension of the term of the applicant temporary identification card may not exceed an additional 30 days.

*[(4) If an applicant has complied with all the requirements for an application for an identification card, except that the applicant is unable to produce the documentation required by the department under ORS 807.021 and 807.730, the department, at the time of application, may issue to the applicant an applicant temporary identification card as provided in this section if the applicant certifies that the applicant is, to*

*the best of the applicant's knowledge, legally present in the United States.]*

*[(5) An applicant temporary identification card issued to an applicant under subsection (4) of this section is valid for a period of 90 days from the date issued. The department may extend the term of the permit up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.]*

*[(6) Notwithstanding subsection (5) of this section, the department may, in the manner provided by rule, further extend the term of the applicant temporary identification card for an applicant who needs additional time to obtain the documentation required under ORS 807.021 and 807.730.]*

*[(7) (4) An applicant temporary identification card automatically becomes invalid if the applicant's identification card is issued or refused for good cause.*

*[(8) (5) The department may not charge a fee for issuance of an applicant temporary identification card under this section.*

**SECTION 23.** Section 4, chapter 60, Oregon Laws 2018, is amended to read:

**Sec. 4.** Section 3, chapter 60, Oregon Laws 2018, [of this 2018 Act] is repealed on December 31, [2021] 2020.

## OUTREACH

**SECTION 23a.** (1) The Department of Transportation shall conduct an outreach program to educate driver license and driver permit applicants and the general public about the operation of sections 9 and 11 of this 2019 Act, the amendments to ORS 97.953, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 by sections 1 to 7 and 12 to 22 of this 2019 Act and the repeal of ORS 807.735 by section 24 of this 2019 Act as of the operative date specified in section 26 of this 2019 Act. The program must:

(a) In collaboration with impacted communities, develop a communication strategy for dissemination of information using a variety of media sources, state agencies, associations and organizations.

(b) Effectively communicate with specific populations in a manner that is culturally and linguistically appropriate.

(c) Provide communications, including educational materials, in English and in languages other than English that are most commonly spoken by the residents of this state.

(2) To carry out the provisions of this section, the department may enter into a contract with a business or an organization.

**SECTION 23b.** Section 23a of this 2019 Act is repealed on January 2, 2023.



**VOTER REGISTRATION**

**SECTION 23c.** ORS 247.017 is amended to read: 247.017. (1) The Secretary of State shall by rule establish a schedule by which the Department of Transportation shall provide to the secretary electronic records containing the legal name, age, residence and citizenship information for, and the electronic signature of, each person who meets qualifications identified by the secretary by rule.

(2) Upon receiving the electronic record for, and electronic signature of, a person described in subsection (1) of this section, the Secretary of State shall provide the information to the county clerk of the county in which the person may be registered as an elector. The secretary or county clerk shall notify each person of the process to:

- (a) Decline being registered as an elector.
- (b) Adopt a political party affiliation.

(3) If a person notified under subsection (2) of this section does not decline to be registered as an elector within 21 calendar days after the Secretary of State or county clerk issues the notification, the person’s electronic record and electronic signature submitted under subsection (1) of this section will constitute a completed registration card for the person for purposes of this chapter. The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.

(4) A county clerk may not send a ballot to, or add to an elector registration list, a person who meets eligibility requirements until at least 21 calendar days after the Secretary of State or county clerk provided notification to the person as described in subsection (2) of this section.

(5) In addition to providing electronic records to the Secretary of State under subsection (1) of this section, the Department of Transportation may by rule develop, and require the availability or use of, any form or application the department determines is necessary to ensure compliance with the voter registration provisions of the National Voter Registration Act of 1993 (P.L. 103-31).

[(5)] (6) The Secretary of State shall adopt rules required to implement subsections (1) to (4) of this section.

**REPEAL**

**SECTION 24.** ORS 807.735 is repealed.

**APPLICABILITY AND OPERATIVE DATE**

**SECTION 25.** Sections 9 and 11 of this 2019 Act, the amendments to ORS 97.953, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 by

sections 1 to 7 and 12 to 22 of this 2019 Act and the repeal of ORS 807.735 by section 24 of this 2019 Act apply to driver licenses, driver permits and identification cards issued, renewed or replaced on or after the operative date specified in section 26 of this 2019 Act.

**SECTION 26.** (1) Sections 9 and 11 of this 2019 Act, the amendments to ORS 97.953, 247.017, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 by sections 1 to 7, 12 to 22 and 23c of this 2019 Act and the repeal of ORS 807.735 by section 24 of this 2019 Act become operative on January 1, 2021.

(2) The Department of Transportation may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by sections 9 and 11 of this 2019 Act, the amendments to ORS 97.953, 247.017, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 by sections 1 to 7, 12 to 22 and 23c of this 2019 Act and the repeal of ORS 807.735 by section 24 of this 2019 Act.

**SECTION 27.** (1) The amendments to ORS 807.730 by section 7 of this 2019 Act do not affect the validity of a limited term driver license, limited term driver permit or limited term identification card issued before the operative date specified in section 26 of this 2019 Act.

(2)(a) An individual who holds a limited term driver license, limited term driver permit or limited term identification card as of the day immediately preceding the operative date specified in section 26 of this 2019 Act does not need to obtain a driver license, driver permit or identification card until the limited term driver license, limited term driver permit or limited term identification card issued to the individual before the operative date specified in section 26 of this 2019 Act has expired.

(b) As used in this subsection, a “driver license,” “driver permit” or “identification card” means a driver permit, driver license or identification card that is not a:

- (A) Real ID;
  - (B) Commercial limited term driver license;
- or
- (C) Commercial limited term driver permit.

**CAPTIONS**

**SECTION 28.** The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the

statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

#### EXPENDITURE LIMITATIONS

**SECTION 29.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (9), chapter 614, Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in

this section, collected or received by the Department of Transportation, for the administration of driver and motor vehicle services, is increased by \$4,264,589.

#### EMERGENCY CLAUSE

**SECTION 30.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Approved by the Governor August 9, 2019

Filed in the office of Secretary of State August 9, 2019

Effective date August 9, 2019  
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