

House Bill 2270

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Conforms Oregon Vehicle Code to provisions of federal Real ID Act of 2005.

A BILL FOR AN ACT

1
2 Relating to federal Real ID Act of 2005; creating new provisions; and amending ORS 802.195, 802.200,
3 807.024, 807.040, 807.050, 807.110, 807.115, 807.130, 807.162, 807.400, 811.603, 811.604 and 811.605.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) Prior to issuing, renewing or replacing any driver license, driver permit**
8 **or identification card, the Department of Transportation shall require a person to provide**
9 **proof of legal presence and a Social Security number or, if the person is not eligible for a**
10 **Social Security number, an identifying number issued by the United States Department of**
11 **Homeland Security and proof that the person is not eligible for a Social Security number.**

12 **(2) For the purposes of subsection (1) of this section:**

13 **(a) A person provides proof of legal presence by submitting valid documentation, as de-**
14 **finied by rule, that the person is a citizen or permanent legal resident of the United States**
15 **or is otherwise legally present in the United States in accordance with federal immigration**
16 **laws.**

17 **(b) A person satisfies the requirement of providing proof of a Social Security number by**
18 **submitting a valid Social Security number that has been assigned to the person by the United**
19 **States Social Security Administration.**

20 **(c) If a person is not eligible to have a Social Security number, the person shall provide**
21 **proof, as defined by rule, that the person is not eligible for a Social Security number.**

22 **(d) A person satisfies the requirement of providing an identifying number issued by the**
23 **United States Department of Homeland Security by submitting an acceptable document, as**
24 **defined by rule, that includes the identifying number.**

25 **(e) A temporary driver license grants the same privileges as a driver license. The term**
26 **“temporary driver license” may be used interchangeably with driver license when referring**
27 **to a document issued by this state as evidence of a grant of driving privileges.**

28 **(3)(a) The Department of Transportation may issue a temporary driver license, tempo-**
29 **rary driver permit or temporary identification card only to a person who provides proof, as**
30 **determined by rule, that the person is legally present in the United States on a temporary**
31 **basis.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) A temporary driver license, temporary driver permit or temporary identification card
 2 shall be valid only during the period of time of the applicant's authorized stay in the United
 3 States or, if there is no definite end to the period of authorized stay, for a period of one year.

4 (c) A temporary driver license, temporary driver permit or temporary identification card
 5 may be renewed only upon presentation of acceptable documentation, as determined by rule,
 6 that the status by which the applicant qualified for the temporary driver license, temporary
 7 driver permit or temporary identification card has been extended by the United States De-
 8 partment of Homeland Security.

9 (d) A temporary driver license or temporary driver permit grants the same privileges as
 10 a driver license or driver permit.

11 (e) A temporary identification card shall bear a statement to the effect that the tempo-
 12 rary identification card is not a license or any other grant of driving privileges and is to be
 13 used for identification purposes only.

14 (f) The fees for issuance, renewal and replacement of temporary driver licenses and
 15 temporary driver permits under this section are as provided under ORS 807.370 for the cor-
 16 responding nontemporary license or permit. The fees for issuance, renewal and replacement
 17 of temporary identification cards under this section are as provided under ORS 807.410 for
 18 the corresponding nontemporary identification card.

19 (4) The Department of Transportation may issue, renew or replace a driver license,
 20 driver permit or identification card only after the department verifies the Social Security
 21 number with the United States Social Security Administration or verifies the identifying
 22 number provided under subsection (2)(d) of this section with the United States Department
 23 of Homeland Security.

24 (5) Subsections (1) and (4) of this section do not apply if the Department of Transporta-
 25 tion previously verified information as required by subsection (4) of this section and the
 26 person applying for the driver license, driver permit or identification card is a citizen or
 27 permanent legal resident of the United States.

28 **SECTION 3.** Section 2 of this 2007 Act applies to driver licenses, driver permits and
 29 identification cards that are issued, renewed or replaced on or after May 11, 2008.

30 **SECTION 4.** ORS 802.195 is amended to read:

31 802.195. (1) As used in this section:

32 (a) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an
 33 identification card issued by the Department of Transportation, a vehicle title or a vehicle regis-
 34 tration.

35 (b) "Person" has the meaning given that term in ORS 802.175.

36 (2) Neither the Department of Transportation nor any officer, employee or contractor of the
 37 department may knowingly disclose or otherwise make available to any person an individual's Social
 38 Security number, **or an individual's identifying number issued by the United States Depart-**
 39 **ment of Homeland Security**, that is obtained by the Department **of Transportation** in connection
 40 with a motor vehicle record.

41 (3) Notwithstanding subsection (2) of this section, the Department **of Transportation** may, upon
 42 the request of another government agency, or shall, as required by law, disclose an individual's So-
 43 cial Security number, **or an individual's identifying number issued by the United States De-**
 44 **partment of Homeland Security**, from a motor vehicle record to the other agency for use in
 45 carrying out the other agency's governmental functions.

1 (4) An Oregon government agency that receives an individual's Social Security number, **or an**
 2 **individual's identifying number issued by the United States Department of Homeland Secu-**
 3 **urity**, under subsection (3) of this section may not redisclose the Social Security number **or identi-**
 4 **fying number** except as required by law. An Oregon government agency that rediscloses a Social
 5 Security number **or identifying number** as authorized by this subsection shall keep for five years
 6 records that identify each other government agency that receives the Social Security number **or**
 7 **identifying number**. Records kept in accordance with this subsection must be made available to the
 8 Department **of Transportation** upon request.

