

A-Engrossed
House Bill 2827

Ordered by the House May 8
Including House Amendments dated May 8

Sponsored by Representatives BEYER, GILMAN

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.

[Prohibits state from expending funds to comply with federal Real ID Act of 2005 unless certain requirements are met.]

[Directs Department of Transportation to analyze cost of complying with Real ID Act of 2005 and make report available to public.]

Allows Department of Transportation to take certain actions in order to maintain compliance with federal Real ID Act of 2005. Allows department to perform system development necessary to implement requirements of federal Real ID Act of 2005.

Allows department to issue driver license without photograph if applicant shows good cause. Directs department to keep record of Social Security number for each person issued driver license, driver permit or identification card.

A BILL FOR AN ACT

1
2 Relating to federal Real ID Act of 2005; creating new provisions; amending ORS 802.200, 807.024,
3 807.050, 807.110 and 807.400; and declaring an emergency.

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

5 **SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of the Oregon**
6 **Vehicle Code.**

7 **SECTION 2. To ensure this state is in compliance with the federal Real ID Act of 2005,**
8 **49 U.S.C. 30301 note, the Department of Transportation may:**

9 (1) **File for an extension with the United States Department of Homeland Security to**
10 **become compliant with the federal Real ID Act of 2005, 49 U.S.C. 30301 note, after May 11,**
11 **2008;**

12 (2) **Submit implementation plans to the United States Department of Homeland Security;**
13 **and**

14 (3) **Enter into any agreement with a federal agency, the agency of another state or the**
15 **American Association of Motor Vehicle Administrators that the Department of Transporta-**
16 **tion determines is necessary to comply with the requirements of section 3 of this 2007 Act.**

17 **SECTION 3. (1) Notwithstanding any other provision of law, the Department of Trans-**
18 **portation may perform any system development necessary to implement the requirements**
19 **of the federal Real ID Act of 2005, 49 U.S.C. 30301 note.**

20 (2) **As used in this section, "system development" includes but is not limited to the fol-**
21 **lowing:**

22 (a) **Acquisition of equipment and information technology systems and services;**

23 (b) **Modification, conversion or upgrade of the department's existing databases, equip-**

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 **ment and information technology systems;**

2 (c) **Establishment of electronic connectivity with any other state motor vehicle depart-**
3 **ment, federal agency, association or business;**

4 (d) **Creation of a new design for driver licenses, driver permits and identification cards**
5 **that will meet the minimum content, design and security standards required by the federal**
6 **Real ID Act of 2005, 49 U.S.C. 30301 note;**

7 (e) **Collection, management and retention of personal information and identity docu-**
8 **ments; and**

9 (f) **Development and implementation of a comprehensive security plan to ensure the se-**
10 **curity and integrity of the department's employees, facilities, storage systems, the pro-**
11 **duction of driver licenses, driver permits and identification cards, and the collection and**
12 **retention of personal information and identity documents.**

13 **SECTION 4. In carrying out the provisions of sections 2 and 3 of this 2007 Act, the De-**
14 **partment of Transportation shall analyze the safeguards necessary to:**

15 (1) **Assure adequate privacy protections for individuals; and**

16 (2) **Prevent unauthorized disclosure of an individual's personal identifying information.**

17 **SECTION 5. Sections 2 to 4 of this 2007 Act are repealed May 30, 2013.**

18 **SECTION 6. ORS 802.200 is amended to read:**

19 802.200. In addition to any other records the Department of Transportation may establish, the
20 department is subject to the following provisions concerning records:

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

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

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

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

29 (C) The vehicle description; and

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

31 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
32 vehicle is reconstructed.

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

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

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

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

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

44 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
45 cerning the registration of vehicles required to be registered by the department. The records con-

cerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

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

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

(B) The name of the vehicle owner;

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

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

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

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

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

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

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

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

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

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

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

(a) An index by name and number.

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

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

(d) All **driver** licenses or driver permits that have been suspended or revoked.

(e) **For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued.**

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

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

(a) The department shall maintain driving records on:

(A) Every person who is granted driving privileges under a driver license, driver permit or a

1 statutory grant of driving privileges under ORS 807.020;

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

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

5 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
6 806.220, 806.230 or 806.240.

