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Background Brief on ...

Driver Licenses

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States have issued driver licenses since Massachusetts and Missouri became the first states to do so in the early 1900s. States have historically determined the qualifications necessary to possess a non-commercial driver license, such as minimum age, knowledge of traffic safety laws, and physical requirements.

There are roughly 196 million persons licensed to operate vehicles in the United States, of which about 2.6 million are licensed to operate vehicles in Oregon. The state agency responsible for licensing drivers in Oregon is the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT). The DMV serves approximately 13,000 customers daily through 64 local offices and 3 dealer processing centers and answers 1.7 million customer phone calls annually. About 150,000 new driver licenses are issued annually in Oregon, with an additional 550,000 licenses renewed each year.

The DMV securely maintains driver and vehicle records, most of which are considered public records. However, personal information is not disclosed upon a public information request. Most requesters are provided with records that have been “sanitized” of any personal information other than their own, with exceptions for attorneys, legitimate businesses, insurance companies, police, and other government agencies. The DMV responds to more than three million records requests annually.

Getting a License

Like most other states, Oregon has a graduated licensing system that allows younger drivers to progress through a series of two or more restricted permits or licenses to gain experience before qualifying for a full license. Oregon’s graduated licensing system was initiated in 1989. Non-Commercial Class C driver licenses allow the holder to operate most vehicles, except for those requiring a commercial driver license (see below). Some vehicles, such as motorcycles and certain types of farm equipment, require a Class C license and an additional endorsement that can require passing additional tests (i.e., for motorcycles and mopeds) or entail restrictions on vehicle use (i.e., farm vehicles).

The first level of license in Oregon is the *Class C instruction permit* that allows a driver who is at least 15 years old to operate vehicles, but with certain restrictions, most notably that the driver must be

accompanied by driver who has held a valid license for at least 3 years and who is at least 21 years old. The purpose of the instruction permit is to allow learning drivers to gain experience under the direct observation of an experienced driver. To qualify, applicants must pass a written examination. Instruction permits are valid for 24 months after they are issued and may not be recognized in all other states.

The second level of license in Oregon is the *Class C provisional license* that applies to drivers ages 16 and 17. To qualify, the individual must have held an instructional permit (from Oregon, another state, or the District of Columbia) for at least 6 months before applying; certify that they have had at least 50 hours of supervised driving experience; and either complete a traffic safety course that meets ODOT specifications or certify that they have a total of 100 supervised hours of driving.

Drivers holding a provisional license are subject to certain restrictions, except when driving with an instructor as part of traffic safety education or with a parent or stepparent:

- *For the first 6 months* – driver may not carry any passengers under 20 years of age who are not immediate family members
- *For the second 6 months* – driver may not carry more than 3 passengers under 20 years of age who are not immediate family members
- *For the first year* – driver may not drive between midnight and 5:00 AM, except between home and work, between home and a school event for which no other transportation is available, for employment purposes, or if driving with a licensed passenger who is at least 25 years of age

Upon reaching 18 years of age, individuals may qualify for a *standard Class C license*. This license allows the bearer to operate cars and vehicles under 26,000 pounds, recreational vehicles, fire and emergency vehicles, and to tow other vehicles and trailers with certain weight restrictions.

In order to successfully obtain a license, applicants must complete an application process that includes furnishing proof of age, identity, and Oregon residence address; providing a Social Security number (see below); successful completion of required knowledge, driving, and vision tests; and payment of applicable fees. Licenses are valid for a period of eight years.

Fees for Class C non-commercial driver licenses are as follows:

- Regular Class C license \$54.50
- Instruction permit \$18

The following endorsement fees apply in addition to the standard fee:

- Motorcycle \$74
- Farm \$26

Commercial Driver Licenses

A commercial driver license (CDL) is generally required to operate vehicles with a gross weight over 26,000 pounds, vehicles that transport 16 or more passengers (including the driver), or vehicles used to transport hazardous materials. Exceptions exist for personal-use recreational vehicles, certain farm vehicles (where the driver is operating within the limitations of a farm endorsement), and emergency vehicles operated by firefighters or emergency service workers. Only persons 18 and older may qualify for a CDL. Applicants must meet all of the qualifications for a standard driver license, as well as pass the CDL written knowledge and CDL driving tests (these tests are offered only in English).