9 (5) The Department **of Transportation** may establish fees reasonably calculated to reimburse
 10 the department for the actual cost of making an individual's Social Security number, **or an indi-**
 11 **vidual's identifying number issued by the United States Department of Homeland Security**,
 12 available to a government agency as required in subsection (3) of this section.

13 (6) Nothing in this section prohibits an individual from having access to that individual's own
 14 Social Security number, **or the individual's identifying number issued by the United States**
 15 **Department of Homeland Security**, that is contained in motor vehicle records.

16 (7) Knowingly obtaining or using a Social Security number, **or an individual's identifying**
 17 **number issued by the United States Department of Homeland Security**, from a motor vehicle
 18 record in violation of this section is a Class A misdemeanor.

19 (8) A person aggrieved by violation of this section may bring a civil action against a person who
 20 has knowingly obtained or used the aggrieved person's Social Security number, **or the aggrieved**
 21 **person's identifying number issued by the United States Department of Homeland Security**,
 22 in violation of this section. The action shall be for actual damages or \$2,500, whichever is greater,
 23 plus attorney fees and court costs reasonably incurred in the action.

24 (9) A person aggrieved by a violation of this section, a district attorney or the Attorney General
 25 may obtain appropriate relief to enforce this section, together with attorney fees and costs reason-
 26 ably incurred in an action.

27 (10) Any person whose use or acquisition of a Social Security number, **or an identifying**
 28 **number issued by the United States Department of Homeland Security**, in violation of this
 29 section subjects the State of Oregon to any liability or claim shall indemnify and hold harmless this
 30 state from all such liabilities and claims, including attorney fees and court costs, incurred in any
 31 action brought under this section.

32 **SECTION 5.** ORS 802.200 is amended to read:

33 802.200. In addition to any other records the Department of Transportation may establish, the
 34 department is subject to the following provisions concerning records:

35 (1) The department shall maintain records concerning the titling of vehicles in this state. The
 36 records under this subsection shall include the following:

37 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
 38 the following:

39 (A) The name of the vehicle owner and any security interest holders in order of priority, except
 40 that a security interest holder need not be identified if the debtor who granted the interest is in the
 41 business of selling vehicles and the vehicles constitute inventory held for sale;

42 (B) The name of any lessor of the vehicle;

43 (C) The vehicle description; and

44 (D) Whether a certificate of title was issued for the vehicle.

45 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the

1 vehicle is reconstructed.

2 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

3 (d) Any other information concerning the titling of vehicles that the department considers con-
4 venient or appropriate.

5 (e) All odometer readings for a vehicle that are reported to the department under provisions of
6 the vehicle code.

7 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
8 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
9 reason for the report was theft and the vehicle has been recovered.

10 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
11 in this state, the department shall retain a record of any odometer readings shown on the title or
12 registration documents submitted to the department at the time of registration or title.

13 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
14 cerning the registration of vehicles required to be registered by the department. The records con-
15 cerning the registration of vehicles may be stored along with records concerning the titling of
16 vehicles. The records under this subsection shall include the following:

17 (a) For vehicles registered by the department, the records shall identify the vehicle and contain
18 the following:

19 (A) The registration plate number assigned by the department to the vehicle;

20 (B) The name of the vehicle owner;

21 (C) The vehicle description and vehicle identification number; and

22 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
23 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
24 was theft and the vehicle has been recovered.

25 (b) Any other information concerning the registration of vehicles that the department considers
26 convenient or appropriate.

27 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
28 records required under this subsection shall include the following information about persons issued
29 dealer certificates:

30 (a) The person's application for a vehicle dealer certificate.

31 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

32 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

33 (5) The department shall maintain a file on vehicles for which the title record is canceled under
34 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
35 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
36 canceled title record for each vehicle and the make and year model for each vehicle.

37 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500
38 and 802.520.

39 (7) The department shall maintain separate and comprehensive records of all transactions af-
40 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

41 (8) The department shall maintain suitable records of driver licenses, *[and]* driver permits **and**
42 **identification cards**. The records required under this subsection shall include all of the following:

43 (a) An index by name and number.

44 *[(b) Supporting documentation of all licenses or driver permits issued.]*

45 *[(c)]* **(b)** Every application for a driver license, *[or]* driver permit **or identification card**.

1 [(d)] (c) All **driver** licenses or driver permits that have been suspended or revoked.

2 (d) **The Social Security number of the person to whom the driver license, driver permit**
 3 **or identification card is issued or an identifying number issued by the United States De-**
 4 **partment of Homeland Security.**

5 (e) For each commercial driver license, the Social Security number of the person to whom the
 6 license is issued, or any other number or identifying information that the Secretary of the United
 7 States Department of Transportation determines appropriate to identify the person.

8 (9) The Department of **Transportation** shall maintain a two-part driving record consisting of
 9 an employment driving record and a nonemployment driving record for each person as required un-
 10 der this subsection. All of the following apply to the records required under this subsection:

11 (a) The department shall maintain driving records on:

12 (A) Every person who is granted driving privileges under a driver license, driver permit or a
 13 statutory grant of driving privileges under ORS 807.020;

14 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
 15 vehicle code;

16 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

17 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
 18 806.220, 806.230 or 806.240.