7 (b) In addition to other information required by this paragraph, the employment driving record
8 shall include all reports of drug test results that are made to the department under ORS 825.410.
9 Notwithstanding any other provision of law, release of the portion of the employment driving record
10 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
11 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
12 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
13 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license
14 that result from operation or use of a commercial motor vehicle and all convictions of the person
15 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
16 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
17 only such accidents, suspensions and convictions that occur while the person is driving a motor
18 vehicle:

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

21 (B) Carrying persons or property for compensation;

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

25 (D) That is an authorized emergency vehicle;

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

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

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

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

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

33 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
34 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
35 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
36 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

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

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

41 (e) When a person from another jurisdiction applies for a driver license or **driver** permit issued
42 by this state, the department shall request a copy of the person's driving record from the other ju-
43 risdiction. At the time the person is issued a license **or permit** in Oregon, the record from the other
44 jurisdiction shall become part of the driver's record in this state with the same force and effect as
45 though entered on the driver's record in this state in the original instance. The department by rule

1 may specify methods for converting entries from out-of-state records for use in Oregon.

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

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

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

16 (11) The department shall maintain accident reports filed with the department under ORS
17 810.460 and 811.725 to 811.735.

18 (12) The department shall maintain records of bank checks or money orders returned under ORS
19 802.110.

20 (13) The department shall maintain records of trip permits issued by the department under ORS
21 803.600, as provided under this subsection. The records required by this subsection shall include the
22 following:

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

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

25 (c) When the permit was issued.

26 (d) The type of permit issued.

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

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

30 **SECTION 7.** ORS 807.024 is amended to read:

31 807.024. (1) A person who applies for issuance, renewal or replacement of a driver license, driver
32 permit or identification card shall submit to collection of biometric data by the Department of
33 Transportation for the purpose of establishing the person's identity. Submitting to collection of
34 biometric data under this section does not excuse a person from responsibility for complying with
35 requirements for proof of identity, [*age or residence*] **date of birth or address** pursuant to ORS
36 807.050.

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

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

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

45 (3) If a person's identity is established as described in subsection (2) of this section, the de-

1 partment shall mail the driver license, driver permit or identification card to the address provided
2 by the person when the person applied for the issuance, renewal or replacement of the license,
3 permit or identification card.

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

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

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

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

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

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

23 **SECTION 8.** ORS 807.050 is amended to read:

24 807.050. An application for a **driver** license shall be in a form approved by the [*Oregon*] De-
25 partment of Transportation. An application must contain all the following:

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

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

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

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

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

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

41 (3) The class of license sought.

42 (4) The Social Security number of the applicant or other number or identifying information de-
43 termined appropriate by the Secretary of the United States Department of Transportation, if the
44 application is for a commercial driver license or if the [*Oregon*] Department of Transportation by
45 rule requires the Social Security number on the application.

1 (5) Any other information the Department of **Transportation** deems necessary to assist the
2 department in determining whether the applicant is qualified or eligible to be licensed.

3 **SECTION 9.** ORS 807.110 is amended to read:

4 807.110. A license issued by the Department of Transportation shall comply with all of the fol-
5 lowing:

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

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

10 (3) A license shall contain the name, **as defined by rule**, date of birth **and gender of the**
11 **person to whom the license is issued** and, except as provided for corrections officers in ORS
12 802.253 or eligible employees in ORS 802.250, [*residence*] **the address, as defined by rule**, of the
13 person to whom the license is issued [*and a space for the person's signature*].

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

15 [(4)] **(5)** Upon request of the person to whom the license is issued, a license shall indicate on the
16 license the fact that the person is an anatomical donor.

17 [(5)] **(6)** Upon order of the juvenile court, a license shall indicate on the license the fact that
18 the person to whom the license is issued is an emancipated minor.

