



September 2012

Inside this Brief

- **Getting a License**
- **Commercial Driver Licenses**
- **Suspension and Revocation**
- **Medical Reporting**
- **Biometric Data / Facial Recognition**
- **Veteran Recognition**
- **Verification of Legal Presence**
- **Real ID Act**
- **Staff and Agency Contacts**

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

Background Brief on ...

Driver Licenses

There are roughly three million persons 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 125,000 new driver licenses are issued in Oregon, with an additional 200,000 licenses renewed, each year.

DMV securely maintains driver and vehicle records. Most of these records 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 person themselves 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 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 current graduated licensing system was initiated in March 2000.

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 a driver with a valid license who is at

least 21 years old. The purpose of the instruction permit is to allow new drivers to gain experience under the direct observation of an experienced driver. To qualify, applicants must pass a knowledge test and provide proof of school enrollment, completion or exemption. Instruction permits are valid for 24 months from the date of issuance.

The second level of license in Oregon is the *Class C provisional license* that applies to 16 and 17-year old drivers. To qualify, the individual must have held an instructional permit (from Oregon, another state, or the District of Columbia) for at least six months before applying. The individual must also certify they have had at least 50 hours of supervised driving experience and completed a driver education course that meets ODOT specifications, alternatively, they may certify that they have a total of 100 supervised hours of driving.

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

- *For the entire first year* – drivers 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
- *For the first six months* – drivers may not carry any passengers under 20 years of age who are not immediate family members
- *For the second six months* – drivers may not carry more than three passengers under 20 years of age who are not immediate family members

Upon reaching 18 years of age, individuals may qualify for a *standard Class C license*. This license allows the bearer to operate 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; prove legal presence and provide a Social Security number (see below); successfully complete required knowledge, driving, and vision tests; and pay applicable fees. Most licenses are valid for a period of eight years.

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

- Class C license \$60.00
- Instruction permit \$23.50

Some vehicles, such as motorcycles and certain types of farm equipment, require a Class C license and an additional endorsement. A farm endorsement puts certain restrictions on vehicle use. A motorcycle endorsement requires completing a training course for most applicants. The training requirement, based on a 2009 law, is being implemented based on operator age; by January 1, 2015 all new applicants must have completed the training course. Until that date, those not required to take the course may simply take a knowledge and skills test at DMV.

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

- Motorcycle \$87.00
- Farm \$29.00

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 qualifications for a standard driver license, as well as pass the CDL knowledge and CDL driving tests (offered only in English). Applicants must also show a

medical certification that they have passed a CDL medical examination.

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 operate any Class C vehicle
- *Class C CDL*: allows operation of vehicles 26,000 pounds or less designed to carry 16 or more passengers (including the driver) or vehicles carrying hazardous materials

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

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 commercial drivers. States may exceed the minimum standards. In addition to state licensing requirements, the federal CDL program places requirements on drivers and their employers. Federal regulations are constantly being amended. Non-compliance with the federal CDL program can result in loss of federal highway funds or program decertification that would disallow Oregon from issuing CDLs.

The fee for a CDL is \$75.50 for individuals who possess a valid non-commercial Oregon driver license or \$135.50 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, 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 10 years have elapsed, whichever comes first. Failure to pay child support or to comply with a subpoena related to a child support or paternity proceeding can result in a suspension. Failure to file a written accident report where the accident resulted in injury, death, or property damage above \$1,500 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. The suspension takes effect following expiration of the permit. Conviction in court for DUII also results in a suspension.

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 or drug rehabilitation program.

Approximately 233,000 Oregon drivers had their licenses suspended or revoked in 2010. DMV mails a notice to all drivers when their 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. There are also individuals who are aware that their driving privileges are suspended but make a conscious decision to continue driving while suspended.

According to the American Automobile Association (**AAA**), an estimated 66 percent of

suspended drivers nationwide continue to drive without a valid license. 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 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 who 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:

- *Mandatory Reporting:* Primary care providers are required to notify the DMV of "severe and uncontrollable" conditions that they identify in their patients (medical information submitted is confidential)
- *Voluntary Reporting:* Law enforcement, other medical professionals, family members, and others may voluntarily report people to the DMV
- *Self-Reporting:* Individuals are required to answer medical questions at the time of license issuance and renewal. Individuals

may voluntarily relinquish their own license and receive a free identification (ID) card

- *Vision Testing:* All individuals must pass a DMV visual acuity and field of vision test at the time of license issuance. Drivers age 50 and older are retested every eight years