19 (b) In addition to other information required by this paragraph, the employment driving record
 20 shall include all reports of drug test results that are made to the department under ORS 825.410.
 21 Notwithstanding any other provision of law, release of the portion of the employment driving record
 22 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
 23 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
 24 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
 25 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license
 26 that result from operation or use of a commercial motor vehicle and all convictions of the person
 27 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
 28 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
 29 only such accidents, suspensions and convictions that occur while the person is driving a motor
 30 vehicle:

31 (A) In the course of the person's employment when the person is employed by another for the
 32 principal purpose of driving a motor vehicle;

33 (B) Carrying persons or property for compensation;

34 (C) In the course of the person's employment in the collection, transportation or delivery of mail
 35 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
 36 in accordance with government rules;

37 (D) That is an authorized emergency vehicle;

38 (E) That is a commercial motor vehicle; or

39 (F) In the course of the person's employment with a federal, state or local government in a
 40 public works project involving repair or maintenance of water, sewer or road systems.

41 (c) The nonemployment driving record shall include the person's:

42 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than
 43 the motor vehicle accidents that are included on the person's employment driving record;

44 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

45 (C) Convictions for violation of the motor vehicle laws other than those included in the em-

1 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
 2 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
 3 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

4 (D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

5 (d) The department may record other entries to indicate correspondence, interviews, partic-
 6 ipation in driver improvement programs or other matters concerning the status of the driving priv-
 7 ileges of the person.

8 (e) When a person from another jurisdiction applies for a driver license or **driver** permit issued
 9 by this state, the department shall request a copy of the person's driving record from the other ju-
 10 risdiction. At the time the person is issued a license in Oregon, the record from the other jurisdic-
 11 tion shall become part of the driver's record in this state with the same force and effect as though
 12 entered on the driver's record in this state in the original instance. The department by rule may
 13 specify methods for converting entries from out-of-state records for use in Oregon.

14 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
 15 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
 16 ment shall note on the record that the suspension was for failure to appear in court and shall also
 17 note the offense charged against the person on which the person failed to appear.

18 (g) The department, in consultation with the Department of State Police, shall devise and im-
 19 plement a method of noting suspensions and revocations of driving privileges on the record in such
 20 a way that police agencies can determine directly from the record what class of offense, as provided
 21 by law, is committed by a person who drives in violation of the suspension or revocation. If the
 22 Department **of Transportation** and the Department of State Police devise a mutually agreeable al-
 23 ternative method of informing police agencies of the nature of a suspension or revocation and the
 24 consequences of its violation, the implementation of that method shall satisfy the duty of the De-
 25 partment **of Transportation** under this paragraph.

26 (10) The department [*of Transportation*] shall maintain records of judgments or convictions sent
 27 to the department under ORS 810.375.

28 (11) The department shall maintain accident reports filed with the department under ORS
 29 810.460 and 811.725 to 811.735.

30 (12) The department shall maintain records of bank checks or money orders returned under ORS
 31 802.110.

32 (13) The department shall maintain records of trip permits issued by the department under ORS
 33 803.600, as provided under this subsection. The records required by this subsection shall include the
 34 following:

35 (a) A description of the vehicle sufficient to identify the vehicle.

36 (b) The person to whom the permit was issued.

37 (c) When the permit was issued.

38 (d) The type of permit issued.

39 (e) For registration weight trip permits, the maximum allowable registration weight permitted
 40 for operation under the permit.

41 (f) Any other information the department determines appropriate or convenient.

42 (14) **The department shall maintain records of identity source documents, as described**
 43 **in section 22 of this 2007 Act.**

44 **SECTION 6.** ORS 807.024 is amended to read:

45 807.024. (1) A person who applies for issuance, renewal or replacement of a driver license, driver

1 permit or identification card shall submit to collection of biometric data by the Department of
2 Transportation for the purpose of establishing the person's identity. Submitting to collection of
3 biometric data under this section does not excuse a person from responsibility for complying with
4 requirements for proof of identity, [*age or*] **date of birth or address** [*residence*] pursuant to ORS
5 [807.050] **807.040 or proof of legal presence under section 2 of this 2007 Act.**

6 (2) For purposes of this section, a person's identity is established if:

7 (a) The department finds that the biometric data collected as required under subsection (1) of
8 this section match the biometric data that are already in the department's records for that person;
9 or

10 (b) The department finds that the biometric data collected as required under subsection (1) of
11 this section do not match biometric data in the department's records for any other person and the
12 department does not otherwise have reason to believe that the person is not who the person claims
13 to be.

14 (3) If a person's identity is established as described in subsection (2) of this section, the de-
15 partment shall mail the driver license, driver permit or identification card to the address provided
16 by the person when the person applied for the issuance, renewal or replacement of the license,
17 permit or identification card.

18 (4) If a person's identity is not established as described in subsection (2) of this section, the
19 department shall:

20 (a) Inform the person who submitted to collection of biometric data that the person's identity
21 was not established; and

22 (b) Provide the person with the opportunity to establish the person's identity by an alternative
23 method approved by the department by rule.

24 (5) If a person's identity was not established as described in subsection (2) of this section and
25 the department has reason to believe that the crime of identity theft, as described in ORS 165.800,
26 was committed by the person currently submitting to collection of biometric data or by a person
27 who previously submitted to collection of biometric data under the identity of the person currently
28 submitting to collection of biometric data, the department shall notify a law enforcement agency
29 that has jurisdiction over the crime.

30 (6) The department by rule shall establish procedures for providing expedited processing of
31 driver licenses, driver permits or identification cards.

32 (7) The department and employees of the department are immune from liability for any damages
33 resulting from the issuance, renewal or replacement of a driver license, driver permit or identifica-
34 tion card under another person's identity if the employee who processed the biometric data for a
35 license, permit or identification card established the applicant's identity as described in subsection
36 (2) of this section.

37 **SECTION 7.** ORS 807.040 is amended to read:

38 807.040. (1) The Department of Transportation shall issue a driver license to any person who
39 complies with all of the following requirements:

40 (a) The person must complete an application for a license under ORS 807.050.

