

**Enrolled**  
**House Bill 2267**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

CHAPTER .....

AN ACT

Relating to instruction driver permit; amending ORS 807.280 and 807.370.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 807.280 is amended to read:

807.280. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and endorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of endorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle endorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The *[only fee]* **fees** required for issuance **or renewal** of an instruction driver permit *[is]* **are** the instruction driver permit *[issuance fee]* **fees** under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. *[A permit issued under this section may not be renewed.]*

**(5) When a permit expires or is about to expire, the department shall renew the permit if the holder of the permit qualifies for renewal of the permit under this section and applies for renewal:**

**(a) Within one year of the expiration of a permit issued under this section; or**

(b) Within six months after the applicant is discharged from the Armed Forces of the United States if the applicant held a permit issued by this state at the time of the applicant's entry into the Armed Forces.

(6) To qualify for renewal of a permit, a person must meet all of the requirements for the type of permit sought to be renewed, except that the department may waive the examination unless the department has reason to believe that the applicant is not qualified for the permit.

(7) A permit that is renewed under this section may be used on or after the date of issuance. If the department issues a permit renewal to a person under this section before the expiration of the permit being renewed, the older permit is invalid. A permit that becomes invalid under this subsection shall be surrendered to the department.

[(5)] (8) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an endorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting motorcycle driving privileges, the holder of the permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper endorsements for the vehicle being operated by the holder of the permit. The holder of the permit may not operate any motor vehicle transporting hazardous materials.

[(6)] (9) The holder of a permit granting motorcycle driving privileges is subject to the following in addition to any other requirements under this section:

- (a) The holder may only operate a motorcycle during daylight hours.
- (b) The holder may not carry any passengers on the motorcycle.
- (c) The holder of the permit must wear an approved helmet while operating a motorcycle.

[(7)(a)] (10)(a) The department may issue an instruction driver permit to a person with a limited vision condition if a rehabilitation training specialist certifies to the department that the person has successfully completed a rehabilitation training program.

(b) As used in this subsection, "limited vision condition," "rehabilitation training specialist" and "rehabilitation training program" have the meanings given those terms in section 2, chapter 277, Oregon Laws 2003.

[(8)] (11) In addition to any other requirements under this section, the holder of a permit issued under subsection [(7)] (10) of this section may operate a motor vehicle only:

- (a) During daylight hours;
- (b) On highways with a designated speed or speed limit not greater than 45 miles per hour; and
- (c) When the holder is using a bioptic telescopic lens.

**SECTION 2.** ORS 807.280, as amended by section 12, chapter 277, Oregon Laws 2003, section 8, chapter 59, Oregon Laws 2005, and section 36, chapter 649, Oregon Laws 2005, is amended to read:

807.280. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and endorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of endorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle endorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The *[only fee]* **fees** required for issuance **or renewal** of an instruction driver permit *[is]* **are** the instruction driver permit *[issuance fee]* **fees** under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. *[A permit issued under this section may not be renewed.]*

**(5) When a permit expires or is about to expire, the department shall renew the permit if the holder of the permit qualifies for renewal of the permit under this section and applies for renewal:**

(a) **Within one year of the expiration of a permit issued under this section; or**

(b) **Within six months after the applicant is discharged from the Armed Forces of the United States if the applicant held a permit issued by this state at the time of the applicant's entry into the Armed Forces.**

**(6) To qualify for renewal of a permit, a person must meet all of the requirements for the type of permit sought to be renewed, except that the department may waive the examination unless the department has reason to believe that the applicant is not qualified for the permit.**

**(7) A permit that is renewed under this section may be used on or after the date of issuance. If the department issues a permit renewal to a person under this section before the expiration of the permit being renewed, the older permit is invalid. A permit that becomes invalid under this subsection shall be surrendered to the department.**

*[(5)]* (8) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an endorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting motorcycle driving privileges, the holder of the permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper endorsements for the vehicle being operated by the holder of the permit. The holder of the permit may not operate any motor vehicle transporting hazardous materials.

*[(6)]* (9) The holder of a permit granting motorcycle driving privileges is subject to the following in addition to any other requirements under this section:

(a) The holder may only operate a motorcycle during daylight hours.

(b) The holder may not carry any passengers on the motorcycle.

(c) The holder of the permit must wear an approved helmet while operating a motorcycle.

**SECTION 3.** ORS 807.370 is amended to read:

807.370. The following are the fees relating to the issuance and renewal of licenses, driver permits and endorsements:

(1) Disability golf cart driver permit fees under ORS 807.210, as follows:

(a) For issuance, \$38.50.

(b) For renewal fee under ORS 807.210, \$26.50.

