



September 2014

## Inside this Brief

- **Getting a License**
- **Commercial Driver Licenses**
- **Suspension and Revocation**
- **Medical Reporting**
- **Biometric Data / Facial Recognition**
- **Verification of Legal Presence**
- **Other DMV Duties Associated with Licensing**
- **Real ID Act**
- **Driver Card**
- **Staff and Agency Contacts**

Legislative Committee Services  
State Capitol Building  
Salem, Oregon 97301  
(503) 986-1813

Background Brief on ...

# Driver Licenses

Roughly three million people 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 60 local offices and two dealer processing centers, and answers 1.7 million customer phone calls annually. About 140,000 new driver licenses are issued in Oregon, with an additional 300,000 licenses renewed, each year.

DMV securely maintains driver and vehicle records. Most of these are considered public records and are available by making a request and paying a fee. However, certain personally identifiable customer information contained in the records is protected and only released to the individual or to qualified entities under Oregon's Record Privacy Law. Examples of qualified entities include law enforcement, insurance companies, attorneys, and businesses verifying or correcting customer information on file. DMV responds to more than three million records requests annually.

## Getting a License

Like most states, Oregon has a graduated licensing system that allows younger drivers to progress through a series of restricted permits or licenses to gain experience before qualifying for a full license. Oregon's current graduated licensing system began in March 2000.

The first level of driving privilege in Oregon is the *Class C instruction permit* that allows a driver who is at least 15 years old to operate vehicles, but with restrictions, most notably that the driver must be accompanied by another driver at least 21 years old. The purpose of the instruction permit is to allow new drivers to gain experience under the observation of an experienced driver.

To qualify, applicants must pass a knowledge test and, if under 18, include a parent or legal guardian signature and proof of school enrollment or completion. Instruction permits are valid for 24 months.

The second level of driving privilege in Oregon is the *Class C provisional license* issued to 16- and 17-year old drivers. To qualify, teens must have held an instruction permit for at least six months, and must certify they have had at least 50 hours of supervised driving experience and completed an ODOT-approved driver education course. Alternatively, they may certify they have at least 100 hours of supervised driving. They must also pass an additional knowledge test about safe driving practices. If they passed an ODOT-approved driver education course which includes a drive test, the DMV drive test is waived. If they did not take or did not pass the course, the applicant must take and pass the DMV driving test.

A driver with a provisional license is subject to the following restrictions for the first year or until age 18, whichever comes first:

- *The first year* – no driving between midnight and 5:00 AM except for work or school activities, or if accompanied by a licensed passenger at least 25 years of age.
- *The first six months* – no passengers under 20 years of age other than immediate family.
- *The second six months* – no more than three passengers under 20 years of age, not including immediate family members.

Individuals 18 years of age and older may qualify for a *standard Class C license*. This license allows operation of vehicles under 26,000 pounds, as well as recreational vehicles, fire and emergency vehicles, and towing other vehicles and trailers within weight limits.

To obtain a license, applicants complete an application process that includes: furnishing proof of age, identity, Oregon residency, and proof of legal presence; provide a Social Security number; pass required knowledge, driving, and vision tests; and pay fees. Most licenses are valid for eight years.

Some vehicles such as motorcycles require an endorsement in addition to a Class C license. A motorcycle endorsement requires a training course for most applicants, under a law phased in by age. As of January 1, 2015, all applicants must take the course. Until that date, those over 61 years of age may simply take the knowledge and skills tests at DMV. All testing for a three-wheel restricted motorcycle endorsement is done by DMV.

A farm endorsement allows operation of farmer-controlled or operated vehicles, within certain limitations, that would otherwise require a commercial driver license.

### **Commercial Driver Licenses**

A commercial driver license (CDL) is generally required to operate commercial motor vehicles (CMV). Exceptions exist for recreational vehicles, some farm vehicles, and emergency vehicles operated by emergency personnel. Only those 18 and older qualify for a CDL. Applicants must meet all qualifications for a standard driver license and pass the CDL knowledge and driving tests (in English). They also must remain certified medically to maintain their commercial driving privileges.

There are three different classes of commercial driver license:

- *Class A CDL*: operate any vehicle or combination of vehicles;
- *Class B CDL*: operate any single vehicle, and tow trailers 10,000 pounds or less; and
- *Class C CDL*: operate a vehicle less than 26,001 pounds that is designed to carry 16 or more people (including the driver) or is carrying hazardous materials.