41 **(b) The person must present proof of legal presence and a Social Security number or an**
42 **identifying number issued by the United States Department of Homeland Security, as re-**
43 **quired by section 2 of this 2007 Act.**

44 **(c) The person must present acceptable documents to prove identity, date of birth and**
45 **address. The Department of Transportation shall determine by rule what documents are ac-**

1 **ceptable to prove identity, date of birth and address.**

2 [(b)] (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible
3 for the license under ORS 807.062.

4 [(c)] (e) The person must successfully pass all examination requirements under ORS 807.070 for
5 the class of license sought.

6 [(d)] (f) The appropriate license fee under ORS 807.370 for the class of license sought must be
7 paid.

8 [(e)] (g) The Student Driver Training Fund eligibility fee must be paid.

9 [(f)] (h) If the application is for a commercial driver license, the person must be the holder of
10 a Class C license or any higher class of license.

11 [(g)] (i) If the application is for a commercial driver license, the person must submit to the de-
12 partment, in a form approved by the department, the report of a medical examination that estab-
13 lishes, to the satisfaction of the department, that the person meets the medical requirements for the
14 particular class of license. The department, by rule, shall establish medical requirements for pur-
15 poses of this paragraph. The medical requirements established under this paragraph may include any
16 requirements the department determines are necessary for the safe operation of vehicles permitted
17 to be operated under the class of license for which the requirements are established.

18 [(h)] (j) If the application is for a commercial driver license, the person must:

19 (A) Have at least one year's driving experience;

20 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

21 (C) Not be otherwise ineligible to hold a commercial driver license.

22 (2) The department shall work with other agencies and organizations to attempt to improve the
23 issuance system for driver licenses.

24 **SECTION 8.** ORS 807.040, as amended by section 6, chapter 775, Oregon Laws 2005, is amended
25 to read:

26 807.040. (1) The Department of Transportation shall issue a driver license to any person who
27 complies with all of the following requirements:

28 (a) The person must complete an application for a license under ORS 807.050.

29 **(b) The person must present proof of legal presence and a Social Security number or an**
30 **identifying number issued by the United States Department of Homeland Security, as re-**
31 **quired by section 2 of this 2007 Act.**

32 **(c) The person must present acceptable documents to prove identity, date of birth and**
33 **address. The Department of Transportation shall determine by rule what documents are ac-**
34 **ceptable to prove identity, date of birth and address.**

35 [(b)] (d) The person must submit to collection of biometric data by the department that establish
36 the identity of the person as described in ORS 807.024.

37 [(c)] (e) The person must not be ineligible for the license under ORS 807.060 and must be eligible
38 for the license under ORS 807.062.

39 [(d)] (f) The person must successfully pass all examination requirements under ORS 807.070 for
40 the class of license sought.

41 [(e)] (g) The person must pay the appropriate license fee under ORS 807.370 for the class of li-
42 cense sought.

43 [(f)] (h) The person must pay the Student Driver Training Fund eligibility fee.

44 [(g)] (i) If the application is for a commercial driver license, the person must be the holder of
45 a Class C license or any higher class of license.

1 *[(h)]* **(j)** If the application is for a commercial driver license, the person must submit to the de-
 2 partment, in a form approved by the department, the report of a medical examination that estab-
 3 lishes that the person meets the medical requirements for the particular class of license. The
 4 department, by rule, shall establish medical requirements for purposes of this paragraph. The med-
 5 ical requirements established under this paragraph may include any requirements the department
 6 determines are necessary for the safe operation of vehicles permitted to be operated under the class
 7 of license for which the requirements are established.

8 *[(i)]* **(k)** If the application is for a commercial driver license, the person must:

9 (A) Have at least one year's driving experience;

10 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

11 (C) Not be otherwise ineligible to hold a commercial driver license.

12 (2) The department shall work with other agencies and organizations to attempt to improve the
 13 issuance system for driver licenses.

14 **SECTION 9.** ORS 807.050 is amended to read:

15 807.050. An application for a **driver** license shall be in a form approved by the [*Oregon*] De-
 16 partment of Transportation. An application must contain all the following:

17 (1) The applicant's [*true*] name, [*age*] **date of birth**, [*sex*] **gender**, [*residence*] address, except as
 18 otherwise provided for corrections officers in ORS 802.253 or eligible employees in ORS 802.250, and
 19 post-office address other than general delivery. **Name, date of birth and address shall be defined**
 20 **by the department by rule.** The department may provide by rule for acceptance of something other
 21 than an actual residence or post-office address if the department determines that the applicant does
 22 not have an actual address. The department shall require proof to verify the address in addition to
 23 anything else the department may require of the applicant.

24 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the
 25 applicant has been issued any **driver** license or driver permit:

26 (a) When the **driver** license or driver permit was granted;

27 (b) What jurisdiction granted the **driver** license or driver permit;

28 (c) Whether or not the driving privileges under the **driver** license or driver permit are currently
 29 suspended or revoked; and

30 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension
 31 or revocation.

32 (3) The class of license sought.

33 *[(4) The Social Security number of the applicant or other number or identifying information deter-*
 34 *mined appropriate by the Secretary of the United States Department of Transportation, if the applica-*
 35 *tion is for a commercial driver license or if the Oregon Department of Transportation by rule requires*
 36 *the Social Security number on the application.]*

37 **(4) The Social Security number of the applicant or, if the applicant is not eligible for a**
 38 **Social Security number, an identifying number issued by the United States Department of**
 39 **Homeland Security.**

40 **(5) For each commercial driver license, the applicant's Social Security number or identi-**
 41 **fyng number issued by the United States Department of Homeland Security, or any other**
 42 **number or identifying information that the Secretary of the United States Department of**
 43 **Transportation determines appropriate to identify the person.**

44 *[(5)]* **(6)** Any other information the Department of **Transportation** deems necessary to assist the
 45 department in determining whether the applicant is qualified or eligible to be licensed.