There are three different classes of commercial driver licenses:

- *Class A CDL*: allows the driver to operate any vehicle that tows trailers or other vehicles over 10,000 pounds, or any Class B or C vehicle
- *Class B CDL*: allows operation of single vehicles over 26,000 pounds towing trailers or vehicles of 10,000 pounds or less, or any

- Class C vehicle
- *Class C CDL*: allows operation of vehicles less than 26,000 pounds designed to carry 16 or more passengers, those carrying 15 or fewer people including children to school, or vehicles carrying hazardous materials

In addition to these classes, additional endorsements are required for hazardous materials, passengers, school buses, double/triple trailers, tankers, or vehicles equipped with air brakes. Each endorsement has written and/or driving tests. Some endorsements, such as operating a vehicle carrying hazardous materials and operating a school bus, require background checks.

Commercial licenses were first regulated by the federal government following passage of the Commercial Motor Safety Act of 1986. The Act retained state issuance of commercial licenses, but set minimum licensing standards that states must meet when licensing drivers. States may exceed the minimum standards. In addition to state licensing requirements, the federal CDL program places requirements on drivers and their employers.

The fee for a CDL is \$70 for individuals who possess a valid non-commercial Oregon driver license, or \$124.50 for drivers who are not otherwise licensed in Oregon. In both cases, CDLs are issued for a period of eight years.

Suspension and Revocation

Driver licenses and permits may be suspended or revoked by a court. In cases where an individual fails to appear in court or pay a fine for a traffic violation that occurred in Oregon or Washington, the court may suspend the driving privilege. In such cases, driving privileges are suspended until the DMV receives proof that the case has been cleared by the court or after ten years have elapsed, whichever comes first. The court also has the authority to suspend a driver license for failure to pay child support or to comply with a subpoena related to a child support or paternity proceeding. Failure to file a written accident report in cases where the accident resulted in

injury, death, or property damage above \$1,000 can also result in suspension. A license can also be suspended under Oregon's implied consent law for driving under the influence of intoxicants (**DUII**) or for failing to comply with a law enforcement officer who requests the driver take a breath, blood, or urine test for intoxicants. In such cases, the officer confiscates the driver license and issues a 30-day temporary permit; following expiration of the permit the suspension takes effect. The fee for reinstatement of a suspended license is \$75. Individuals whose licenses have been suspended may also, in some cases, apply for hardship permits to allow them to drive to and from work, to seek medical treatment, or to participate in an alcohol rehabilitation program.

Approximately 251,000 Oregon drivers had their licenses suspended or revoked in 2006. Some drivers may be unaware that their license has been suspended while continuing to operate their vehicle. The DMV is required to notify drivers by certified mail that their license has been suspended.

At the other end of the spectrum, some individuals have been issued more than 20 citations for driving while suspended, yet continue to drive and refuse to pay the required fines. According to the American Automobile Association (**AAA**), an estimated 66 percent of suspended drivers nationwide continue to drive without a valid license. A previous program, in operation from 1989-1993, allowed officers who stopped a driver operating a vehicle without a valid license to affix a "zebra sticker" to the vehicle's license plate over the registration sticker. A vehicle with an affixed zebra sticker could be stopped for any reason to determine whether the vehicle was being operated by a licensed driver.

A number of proposals have been introduced recently to attempt to deal with the issue of problem drivers who continue to drive while their licenses are suspended. Some other states have such laws in effect. Examples include giving judges more flexibility in imposing fines, instituting escalating fines for repeat offenders,

seizing license plates, and requiring new car owners to have a valid license prior to the vehicle purchase.

Medical Reporting

In 2001, the Legislative Assembly passed House Bill 3071 that was the product of a committee formed to study the effects of aging on driving ability. The Older Driver Advisory Committee developed a set of recommendations that reflected the belief that neither age alone nor the presence of various medical conditions can be used to determine the risk of being involved in a crash. Physicians and health care providers worked with the DMV to identify cognitive and functional impairments likely to affect a person's ability to safely operate a vehicle and to designate physicians and health care providers that would be responsible for reporting such impairments. Examples of functional impairments that must be reported include vision, peripheral sensation, strength, flexibility, and motor planning and coordination. Cognitive impairments include attention, judgment and problem solving, reaction time, memory, and loss of consciousness or control.

The medical reporting program created by House Bill 3071 was fully implemented in June 2004. There are four primary components:

- Physicians and health care providers are required to notify the DMV of "severe and uncontrollable" conditions that they identify in their patients (medical information submitted is confidential)
- Citizens may voluntarily report other people to the DMV
- Individuals may voluntarily relinquish their own license
- Drivers age 50 and older must be retested for visual acuity every 8 years

During the first 2 years of the program, there were 3,236 reports made via the mandatory reporting program. Individuals reported ranged from ages 15 to 95, though 66 percent were age 70 or older. In all, 73 percent of reports resulted in license suspension, and only 11 percent of

those suspended later regained their driving privileges. The 2004 statistics for the voluntary reporting program included over 5,000 reports, most resulted in retesting and the majority of those tested retained or later regained their driving privileges.

