



LPRO: Legislative Policy and Research Office

DRIVER LICENSES

BACKGROUND BRIEF

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). DMV serves approximately 13,000 customers daily at 60 local offices and two dealer processing centers, and answers 1.5 million customer phone calls annually. About 177,000 new driver licenses are issued in Oregon, with an additional 335,000 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 a licensed 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 and vision test and, if under 18, include a parent or legal guardian signature (which also certifies school enrollment), or the

applicant must prove graduation or receipt of a GED. 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

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must have held an instruction permit for at least six months. In addition, they need to complete an ODOT-approved driver education course and certify at least 50 hours of supervised driving experience or they may certify completion of at least 100 hours of supervised driving and must pass an additional knowledge test about safe driving practices. If the applicant passed an ODOT-approved driver education course, which includes a driving test, the DMV driving test is waived. If the person 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 driver at least 25 years of age;
- *The first six months:* no passengers under 20 years of age other than immediate family; and
- *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 most 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; providing a valid Social Security number; passing required knowledge, driving and vision tests; and

paying fees. Most licenses are valid for eight years.

Some vehicles, such as motorcycles, require an endorsement in addition to a Class C license. An unrestricted motorcycle endorsement requires successful completion of an approved rider education course. Three-wheel restricted motorcycle endorsements do not require training; testing 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) – primarily vehicles over 26,000 pounds. Exceptions exist for recreational vehicles, some farm vehicles and emergency vehicles operated by emergency personnel. Only those 18 and older qualify for a CDL, and only those 21 and over may operate a CMV for the purpose of interstate commerce. 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:* May operate any vehicle or combination of vehicles;
- *Class B CDL:* May operate any single vehicle, and tow trailers 10,000 pounds or less; and
- *Class C CDL:* May operate a vehicle less than 26,001 pounds that is designed to



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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, tank vehicle, a double/triple trailer 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 driver is in the adjacent seat.

The licensing of commercial drivers, 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 myriad reasons](#). Driving-related offenses that can result in suspension include driving under the influence of intoxicants (DUI), egregious speeding and multiple moving violations in a short period of time. 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.

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 or substance abuse treatment. No hardship permit is available that will allow operation of a CMV.

Approximately 210,000 Oregon drivers had their license suspended or revoked in 2015. 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. Nationally, estimates of suspended drivers who continue to drive are as high as 75 percent.

MEDICAL REPORTING

Nearly every state operates a program to identify drivers who perhaps should no longer be driving. Some states require re-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 legislature 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



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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 and most do not regain driving privileges. Those under the voluntary program often are required to 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 review this medical information to determine whether the driver’s ability to drive safely is affected by cognitive or functional impairments. A work group assembled at the direction of the legislature 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

In 2005, DMV began performing a biometric check to help identify whether applicants have had their identity stolen, or have fraudulently applied in the past. Biometric data refers to unique physical characteristics that can be used to identify an individual. Oregon uses special cameras and facial recognition software to analyze digital photographs taken for a driver license.

DMV uses facial recognition in two ways. First, 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 a credential was issued in the past. This “one-to-one” check is performed at the counter when the photo is taken. Secondly, 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. Applicants are given a paper temporary license when leaving a DMV office; the plastic card is mailed within a few days.

VERIFICATION OF LEGAL PRESENCE

In 2008, the legislature 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 a verifiable Social Security number (SSN), or proof of being ineligible for a SSN, prior to issuance. Applicants for a CDL or CLP must show proof of U.S. citizenship or permanent lawful residence and a verifiable SSN.

Proof of legal presence can be in the form of a U.S. birth certificate, U.S. passport, tribal identification or certain immigration documents. DMV verifies the applicant’s SSN through the federal Social Security Online Verification system.

Individuals who are not citizens also must provide documentation showing they are legally present in the U.S. (permanent legal residents, or temporarily on a student or work



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visa, for example). 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. Applicants can identify themselves as potential organ donors. Veterans may have their veteran status indicated on the license or ID card, and may authorize DMV to provide contact information to the Oregon Department of Veterans’ Affairs for benefits coordination. DMV also assists in the voter registration process.

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:

- 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 U.S.;
- Identity source documents (U.S. passports, birth certificates, etc.) must be verified with the issuing agency, when verification systems are available;
- Physical security requirements for DMV offices and card-production facilities must be met; and
- Name and fingerprint-based background checks are required for all DMV employees.

Oregon meets most provisions of the Real ID Act. However, the legislature in 2009 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, 2016, making the state’s credentials acceptable in all federal facilities as it seeks another extension.

The enforcement of Real ID by DHS is being implemented in four phases. The first three phases are in place, with non-compliant states’ driver licenses and ID cards no longer acceptable to enter federal DHS headquarters, certain federal facilities, military installations and nuclear power plants. Phase Four enforcement – requiring Real ID-compliant credentials for boarding federally regulated commercial aircraft - will be enforced in two stages. Starting January 22, 2018, passengers



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with driver licenses issued by a state that is not compliant (and does not have an extension) will need to show an alternative form of acceptable identification for domestic air travel. Passengers from a state that is compliant (or has an extension) will be able to use their driver license or ID card. On October 1, 2020, every air traveler will need to present a Real ID-complaint license, or another acceptable form of identification for domestic air travel.

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