SECTION 10. ORS 807.110 is amended to read:

807.110. A license issued by the Department of Transportation shall comply with all of the following:

(1) A license shall bear the distinguishing number assigned to the person issued the license by the department.

(2) A license shall contain, for the purpose of identification, a brief description of the person to whom the license is issued.

(3) A license shall contain the name, **as defined by rule**, date of birth and[,] **gender of the person to whom the license is issued and**, except as provided for corrections officers in ORS 802.253 or eligible employees in ORS 802.250, [*residence*] **the address, as defined by rule**, of the person to whom the license is issued [*and a space for the person's signature*].

(4) A license shall bear the signature of the person to whom the license is issued.

[(4)] **(5)** Upon request of the person to whom the license is issued, a license shall indicate on the license the fact that the person is an anatomical donor.

[(5)] **(6)** Upon order of the juvenile court, a license shall indicate on the license the fact that the person to whom the license is issued is an emancipated minor.

[(6)] **(7)** Except as otherwise provided in this subsection, a license shall bear a photograph described in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid license without a photograph if the applicant shows good cause. The director shall include religious preferences as good cause for issuance of a license without a photograph but shall not limit good cause to religious grounds. A photograph required under this subsection shall:

(a) Be a full-faced, color photograph of the person to whom the license is issued;

(b) Be of a size approved by the department; and

(c) Be taken at the time of application for issuance of the license whether the application is for an original license, replacement of a license under ORS 807.160 or for renewal of a license under ORS 807.150.

[(7) *A license is not valid until signed by the person to whom it is issued.*]

(8) A license shall indicate the class of license issued and any endorsements granted. If the license is a commercial driver license, the words "commercial driver license" or the letters "CDL" shall appear on the license.

(9) A temporary license issued under section 2 of this 2007 Act shall clearly indicate that it is a temporary license and indicate the date on which the temporary license expires.

[(9)] **(10)** The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

SECTION 11. ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, is amended to read:

807.110. (1) A license issued by the Department of Transportation shall contain all of the following:

(a) The distinguishing number assigned to the person issued the license by the department.

(b) For the purpose of identification, a brief description of the person to whom the license is issued.

(c) The name **as defined by rule**, date of birth [*and*], **gender and**, except as provided for cor-

1 rections officers in ORS 802.253 or eligible employees in ORS 802.250, *[residence]* **the** address, **as**
 2 **defined by rule**, of the person to whom the license is issued *[and a space for the person's*
 3 *signature]*.

4 **(d) The signature of the person to whom the license is issued.**

5 *[(d)]* **(e)** Upon request of the person to whom the license is issued, the fact that the person is
 6 an anatomical donor.

7 *[(e)]* **(f)** Upon order of the juvenile court, the fact that the person to whom the license is issued
 8 is an emancipated minor.

9 *[(f)]* **(g)** Except as otherwise provided in this paragraph, a photograph described in this para-
 10 graph. The Director of Transportation, by rule, may provide for issuance of a valid license without
 11 a photograph if the applicant shows good cause. The director shall include religious preferences
 12 as good cause for issuance of a license without a photograph but shall not limit good cause to reli-
 13 gious grounds. A photograph required under this paragraph shall:

14 (A) Be a full-faced, color photograph of the person to whom the license is issued;

15 (B) Be of a size approved by the department; and

16 (C) Be taken at the time of application for issuance of the license whether the application is for
 17 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
 18 ORS 807.150.

19 *[(g)]* **(h)** The class of license issued and any endorsements granted. If the license is a commercial
 20 driver license, the words “commercial driver license” or the letters “CDL” shall appear on the li-
 21 cense.

22 **(2) A temporary license issued under section 2 of this 2007 Act shall clearly indicate that**
 23 **it is a temporary license and indicate the date on which the temporary license expires.**

24 *[(2) A license is not valid until signed by the person to whom it is issued.]*

25 (3) The department shall use security procedures, processes and materials in the preparation,
 26 manufacture and issuance of any license that prohibit as nearly as possible anyone’s ability to alter,
 27 counterfeit, duplicate or modify the license without ready detection. The security features used in
 28 the production of the licenses shall provide for:

29 (a) The authentication of a genuine document in a reasonable time; and

30 (b) The production of the license only by equipment that requires verification of the identity of
 31 the operator of the equipment before a license may be produced.

32 **SECTION 12.** ORS 807.115 is amended to read:

33 807.115. **(1)** The Department of Transportation shall retain a duplicate **digital** image of each
 34 photograph *[used]* **and signature shown** on a driver license under the provisions of ORS 807.110
 35 or an identification card under ORS 807.400.

36 **(2)** The *[duplicates]* **duplicate digital images of photographs and signatures** may not be made
 37 available to anyone other than law enforcement officials, **motor vehicle agencies from other**
 38 **states** and employees of the department acting in an official capacity.

39 **SECTION 13.** ORS 807.130 is amended to read:

40 807.130. (1) *[Except as otherwise provided in this section,]* A license that is issued as an original
 41 license and not as a license that is renewed expires on the anniversary of the licensee’s birthday in
 42 the eighth calendar year after the year of issuance.

43 (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-
 44 tion date of the immediately preceding license.

