



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

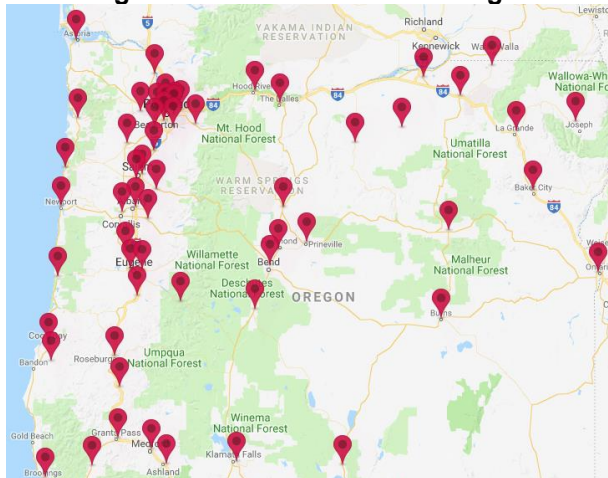
# DRIVER LICENSES

## 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 (DMV) Services Division of the Oregon Department of Transportation (ODOT). The DMV serves approximately 13,000 customers daily at 60 local offices (figure 1) and two dealer processing centers, and answers 1.5 million customer phone calls annually. Each year, about 180,000 new driver licenses are issued in Oregon, with an additional 350,000 licenses renewed.

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 requests for records annually.

**Figure 1: DMV Locations in Oregon**



Source: ODOT

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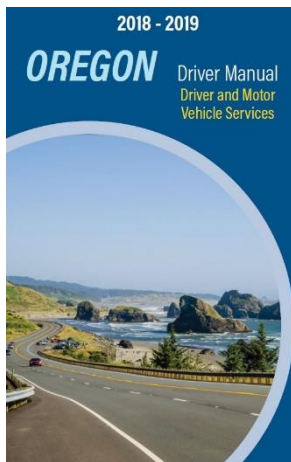
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## GETTING A LICENSE

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 age 15 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 supervision of an experienced driver.

To qualify, applicants must pass a knowledge and vision test and, if under age 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.



Source: ODOT

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. They must also have completed: (1) an ODOT-approved driver education course and certify at least 50 hours of supervised driving experience; or (2) at least 100 hours of supervised driving and passed an additional knowledge test about safe driving practices. If the applicant 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 is 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 age 20 other than immediate family members; and
- *The second six months* – no more than three passengers under age 20, 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 initially obtain a license, applicants complete an application process that includes: furnishing proof of age, identity, Oregon residency, and legal presence in the United States; providing a valid Social Security number; passing the required knowledge, driving, and vision tests; and paying fees. Most licenses are valid for eight years. To renew a license, applicants complete an application, furnish proof of physical address and identify, take a new picture, pass a vision test if the applicant is age 50 or older, and pay the renewal fee.

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

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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 age 21 and older may operate a CMV in interstate commerce. Applicants must meet all qualifications for a standard driver license, and pass the CDL knowledge and skills tests in English. They also must remain certified medically to maintain their commercial driving privileges. Most CDLs are issued for eight years, but a driver's medical certification must be updated at least every two years.

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;
- *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, tank vehicle, or a double/triple trailer, or to transport hazardous materials. DMV may issue a Commercial Learner Permit (**CLP**) to authorize a person age 18 or older to operate a CMV, with a properly licensed driver in the adjacent seat.

Commercial driver licensing, though handled by the states, is heavily regulated by the federal government as a regulation of interstate commerce. Non-compliance with the federal CDL program can result in loss of federal highway funds or 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 and state regulations are updated accordingly.

## SUSPENSION AND REVOCATION

[Driving privileges](#) may be suspended or revoked by a court, or administratively by DMV, for many reasons. Driving-related offenses that can result in suspension include driving under the influence of intoxicants (**DUII**), egregious speeding, multiple moving violations in a short period of time, and many more. Some suspensions are not directly or indirectly related to driving such as failing to pay court fines for traffic violations and failure to pay child support. Recent legislation has modified driver license suspension laws, including eliminating suspensions for some offenses not related to driving, while establishing additional license suspension criteria for CDL licensees.

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.

DMV suspends or revokes the licenses of over 200,000 drivers each year. The process begins when DMV mails a notice to a driver about a suspension or revocation, 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 addresses with DMV, or may not read the notice they do receive. Some individuals make a conscious decision to continue driving while suspended. 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 may not be able to drive safely. Some states have different renewal periods for older drivers, require additional vision screenings, or require in-person license renewals. While mandatory retesting for older drivers is uncommon, a few states require drive tests for those older than age 75. Some states suspend driving privileges if the person is diagnosed with a specific medical condition. Oregon's Medically At-Risk program relies on reporting from medical professionals and others to identify people who may need to stop driving. Oregon's law focuses on cognitive and functional impairments that impact driving, rather than age or diagnosis, to identify drivers who should enter the program (table 1).

**Table 1: Components of Medically At-Risk Program**

Reporting Type	Program Description
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
Self-Reporting	Individuals may choose to relinquish their licenses and receive a free identification ( <b>ID</b> ) card

Source: Legislative Policy and Research Office  
Data: Oregon Department of Transportation

Valid reports under the mandatory program usually result in an immediate suspension. Most people who have a license suspended in this way do not regain driving privileges. Those reported under the voluntary program often are required to come to DMV for re-testing. Less than one-third result in immediate suspension and 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 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, has fraudulently applied for a license in the past, or has been issued a license under a different name. 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 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 it 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. 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 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.