In addition to a CDL, endorsements may be required to operate a school bus, commercial passenger vehicle or double/triple trailers, or to transport hazardous materials. DMV may issue a Commercial Learner Permit (CLP) to authorize a person 18 years of age or older to operate a CMV, provided a properly licensed trainer is in the adjacent seat.

Commercial driver licensing, though handled by the states, is heavily regulated by the federal government due to interstate commerce. Non-compliance with the federal CDL program can result in loss of federal highway funds or even decertification that would prevent Oregon from issuing CDLs. In addition to state licensing requirements, federal regulations place requirements on drivers and their employers. Federal regulations are amended frequently.

CDLs are issued for eight years, but a driver's medical certification must be updated at least every two years.

### **Suspension and Revocation**

Driving privileges may be suspended or revoked by a court, or administratively by DMV, for a myriad of reasons. Driving-related offenses that can result in suspension include driving under the influence of intoxicants (**DUI**), egregious speeding, multiple moving violations in a short period of time, and many more. Some suspensions are not directly or even indirectly related to driving. Examples include failing to pay court fines for traffic violations, failure to pay child support, any drug crime, and minor in possession of tobacco. Those with a CDL are subject to additional license suspensions. [http://www.oregon.gov/ODOT/DMV/docs/form/oregon\\_suspension\\_guide.pdf](http://www.oregon.gov/ODOT/DMV/docs/form/oregon_suspension_guide.pdf)

A person whose license has been suspended may qualify for a hardship permit depending on the reason for the suspension. Those suspensions that allow for a hardship permit authorize driving for various purposes (depending on the underlying suspension), including: work; medical treatment; substance abuse treatment; or other reasons. No hardship permit is available that will allow operation of a CMV.

Approximately 250,000 Oregon drivers had their license suspended or revoked in 2013. DMV mails a notice to a driver when the license is about to be suspended, providing an opportunity to correct the problem or ask for a hearing. Some drivers may not receive the notice due to failure to update their address with DMV, or may not read the notice they do receive, and

continue to operate their vehicle. Some individuals make a conscious decision to continue driving while suspended. The American Automobile Association estimates 66 percent of suspended drivers nationwide continue to drive.

### **Medical Reporting**

Nearly every state operates a program to identify drivers who perhaps should no longer be driving. Some states require testing when a driver reaches a certain age, or suspend driving privileges if the person is diagnosed with a specific medical condition. Panels of experts have advised the Legislative Assembly multiple times in developing Oregon's Medically At-Risk program. It relies on reporting from medical professionals and others to identify people who may need to stop driving. Oregon's program focuses on cognitive and functional impairments that impact driving, rather than age or diagnosis, to identify drivers who should enter the program. There are three components:

- *Mandatory Reporting:* Primary care providers are required to notify the DMV of patients who have "severe and uncontrollable" conditions that affect safe driving;
- *Voluntary Reporting:* Medical professionals, law enforcement, family members, and others may report people to the DMV; and
- *Self-Reporting:* Individuals may choose to relinquish their license and receive a free identification (**ID**) card.

Valid reports under the mandatory program usually result in an immediate suspension. Most do not regain driving privileges. Those under the voluntary program usually result in a request that the person come to DMV for re-testing; less than one-third result in immediate suspension. Most retain or later regain privileges. Under either program, the person may submit additional medical information and request a hearing. DMV employs doctors to advise on medical issues. A work group assembled at the direction of the Legislative Assembly in 2011 suggested the program make minor changes, which were made, but overall found it functioning well. Medical providers have civil

immunity for reporting, or not reporting, their patients.

### **Biometric Data / Facial Recognition**

Under a law enacted in 2005 by the Legislative Assembly, DMV performs a biometric check to help identify whether an applicant has had their identity stolen, or has fraudulently applied in the past. Biometric data refers to unique physical characteristics that can be used to identify an individual. Oregon uses special equipment and software to analyze digital photographs taken for the driver license.

DMV uses facial recognition in two ways. The photo of each applicant for a new, renewal, or replacement license or ID card is compared to the former photos of that person in the DMV database to confirm this is the same person to whom the credential was issued in the past. This “one-to-one” check is performed at the counter when the photo is taken. Overnight, the new photo is compared to all other photos in DMV’s database. This “one-to-many” check confirms that the applicant does not have a license issued under a different name. To accommodate the overnight process, and for other security purposes, DMV now issues all licenses from a central processing center in Salem. Applicants are given a paper temporary license when leaving a DMV office; the plastic license is mailed within a few days.