19 [(6)] **(7)(a)** [*Except as otherwise provided in this subsection,*] A license shall bear a photograph
20 described in this subsection. [*The Director of Transportation, by rule, may provide for issuance of a*
21 *valid license without a photograph if the applicant shows good cause. The director shall include reli-*
22 *gious preferences as good cause for issuance of a license without a photograph but shall not limit good*
23 *cause to religious grounds.*] A photograph required under this subsection shall:

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

25 [(b)] **(B)** Be of a size approved by the department; and

26 [(c)] **(C)** Be taken at the time of application for issuance of the license whether the application
27 is for an original license, replacement of a license under ORS 807.160 or for renewal of a license
28 under ORS 807.150, **except that the latest photograph on file may be used in circumstances**
29 **defined by the department by rule.**

30 **(b) Notwithstanding paragraph (a) of this subsection and ORS 807.024, the Director of**
31 **Transportation, by rule, may provide for issuance of a valid license without a photograph if**
32 **the applicant shows good cause. The director shall include religious preferences as good**
33 **cause for issuance of a license without a photograph but shall not limit good cause to reli-**
34 **gious grounds.**

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

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

39 (9) The department shall use such security procedures, processes and materials in the prepara-
40 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to
41 alter, counterfeit, duplicate or modify the license without ready detection. The security features
42 used in the production of the licenses shall provide for the rapid authentication of a genuine docu-
43 ment.

44 **SECTION 10.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, is
45 amended to read:

1 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
2 lowing:

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

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

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

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

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

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

15 [(f)] (g)(A) [*Except as otherwise provided in this paragraph,*] A photograph described in this
16 paragraph. [*The Director of Transportation, by rule, may provide for issuance of a valid license with-*
17 *out a photograph if the applicant shows good cause. The director shall include religious preferences*
18 *as good cause for issuance of a license without a photograph but shall not limit good cause to religious*
19 *grounds.*] A photograph required under this paragraph shall:

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

21 [(B)] (ii) Be of a size approved by the department; and

22 [(C)] (iii) Be taken at the time of application for issuance of the license whether the application
23 is for an original license, replacement of a license under ORS 807.160 or for renewal of a license
24 under ORS 807.150, **except that the latest photograph on file may be used in circumstances**
25 **defined by the department by rule.**

26 **(B) Notwithstanding subparagraph (A) of this paragraph and ORS 807.024, the Director**
27 **of Transportation, by rule, may provide for issuance of a valid license without a photograph**
28 **if the applicant shows good cause. The director shall include religious preferences as good**
29 **cause for issuance of a license without a photograph but shall not limit good cause to reli-**
30 **gious grounds.**

31 [(g)] (h) The class of license issued and any endorsements granted. If the license is a commercial
32 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
33 cense.

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

35 [(3)] (2) The department shall use security procedures, processes and materials in the prepara-
36 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to
37 alter, counterfeit, duplicate or modify the license without ready detection. The security features
38 used in the production of the licenses shall provide for:

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

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

42 **SECTION 11.** ORS 807.400 is amended to read:

43 807.400. (1) The Department of Transportation shall issue an identification card to any person
44 who:

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

1 (b) Does not have a current, valid driver license; and

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

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

6 [(3)] (2) Every original application for an identification card must be signed by the applicant.
7 The department shall require at least one document to verify the address of an applicant for issu-
8 ance of an identification card in addition to other documents the department may require of the
9 applicant. If the address of an applicant has changed since the last time an identification card was
10 issued to or renewed for the applicant, the department shall require proof to verify the address of
11 an applicant for renewal of an identification card, in addition to anything else the department may
12 require.

13 [(4)] (3) Every identification card shall be issued upon the standard license form described under
14 ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or
15 any other grant of driving privileges to operate a motor vehicle and is to be used for identification
16 purposes only.

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

19 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
20 person issued the identification card is an emancipated minor.

21 (6) Each original identification card shall expire on a date consistent with the expiration dates
22 of licenses as set forth in ORS 807.130.

23 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
24 ORS 807.150.

25 (8) The fee for an original identification card or a renewal thereof shall be the fee established
26 under ORS 807.410. [*In no event shall the issuance or renewal of an identification card be subject to*
27 *any fee in addition to that set forth in ORS 807.410.*]

28 (9) An identification card becomes invalid if the holder of the card changes **the holder's** [*resi-*
29 *dence*] address from that shown on the identification card and does not provide the department with
30 notice of the change as required under ORS 807.420.