45 **(3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a**

1 **person who is not a citizen or permanent legal resident of the United States shall expire on**
 2 **the date the licensee is no longer authorized to stay in the United States, as indicated by the**
 3 **documentation the person presented to the Department of Transportation to provide proof**
 4 **of legal presence in the United States as required by section 2 of this 2007 Act, or, if there**
 5 **is no definite end to the period of authorized stay, one year from issuance.**

6 [(3)] (4) A license that has expired does not grant driving privileges and is not valid evidence
 7 of driving privileges.

8 **SECTION 14.** ORS 807.162 is amended to read:

9 807.162. (1) Prior to issuing a replacement identification card, driver permit or driver license to
 10 a person who is applying in person, the Department of Transportation shall require [*one of the fol-*
 11 *lowing proofs of identity in addition to the proofs of identity, age and residence required by rule:*] **the**
 12 **person to present:**

13 (a) **Proof of legal presence and a Social Security number or an identifying number issued**
 14 **by the United States Department of Homeland Security, as required by section 2 of this 2007**
 15 **Act.**

16 (b) **Proof of identity, date of birth and address. The Department of Transportation shall**
 17 **determine by rule what documents are acceptable to prove identity, date of birth and ad-**
 18 **dress.**

19 [*(a) An original or certified copy of a birth certificate.*]

20 [*(b) A photo identification card including but not limited to a military or armed forces identifica-*
 21 *tion card, an alien registration card, a passport or a valid state or Canadian identification card.*]

22 [(2) *For the purposes of subsection (1) of this section, "birth certificate" means a certificate issued*
 23 *by the State of Oregon or another jurisdiction. "Birth certificate" does not include a hospital birth*
 24 *certificate, a hospital card, a birth registration or a baptismal certificate.*]

25 [(3)] (2) Subsection (1) of this section does not apply if the department [*of Transportation*] is able
 26 to verify the person's identification through a duplicate image of a photograph retained by the de-
 27 partment under ORS 807.115.

28 **SECTION 15.** ORS 807.400 is amended to read:

29 807.400. (1) The Department of Transportation shall issue an identification card to any person
 30 who:

31 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

32 (b) **Furnishes proof of legal presence in the United States, as required by section 2 of this**
 33 **2007 Act;**

34 [(b)] (c) Does not have a current, valid driver license; and

35 [(c)] (d) **Furnishes [such] evidence of the person's [age and identity as the department may**
 36 **require.] name, date of birth, address, as defined by rule, and gender.**

37 [(2) *The department shall work with other agencies and organizations to attempt to improve the*
 38 *issuance system for identification cards.*]

39 [(3)] (2) Every original application for an identification card must be signed by the applicant.
 40 The department shall require at least one document to verify the address of an applicant for issu-
 41 ance of an identification card in addition to other documents the department may require of the
 42 applicant. If the address of an applicant has changed since the last time an identification card was
 43 issued to or renewed for the applicant, the department shall require proof to verify the address of
 44 an applicant for renewal of an identification card, in addition to anything else the department may
 45 require.

1 **(3) If the identification card is a temporary identification card issued under section 2 of**
2 **this 2007 Act, the temporary identification card shall indicate that it is a temporary iden-**
3 **tification card and the date on which the card expires.**

4 (4) Every identification card shall be issued upon the standard license form described under ORS
5 807.110 and shall bear a statement to the effect that the identification card is not a license or any
6 other grant of driving privileges to operate a motor vehicle and is to be used for identification
7 purposes only.

8 (5) The department shall use the same security procedures, processes, materials and features for
9 an identification card as are required for a license under ORS 807.110.

10 [(5)] (6) Upon order of the juvenile court, the department shall include on the card the fact that
11 the person issued the identification card is an emancipated minor.

12 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration
13 dates of licenses as set forth in ORS 807.130.

14 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth
15 in ORS 807.150.

16 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-
17 lished under ORS 807.410. *[In no event shall the issuance or renewal of an identification card be*
18 *subject to any fee in addition to that set forth in ORS 807.410.]*

19 [(9)] (10) An identification card becomes invalid if the holder of the card changes **the holder's**
20 *[residence]* address from that shown on the identification card and does not provide the department
21 with notice of the change as required under ORS 807.420.

22 [(10)] (11) If a person to whom an identification card was issued and who changes **the person's**
23 *[residence]* address appears in person at a department office that issues identification cards, the de-
24 partment may do any of the following:

25 (a) Issue a replacement identification card containing the new address upon receipt of the old
26 identification card and payment of the fee established for issuing a replacement identification card
27 with a changed address under ORS 807.410. Except as otherwise provided in subsection [(12)] (13)
28 of this section, the replacement identification card shall bear the same distinguishing number as the
29 card being replaced.

30 (b) Note the new address on the old identification card in a manner to be determined by the
31 department **by rule**.

32 [(11)] (12) An identification card becomes invalid if the holder of the card changes the
33 *[person's]* **holder's** name from that shown on the card, including a change of name by marriage,
34 without providing the department with notice of the change as required under ORS 807.420. Upon
35 receiving such notice and the old identification card, the department shall issue a replacement
36 identification card upon payment of the fee required under ORS 807.410.

37 [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs
38 a replacement identification card that bears a different distinguishing number from the card being
39 replaced, the person to whom the card was issued may obtain a replacement card from the depart-
40 ment upon furnishing proof satisfactory to the department of the need for such replacement and
41 payment of the replacement fee under ORS 807.410.

42 [(13)] (14) The department may establish by rule reasons for issuing replacement identification
43 cards that are in addition to the reasons identified in subsections [(10) to (12)] (11) **to (13)** of this
44 section. The fee for a replacement identification card is provided under ORS 807.410.