Biometric Data

Senate Bill 640 (2005) created a new requirement for individuals applying for a new, renewed, or replacement driver license. Beginning on July 1, 2008, all licenses issued by the DMV will be required to include biometric data that can be used to verify whether the individual receiving the license has previously been issued a license under a different name or identity. Biometric data refers to unique physical characteristics that can be used to identify an individual. In the case of Oregon driver licenses, the data is in the form of a set of data points from physical facial characteristics, collected with the use of special camera equipment and accompanying software.

Biometric photographs can be used in one of two ways. A person requesting a replacement photograph can have his or her biometric data checked against that in the DMV database to confirm whether they are the same person to whom the license was originally issued, known as a "one-to-one" check. A new applicant can also have their biometric data compared to all other individuals within the database to determine whether that person has been issued a license previously, which is known as a "one-to-many" check.

With the transition to biometric photographs, the DMV has also begun issuing all licenses from a central processing center. Applicants are provided a paper temporary license when leaving a DMV office and are mailed their official license within a few days that will allow for the comparison of biometric data.

Verification of Legal Presence

The Legislative Assembly enacted Senate Bill 1080 during the 2008 Special Legislative Session that created the statutory requirement that

applicants for all new, replacement, or renewed driver licenses provide the DMV with a document that includes their Social Security number (SSN), and that the DMV verify that number prior to a license being issued. The applicant's SSN is then verified through the Social Security Online Verification (SSOLV) system to ensure that the applicant is, in fact, legally present within the United States. U.S. citizens who do not have and are not eligible for a SSN must sign a release swearing that they are, to the best of their knowledge, ineligible. Senate Bill 1080 also outlined documents that may be used to prove identity and residence in Oregon.

Individuals who are nonresidents but who are legally present (on a student visa, for example) may alternatively provide documentation that they are legally present in the United States. However, those who are legally present for a specified period of time are to be issued a "limited term" license that will expire upon the ending date of their legal stay, or eight years, whichever is less. Those whose length of stay is unspecified will be issued a one-year limited term license and must apply for renewal annually. Immigration documents will be verified by the Systematic Alien Verification for Entitlements (SAVE) system. However, there are currently no national systems that can be used to verify documents that may be used to demonstrate legal presence, such as passports. Until a national verification system becomes available, the DMV plans to train its staff to perform visual verification of such documents.

Prior to the passage of Senate Bill 1080, Gov. Kulongoski issued Executive Order 07-22 that directed the DMV to institute emergency administrative rules to require applicants for license issuance, renewal, or replacement to provide a SSN prior to issuance of the license. The Executive Order stated that its purpose was to combat fraud and identity theft which, due to Oregon's eight-year licensure cycle and permissive proof of identity requirements, had become problematic. The Executive Order took effect on February 4, 2008.

Real ID Act

The federal Real ID Act of 2005 outlined a set of minimum standards for state-issued driver licenses in order for those licenses to be used for boarding airplanes, entering federal buildings, or opening bank accounts in the United States. The rationale behind regulating drivers' licenses bearing a person's photograph is because they are the most typically used form of personal identification. The law is administered by the federal Department of Homeland Security, and outlines specific requirements for state-issued licenses, including:

- Requiring that applicants provide a valid SSN and the issuing authority verify that number with the federal government – applicants who are not legal residents must provide documentation proving that they are legally present in the United States
- Provision and verification of other documents demonstrating identity
- Specifications on information that must appear on the card
- Connectivity of databases to allow sharing of data between states and the federal government
- Security requirements for DMV offices and employee background checks

By 2011, federal agencies will not be allowed to accept as identification licenses issued by states that are not in compliance with the federal standards. States were required to apply for an extension to remain eligible for eventual implementation. Many states have expressed concerns about the security of personal information shared with other states and the federal government; the requirement to verify, scan, and retain documents; and the cost of implementation, based on the need to transition to new licenses. The National Governors Association estimated states will need to spend \$11 billion within 5 years to comply with the law.

Recently issued rule revisions to the Real ID Act clarified that persons born on or after December 1964 need to obtain a compliant identification by

December 2014. Individuals born before December 1964 have until December 2017 to obtain a compliant identification.

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