Source: ODOT

## VERIFICATION OF LEGAL PRESENCE

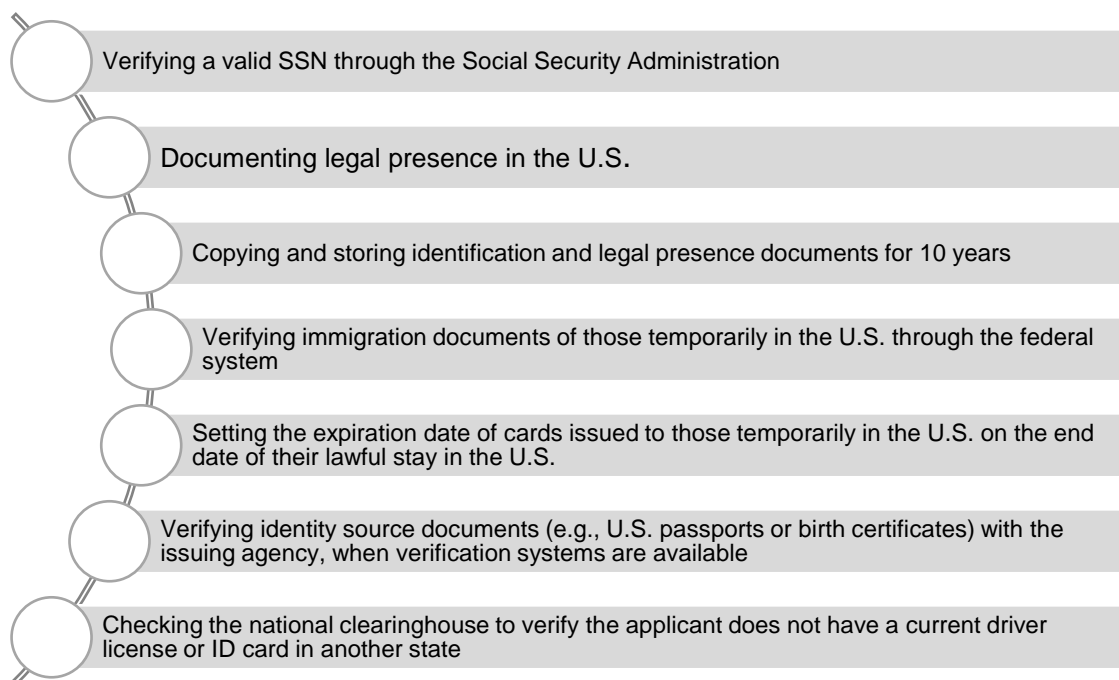
In 2008, the Legislative Assembly enacted a requirement that applicants for all driver licenses and ID cards (new, renewed, or replacement) provide proof of legal presence in the United States, and a verifiable Social Security number (**SSN**), or proof of being ineligible for a SSN, prior to issuance. Applicants for a CDL or CLP must show proof of U.S. citizenship or permanent lawful residence, and a verifiable SSN. In some cases, a person with temporary legal residency may obtain a limited-term CDL or CLP.

Proof of legal presence can take the form of a U.S. birth certificate, U.S. passport, tribal identification document, 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 United States (as permanent legal residents, or temporarily on a student or work 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 Program. In 2018, Oregon modified the renewal or replacement process for certain individuals with a previously issued limited-term identification card, driver license, or driver permit. Under the new provisions, DMV may not verify the documents that were initially used to obtain a limited-term card when an applicant applies, and the renewal or replacement card will be issued for two years. The changes to the verification of legal presence and limited-term card process sunset on December 31, 2021.

## 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**). To issue Real ID cards, DMV must meet physical security requirements for offices and card-production facilities. Additionally, DMV will be required to conduct name- and fingerprint-based background checks for most DMV employees. Some of the other key requirements for state-issued Real ID licenses and ID cards include:



Oregon currently meets most provisions of the Real ID Act. While Oregon has not been deemed in compliance, DHS has granted Oregon an extension through October 10, 2018, making the state's credentials acceptable in all federal facilities as it seeks another extension. In 2017, Oregon enacted Senate Bill 374, creating a separate class of driver licenses that fully comply with Real ID. Real ID-compliant licenses will be available starting mid-2020 once DMV has implemented the necessary steps to issue cards that meet the federal requirements. The cost of obtaining a Real ID is borne by the applicant. Legislation enacted in 2018 further clarified the fee structure for initial issuance of a Real ID, as well as when an existing driver license is replaced with or renewed as a Real ID. When an applicant with an existing license wishes to switch to a Real ID, the transaction will be for the Real ID upcharge and a replacement card, not a new license transaction. This lowers the fee for the applicant, and DMV issues the Real ID for the remaining time the applicant had on the prior license.

Homeland Security's enforcement of Real ID is being implemented in four phases. The first three phases are in place, with noncompliant 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 with driver licenses issued by a state that is not compliant (and does not have an extension) must 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. (As of May 2018, all U.S. jurisdictions, except American Samoa are compliant or have an extension.) On October 1, 2020, every air traveler will need to present a Real ID-compliant license, or another acceptable form of identification for domestic air travel.

## **OTHER DMV DUTIES ASSOCIATED WITH LICENSING**

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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.

## **NEW MOTOR VOTER**

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For over 20 years, state and federal laws have required DMV to offer voter registration to its customers during issuance of a driver license, permit, or identification card ("Motor Voter"). In 2002, Congress passed the Help America Vote Act and, as a result, DMV began electronically exchanging limited customer information with the Oregon Secretary of State's (**SOS**) office to facilitate voter registration. In 2015, House Bill 2177 ("New Motor Voter") changed the process by which DMV provided the opportunity to opt in to voter registration. Instead, DMV automatically sends qualifying customers' information

to SOS for them to provide the opportunity for customers to opt out of registration (or, if desired, choose a political party). For DMV's operations, the change was to send roughly the same type of data, but more frequently and for a larger number of customers.

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