45 [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-

1 rendered to the department. An identification card may be canceled for any of the reasons that
 2 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-
 3 issue an identification card canceled under this subsection when the applicant has satisfied all re-
 4 quirements for the identification card.

5 [(15)] **(16)** Notwithstanding any other provision of this section, the department may issue an
 6 identification card to a person under this subsection without charge when the person surrenders a
 7 **driver** license or driver permit to the department for reasons described in this subsection. If the
 8 department issues an identification card under this subsection, the identification card shall expire
 9 at the same time as the surrendered driver license or driver permit would have expired. An iden-
 10 tification card issued under this subsection is subject to the same requirements and fees for renewal
 11 or upon expiration as any other identification card issued under this section. The department may
 12 issue identification cards under this subsection as described under any of the following:

13 (a) The department may issue an identification card under this subsection to a person who vol-
 14 untarily surrenders a **driver** license or driver permit to the department based upon the person's
 15 recognition that the person is no longer competent to drive.

16 (b) The department may issue an identification card to a person under this subsection when the
 17 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
 18 person voluntarily surrenders the person's license or driver permit to the department as provided
 19 under ORS 809.500.

20 **(17) The department shall work with other agencies and organizations to attempt to im-**
 21 **prove the issuance system for identification cards.**

22 **SECTION 16.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is
 23 amended to read:

24 807.400. (1) The Department of Transportation shall issue an identification card to any person
 25 who:

26 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

27 **(b) Furnishes proof of legal presence in the United States, as required by section 2 of this**
 28 **2007 Act;**

29 [(b)] **(c)** Does not have a current, valid driver license;

30 [(c)] **(d)** Furnishes [*such*] evidence of the person's [*age and identity as the department may require;*
 31 *and*] **name, date of birth, address, as defined by rule, and gender; and**

32 [(d)] **(e)** Submits to collection of biometric data by the department that establish the identity of
 33 the person as provided in ORS 807.024.

34 [(2) *The department shall work with other agencies and organizations to attempt to improve the*
 35 *issuance system for identification cards.*]

36 [(3)] **(2)** Every original application for an identification card must be signed by the applicant.
 37 The department shall require at least one document to verify the address of an applicant for issu-
 38 ance of an identification card in addition to other documents the department may require of the
 39 applicant. If the address of an applicant has changed since the last time an identification card was
 40 issued to or renewed for the applicant, the department shall require proof to verify the address of
 41 an applicant for renewal of an identification card, in addition to anything else the department may
 42 require.

43 **(3) If the identification card is a temporary identification card issued under section 2 of**
 44 **this 2007 Act, the temporary identification card shall indicate that it is a temporary iden-**
 45 **tification card and the date on which the card expires.**

1 (4) Every identification card shall be issued upon the standard license form described under ORS
2 807.110 and shall bear a statement to the effect that the identification card is not a license or any
3 other grant of driving privileges to operate a motor vehicle and is to be used for identification
4 purposes only.

5 (5) The department shall use the same security procedures, processes, materials and features for
6 an identification card as are required for a license under ORS 807.110.

7 [(5)] (6) Upon order of the juvenile court, the department shall include on the card the fact that
8 the person issued the identification card is an emancipated minor.

9 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration
10 dates of licenses as set forth in ORS 807.130.

11 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth
12 in ORS 807.150.

13 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-
14 lished under ORS 807.410.

15 [(9)] (10) An identification card becomes invalid if the holder of the card changes **the holder's**
16 [*residence*] address from that shown on the identification card and does not provide the department
17 with notice of the change as required under ORS 807.420.

18 [(10)] (11) If a person to whom an identification card was issued and who changes **the person's**
19 [*residence*] address appears in person at a department office that issues identification cards, the de-
20 partment may do any of the following:

21 (a) Issue a replacement identification card containing the new address upon receipt of the old
22 identification card and payment of the fee established for issuing a replacement identification card
23 with a changed address under ORS 807.410. Except as otherwise provided in subsection [(12)] (13)
24 of this section, the replacement identification card shall bear the same distinguishing number as the
25 card being replaced.

26 (b) Note the new address on the old identification card in a manner to be determined by the
27 department **by rule**.

28 [(11)] (12) An identification card becomes invalid if the holder of the card changes the
29 [*person's*] **holder's** name from that shown on the card, including a change of name by marriage,
30 without providing the department with notice of the change as required under ORS 807.420. Upon
31 receiving such notice and the old identification card, the department shall issue a replacement
32 identification card upon payment of the fee required under ORS 807.410.

33 [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs
34 a replacement identification card that bears a different distinguishing number from the card being
35 replaced, the person to whom the card was issued may obtain a replacement card from the depart-
36 ment upon furnishing proof satisfactory to the department of the need for such replacement and
37 payment of the replacement fee under ORS 807.410.

38 [(13)] (14) The department may establish by rule reasons for issuing replacement identification
39 cards that are in addition to the reasons identified in subsections [(10) to (12)] (11) to (13) of this
40 section. The fee for a replacement identification card is provided under ORS 807.410.

41 [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-
42 rendered to the department. An identification card may be canceled for any of the reasons that
43 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-
44 issue an identification card canceled under this subsection when the applicant has satisfied all re-
45 quirements for the identification card.