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

34 (a) Issue a replacement identification card containing the new address upon receipt of the old
35 identification card and payment of the fee established for issuing a replacement identification card
36 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
37 section, the replacement identification card shall bear the same distinguishing number as the card
38 being replaced.

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

41 (11) An identification card becomes invalid if the holder of the card changes the [*person's*]
42 **holder's** name from that shown on the card, including a change of name by marriage, without pro-
43 viding the department with notice of the change as required under ORS 807.420. Upon receiving
44 such notice and the old identification card, the department shall issue a replacement identification
45 card upon payment of the fee required under ORS 807.410.

1 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
2 placement identification card that bears a different distinguishing number from the card being re-
3 placed, the person to whom the card was issued may obtain a replacement card from the department
4 upon furnishing proof satisfactory to the department of the need for such replacement and payment
5 of the replacement fee under ORS 807.410.

6 (13) The department may establish by rule reasons for issuing replacement identification cards
7 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
8 a replacement identification card is provided under ORS 807.410.

9 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
10 to the department. An identification card may be canceled for any of the reasons that driving priv-
11 ileges or a **driver** license may be canceled under ORS 809.310. The department may reissue an
12 identification card canceled under this subsection when the applicant has satisfied all requirements
13 for the identification card.

14 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
15 cation card to a person under this subsection without charge when the person surrenders a **driver**
16 license or driver permit to the department for reasons described in this subsection. If the department
17 issues an identification card under this subsection, the identification card shall expire at the same
18 time as the surrendered driver license or driver permit would have expired. An identification card
19 issued under this subsection is subject to the same requirements and fees for renewal or upon ex-
20 piration as any other identification card issued under this section. The department may issue iden-
21 tification cards under this subsection as described under any of the following:

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

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

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

31 **SECTION 12.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is
32 amended to read:

33 807.400. (1) The Department of Transportation shall issue an identification card to any person
34 who:

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

36 (b) Does not have a current, valid driver license;

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

39 (d) Submits to collection of biometric data by the department that establish the identity of the
40 person as provided in ORS 807.024.

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

43 [(3)] (2) Every original application for an identification card must be signed by the applicant.
44 The department shall require at least one document to verify the address of an applicant for issu-
45 ance of an identification card in addition to other documents the department may require of the

1 applicant. If the address of an applicant has changed since the last time an identification card was
2 issued to or renewed for the applicant, the department shall require proof to verify the address of
3 an applicant for renewal of an identification card, in addition to anything else the department may
4 require.

5 [(4)] (3) Every identification card shall be issued upon the standard license form described under
6 ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or
7 any other grant of driving privileges to operate a motor vehicle and is to be used for identification
8 purposes only.

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

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

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

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

17 (8) The fee for an original identification card or a renewal thereof shall be the fee established
18 under ORS 807.410.

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

22 (10) If a person to whom an identification card was issued and who changes **the person's** [*res-*
23 *idence*] 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) of this
28 section, the replacement identification card shall bear the same distinguishing number as the card
29 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) An identification card becomes invalid if the holder of the card changes the [*person's*]
33 **holder's** name from that shown on the card, including a change of name by marriage, without pro-
34 viding the department with notice of the change as required under ORS 807.420. Upon receiving
35 such notice and the old identification card, the department shall issue a replacement identification
36 card upon payment of the fee required under ORS 807.410.

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

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

45 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered

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

5 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
6 cation card to a person under this subsection without charge when the person surrenders a **driver**
7 license or driver permit to the department for reasons described in this subsection. If the department
8 issues an identification card under this subsection, the identification card shall expire at the same
9 time as the surrendered driver license or driver permit would have expired. An identification card
10 issued under this subsection is subject to the same requirements and fees for renewal or upon ex-
11 piration as any other identification card issued under this section. The department may issue iden-
12 tification 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 **(16) The department shall work with other agencies and organizations to attempt to im-**
21 **prove the issuance system for identification cards.**

22 **SECTION 13. This 2007 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
24 **on its passage.**

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