In 2010, DMV received more than 4,400 reports of medically at-risk drivers through the mandatory and voluntary reporting programs. Of these, 1,563 reports were made via the mandatory reporting program. Individuals reported ranged from ages 15 to 95, though 60 percent were age 70 or older. In all, 73 percent of reports resulted in immediate license suspension, with only 11 percent of those suspended later regaining their driving privileges. The 2010 statistics for the voluntary reporting program included more than 2,830 reports received of which 42 percent were submitted by law enforcement and 28 percent by medical professionals. Of the individuals reported, 65 percent were age 70 or older. Approximately 18 percent of voluntary reports resulted in an immediate license suspension. Individuals were required to submit medical information and/or retest and the majority retained or later regained their driving privileges. House Bill 3185 (2011) directed an expert work group to review the program and report back to the legislature.

Biometric Data / Facial Recognition

Senate Bill 640 (2005) required that all licenses issued by DMV after January 1, 2010 include a biometric check 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 physical facial characteristics, collected with the use of special camera equipment and accompanying software.

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 all the photos in DMV's photo database. This

“one-to-many” check confirms that the applicant is a unique individual who does not have a license that was issued under a different name. In addition, the photo of a person who is renewing or replacing a license is checked against his or her photo in the DMV database to confirm that he or she is the same person to whom the license was originally issued. This is a “one-to-one” check.

With the transition to biometric photographs, the DMV now issues 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 to allow for the comparison of biometric data.

Veteran Recognition

Senate Bill 1000 (2010) included a provision to allow Oregon veterans to have a notation included on their driver license or ID card that the individual is a veteran. There are approximately 350,000 veterans in Oregon, and inclusion of the designation on driver licenses and ID cards is intended to identify veterans and assist them in obtaining benefits for which they are eligible. The veteran designation program became effective January 1, 2011.

Verification of Legal Presence

The Legislative Assembly enacted Senate Bill 1080 during the 2008 Special Legislative Session, which created the statutory requirement that applicants for all new, replacement, or renewed driver licenses and ID cards provide the DMV with proof of legal presence in the United States. In addition, the DMV must verify the person’s Social Security number (SSN) prior to issuing a license or ID card.

Proof of legal presence can take the form of a U.S. birth certificate, valid 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 a SSN must provide proof of ineligibility for a SSN. The individual must also certify that they are ineligible.

Individuals who are nonresidents but who are legally present (on a student visa, for example) must provide documentation showing that they are legally present in the United States.

Applicants who are legally present in the U.S. 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. Those whose length of stay is unspecified are issued a one-year limited term card and must apply for renewal annually. Immigration documents are verified by the federal Systematic Alien Verification for Entitlements system. There are currently no national systems that can be used to verify documents used to demonstrate legal presence for U.S. citizens, such as passports and birth certificates. Until a national verification system becomes available, DMV staff will continue to visually verify 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 driver licenses and ID cards to provide a SSN and certain identity documents prior to issuance. 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 official federal purposes such as boarding airplanes and entering federal buildings where identification is required. The law is administered by the federal Department of Homeland Security, and includes the following key requirements for state-issued licenses and ID cards:

- Applicants must provide a valid SSN, which must be verified through the Social Security Administration.
- Applicants must provide documentation showing they are legally present in the United States.

- Applicants temporarily in the U.S. must provide valid immigration documents which must be verified through the Department of Homeland Security.
- Applicants temporarily in the U.S. must be issued a card that expires at the end of their lawful stay in the United States.
- Identity source documents (U.S. passports, birth certificates, etc.) must be verified with the issuing agency as soon as verification systems are available.
- Identity source documents must be copied or digitally imaged and retained for 10 years.
- Specific information must be included on the cards.
- States must maintain a database of all information included on the card and other information included in the driver record.
- Specific physical security requirements for DMV offices and card-production facilities must be met.
- Name-based and fingerprint-based background checks must be performed for all DMV employees.

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

Amy Joyce
[Driver and Motor Vehicle Services Division](#)

Committee Services provides centralized, non-partisan research and issue analysis for the Legislative Branch. Committee Services does not provide legal advice. Issue 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.

Oregon meets many provisions of the Real ID Act. However, Senate Bill 536 (2009) prohibits the state from further implementation of Real ID until federal funds are provided to cover the cost of implementation, sufficient measures are put in place to protect the privacy of individuals and safeguard personal information, and a report is prepared analyzing the costs of implementing the Act.

According to Federal Regulations, beginning in January 2013, driver licenses and ID cards issued by states that have not complied with Real ID may not be accepted by federal agencies for official purposes such as boarding aircraft.

Staff and Agency Contacts

Patrick Brennan
[Legislative Committee Services](#)
 503-986-1674