1 [(15)] (16) Notwithstanding any other provision of this section, the department may issue an
2 identification card to a person under this subsection without charge when the person surrenders a
3 **driver** license or driver permit to the department for reasons described in this subsection. If the
4 department issues an identification card under this subsection, the identification card shall expire
5 at the same time as the surrendered driver license or driver permit would have expired. An iden-
6 tification card issued under this subsection is subject to the same requirements and fees for renewal
7 or upon expiration as any other identification card issued under this section. The department may
8 issue identification cards under this subsection as described under any of the following:

9 (a) The department may issue an identification card under this subsection to a person who vol-
10 untarily surrenders a **driver** license or driver permit to the department based upon the person's
11 recognition that the person is no longer competent to drive.

12 (b) The department may issue an identification card to a person under this subsection when the
13 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
14 person voluntarily surrenders the person's license or driver permit to the department as provided
15 under ORS 809.500.

16 (17) **The department shall work with other agencies and organizations to attempt to im-**
17 **prove the issuance system for identification cards.**

18 **SECTION 17.** ORS 811.603 is amended to read:

19 811.603. (1) The Department of Transportation shall issue [an] a **parking** identification card
20 without a photograph to an applicant for a disabled person parking permit if the applicant does not
21 have a driver license, [or] a **driver** permit or an identification card issued by the department under
22 ORS 807.400 and if the applicant submits a statement from a physician that it would be impractical
23 or harmful to the applicant, because of medical or physical condition, to appear at an office of the
24 department and be photographed for [an] a **parking** identification card.

25 (2) The department shall determine by rule the terms, conditions and requirements of [an] a
26 **parking** identification card issued under this section except that the department may not require
27 either that an applicant appear personally in order to receive or renew a card or that the card
28 contain a photograph.

29 **SECTION 18.** ORS 811.604 is amended to read:

30 811.604. (1) Application for issuance of a disabled person parking permit in the form of an indi-
31 vidual placard or decal issued under ORS 811.602 shall include:

32 (a) A certificate by a licensed physician, a certified nurse practitioner or a licensed physician
33 assistant to the Department of Transportation that the applicant is a disabled person or a certificate
34 by a licensed optometrist that the applicant is a disabled person because of loss of vision or sub-
35 stantial loss of visual acuity or visual field beyond correction; and

36 (b) The number of a current, valid driver license, golf cart driver permit, [or] identification card
37 **or parking identification card** issued to the applicant by the department.

38 (2) Application for renewal of a disabled person parking permit shall be a signed statement from
39 the holder of the permit saying that the person is still qualified to hold the permit.

40 **SECTION 19.** ORS 811.605 is amended to read:

41 811.605. (1) An applicant for an individual placard or decal issued by the Department of Trans-
42 portation under ORS 811.602 must have a driver license, a disability golf cart driver permit, [or] an
43 identification card **or a parking identification card** issued by the department. The placard or decal
44 shall be valid [so] **as** long as the license, permit, [or] identification card **or parking identification**
45 **card** is valid and may be renewed when the license, permit or card is renewed.

1 (2) An individual placard or decal shall contain an expiration date that is visible from outside
 2 the vehicle when the placard or decal is displayed on or in the vehicle. The expiration date shall
 3 be the same as the expiration date of the driver license, golf cart driver permit, [or] identification
 4 card or parking identification card of the holder of the placard.

5 **SECTION 20.** Sections 21 to 26 of this 2007 Act are added to and made a part of the
 6 Oregon Vehicle Code.

7 **SECTION 21.** “Identity source documents” means documents required for the issuance,
 8 renewal and replacement of driver licenses, driver permits and identification cards by the
 9 Department of Transportation.

10 **SECTION 22.** The Department of Transportation shall retain paper copies of identity
 11 source documents for a minimum of seven years or digital images of identity source docu-
 12 ments for a minimum of 10 years.

13 **SECTION 23.** (1) In addition to any fee imposed under ORS 807.370 and 807.410, the De-
 14 partment of Transportation may increase the fee for each driver license, driver permit and
 15 identification card that is issued, renewed or replaced for the purpose of covering the costs
 16 of compliance with the Real ID Act of 2005, Public Law 109-13.

17 (2) The fee increase under this section may not be more than \$_____ for each issuance,
 18 renewal or replacement of a driver license, driver permit or identification card.

19 **SECTION 24.** (1) Except as provided in subsection (2) of this section, an officer, employee
 20 or contractor of the Department of Transportation may not knowingly disclose information
 21 from, or otherwise make available to any person copies of, identity source documents sub-
 22 mitted to the department in connection with an application for a driver license, driver permit
 23 or identification card.

24 (2) An officer, employee or contractor of the department may make information or copies
 25 described in subsection (1) of this section available to law enforcement officials, motor vehi-
 26 cle agencies from other states and employees of the department acting in an official capacity.

27 **SECTION 25.** All employees or contractors authorized to manufacture or produce driver
 28 licenses, driver permits or identification cards shall meet the appropriate security require-
 29 ments as defined by the Department of Transportation by rule.

30 **SECTION 26.** Before issuing or renewing a driver license, driver permit or identification
 31 card for a person, the Department of Transportation may verify with the issuing agency the
 32 issuance, validity and completeness of each identity source document presented by the per-
 33 son.

34 **SECTION 27.** The Department of Transportation may take whatever actions are neces-
 35 sary to implement the provisions of this 2007 Act prior to May 11, 2008.

36 **SECTION 28.** Sections 2 and 21 to 26 of this 2007 Act and the amendments to ORS 802.195,
 37 802.200, 807.040, 807.050, 807.110, 807.115, 807.130, 807.162, 807.400, 811.603, 811.604 and 811.605,
 38 by sections 4, 5, 7, 9, 10, 12 to 15 and 17 to 19 of this 2007 Act become operative May 11, 2008.
 39