- (2) Emergency driver permit fee under ORS 807.220, \$18.
- [(3) *Instruction driver permit issuance fee under ORS 807.280, \$18.*]
- (3) Instruction driver permit fees under ORS 807.280, as follows:**
- (a) For issuance, \$18.**
- (b) For renewal, \$18.**
- (4)(a) License issuance fee for a Class C license, \$48.50.
- (b) Fee to take the knowledge test for a Class C license, \$5.
- (c) Fee to take the skills test for a Class C license, \$9.
- (5) License issuance fee for a restricted Class C license, \$48.50.
- (6) License issuance fee for a commercial driver license, whether or not the license contains endorsements, \$70.
- (7) Test fees for a commercial driver license or permit:
- (a) To take the knowledge test for a Class A commercial license or permit, \$10.
- (b) To take the skills test for a Class A commercial license, \$70.
- (c) To take the knowledge test for a Class B commercial license or permit, \$10.
- (d) To take the skills test for a Class B commercial license, \$70.
- (e) To take the knowledge test for a Class C commercial license or permit, \$10.
- (f) To take the skills test for a Class C commercial license, \$70.
- (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license of any class when the Department of Transportation accepts a certificate of competency issued under ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.
- (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus endorsement to a person who has a commercial driver license with a passenger endorsement:
- (a) \$21; or
- (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- (10) For a farm endorsement, \$26.
- (11) Test fees for the knowledge test for endorsements other than motorcycle and farm endorsements:
- (a) For a hazardous materials endorsement, \$10.
- (b) For a tank vehicle endorsement, \$10.
- (c) For a passenger endorsement, \$10.
- (d) For a trailer endorsement, \$10.
- (e) For a school bus endorsement, \$10.
- (12) Fee to take an airbrake knowledge test, \$10.
- (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- (14) License renewal fee for a commercial driver license, \$50.
- (15) License renewal fee for a Class C license, \$28.50.
- (16) License or driver permit replacement fee under ORS 807.160, \$21.
- (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46, in addition to any fees for the endorsed license.
- (18) Special student driver permit fee under ORS 807.230, \$18.
- (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- (20) Motorcycle Safety Subaccount fee as follows:
- (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$28.
- (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- (21) Probationary driver permit application fee under ORS 807.270, \$50.
- (22) Hardship driver permit application fee under ORS 807.240, \$50.
- (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

(26) Fee for a special limited vision condition learner's permit under section 3, chapter 277, Oregon Laws 2003, §13.

**SECTION 4.** ORS 807.370, as amended by section 13, chapter 277, Oregon Laws 2003, section 3, chapter 59, Oregon Laws 2005, and section 11, chapter 649, Oregon Laws 2005, is amended to read:

807.370. The following are the fees relating to the issuance and renewal of licenses, driver permits and endorsements:

- (1) Disability golf cart driver permit fees under ORS 807.210, as follows:
  - (a) For issuance, \$38.50.
  - (b) For renewal fee under ORS 807.210, \$26.50.
- (2) Emergency driver permit fee under ORS 807.220, \$18.
- [(3) *Instruction driver permit issuance fee under ORS 807.280, \$18.*]
- (3) Instruction driver permit fees under ORS 807.280, as follows:**
  - (a) For issuance, \$18.**
  - (b) For renewal, \$18.**
- (4)(a) License issuance fee for a Class C license, \$48.50.
- (b) Fee to take the knowledge test for a Class C license, \$5.
- (c) Fee to take the skills test for a Class C license, \$9.
- (5) License issuance fee for a restricted Class C license, \$48.50.
- (6) License issuance fee for a commercial driver license, whether or not the license contains endorsements, \$70.
- (7) Test fees for a commercial driver license or permit:
  - (a) To take the knowledge test for a Class A commercial license or permit, \$10.
  - (b) To take the skills test for a Class A commercial license, \$70.
  - (c) To take the knowledge test for a Class B commercial license or permit, \$10.
  - (d) To take the skills test for a Class B commercial license, \$70.
  - (e) To take the knowledge test for a Class C commercial license or permit, \$10.
  - (f) To take the skills test for a Class C commercial license, \$70.
- (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license of any class when the Department of Transportation accepts a certificate of competency issued under ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.
- (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus endorsement to a person who has a commercial driver license with a passenger endorsement:
  - (a) \$21; or
  - (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- (10) For a farm endorsement, \$26.
- (11) Test fees for the knowledge test for endorsements other than motorcycle and farm endorsements:
  - (a) For a hazardous materials endorsement, \$10.
  - (b) For a tank vehicle endorsement, \$10.
  - (c) For a passenger endorsement, \$10.
  - (d) For a trailer endorsement, \$10.
  - (e) For a school bus endorsement, \$10.
- (12) Fee to take an airbrake knowledge test, \$10.
- (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- (14) License renewal fee for a commercial driver license, \$50.
- (15) License renewal fee for a Class C license, \$28.50.
- (16) License or driver permit replacement fee under ORS 807.160, \$21.
- (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46, in addition to any fees for the endorsed license.
- (18) Special student driver permit fee under ORS 807.230, \$18.
- (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.

- (20) Motorcycle Safety Subaccount fee as follows:
  - (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$28.
  - (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- (21) Probationary driver permit application fee under ORS 807.270, \$50.
- (22) Hardship driver permit application fee under ORS 807.240, \$50.
- (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

**Passed by House February 8, 2007**

.....  
 Chief Clerk of House

.....  
 Speaker of House

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

**Passed by Senate March 29, 2007**

.....  
 President of Senate

.....  
 Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

.....  
 Secretary of State