### **Verification of Legal Presence**

In 2008, the Legislative Assembly enacted a requirement that applicants for all driver licenses and ID cards (new, renewed, or replacement) provide proof of legal presence in the United States, and that DMV verify the applicant’s Social Security number (SSN) prior to issuance.

Proof of legal presence can take the form of a U.S. birth certificate, U.S. passport, tribal identification, or certain immigration and travel documents. DMV verifies the applicant’s SSN through the federal Social Security Online Verification system. Applicants who are not eligible for an SSN must provide proof of ineligibility.

Individuals who are not citizens but who are legally present (on a student or work visa, for example) also must provide documentation showing they are legally present in the United States. Applicants who are legally present on a temporary basis are issued a “limited term” card that expires on the ending date of their legal stay, or eight years, whichever is less. Immigration documents are verified by the federal Systematic Alien Verification for Entitlements system.

### **Other DMV Duties Associated with Licensing**

During the process of issuing or renewing a license or ID card, the law requires DMV to administer several other programs unrelated to driver qualifications. Under federal and state “motor voter” laws, DMV provides applicants the opportunity to register to vote, using a form pre-printed with the person’s identifying information from their DMV record. Under state law, DMV offers the opportunity for license and ID card applicants to identify themselves as an organ donor. Also, under state law, DMV offers veterans the opportunity to have their veteran status noted on the driver license or ID card.

### **Real ID Act**

The federal Real ID Act of 2005 prescribed minimum standards for state-issued driver licenses and ID cards for those documents to be acceptable identification for federal purposes such as boarding airplanes and entering federal buildings. The law is administered by the federal Department of Homeland Security (DHS). A few of the key requirements for state-issued licenses and ID cards are:

- Provide valid SSN, verified through the Social Security Administration;
- Documentation of legal presence in the U.S.;
- Those temporarily in the U.S. must provide immigration documents, which DMV must verify through the federal system;
- Cards issued to those temporarily in the U.S. must expire on the end date of their lawful stay in the United States;
- Identity source documents (U.S. passports, birth certificates, etc.) must be verified with

the issuing agency, when verification systems are available;

- Identity source documents must be copied and retained for 10 years;
- States must maintain a database of all information included on the card and other information included in the driver record;
- Physical security requirements for DMV offices and card-production facilities must be met; and
- Name- and fingerprint-based background checks required for all DMV employees.

Oregon meets most provisions of the Real ID Act. However, the 2009 Legislative Assembly enacted Senate Bill 536, which prohibits DMV from further implementation of Real ID unless federal funds are provided to cover the cost of implementation and sufficient measures are put in place to safeguard personal information. While Oregon has not been deemed in compliance, DHS has granted Oregon an extension through October 10, 2014, making the state's credentials acceptable in all relevant places as it seeks another extension.

Homeland Security's enforcement of Real ID is being implemented in four phases. The first two phases are in place, with non-compliant states' driver licenses and ID cards no longer acceptable to enter federal DHS headquarters, certain federal facilities and nuclear power plants. Phase Three, involving semi-restricted places in all federal facilities, will be enforced on January 19, 2015. Phase Four enforcement – requiring Real ID compliant credentials for boarding federally regulated commercial aircraft – will begin no sooner than 2016.

### **Driver Card**

The 2013 Legislative Assembly passed Senate Bill 833, directing the Department of Transportation to issue driver cards to applicants who do not provide proof of legal presence in the United States, but otherwise comply with all requirements for a driver license or driver permit, and at least one year of residency in Oregon.

A driver card would allow the operation of the same type of vehicles that a Class C driver license allows and would be valid for four years, expiring on the holder's birthday. Driver Card holders would not be eligible for a CDL.

The law was to have gone into effect January 1, 2014. Referendum 301 qualified for the November 4, 2014 ballot and stopped Senate Bill 833 from becoming law at that time. DMV has delayed implementation of the driver card pending the outcome of the November election.

### **Staff and Agency Contacts**

Patrick Brennan  
Legislative Committee Services  
[patrick.h.brennan@state.or.us](mailto:patrick.h.brennan@state.or.us)  
503-986-1674

Tom McClellan  
[Driver and Motor Vehicle Services Division](#)  
503-945-5100

Amy Joyce  
[ODOT Government Relations Section](#)  
503-986-3644

*Committee Services provides centralized, non-partisan research and issue analysis for the Legislative Branch. Committee Services does not provide legal advice. Background Briefs are intended to give the reader a general understanding of a subject, and are based on information which is current as of the date of publication. Legislative, executive, and judicial actions subsequent to publication may affect the timeliness of the information.*