

House Bill 3554

Sponsored by Representatives THATCHER, FLORES; Representatives CAMERON, DALLUM, ESQUIVEL, GILLIAM, GILMAN, HANNA, KRIEGER, MAURER, NELSON, OLSON, RICHARDSON, SCOTT, WHISNANT

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**.

Requires evidence of citizenship for persons registering to vote for first time in this state. Specifies when registration of qualified person occurs.

Prohibits state government from employing individual who is not legally present or legally employable in United States.

Prohibits state contracting authority from awarding public contract for services to contractor that knowingly employs illegal alien to perform work under contract or that contracts with sub-contractor that knowingly employs illegal alien to perform work under contract.

Prohibits Oregon Economic and Community Development Commission, Economic and Community Development Department and financial institution that contracts with commission or department to make loans or grants from making loan or grant to person that knowingly employs illegal aliens to perform work funded by loan or grant.

Requires evidence of lawful presence in United States for persons applying for public assistance. Authorizes Department of Human Services to verify lawful presence in United States of applicants for public assistance. Lists documents that satisfy verification requirement. Exempts specified types of assistance.

Allows state employee to report to federal immigration enforcement authorities information about individual who cannot produce valid, independently verifiable documents to prove that individual is legally present in United States. Prohibits state employer from discriminating against employee for making report.

Allows law enforcement agencies to use agency moneys, equipment or personnel for purposes of detecting or apprehending persons of foreign citizenship present in United States in violation of federal immigration laws.

Directs Department of Transportation to immediately inform law enforcement agencies if applicants for driver licenses, driver permits or identification cards submit false information.

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

Requires person to present proof of legal presence in United States to Department of Transportation prior to issuance of driver license, driver permit or identification card.

Directs Department of Transportation to issue temporary driver license to person legally present in United States on temporary basis.

Directs Department of Transportation to protect personal information of applicants for driver licenses, driver permits or identification cards.

Requires presentation of driver license, driver permit or identification card prior to issuance of parking permits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to legal presence; creating new provisions; amending ORS 181.850, 247.012, 247.171, 260.993, 802.195, 802.200, 807.024, 807.040, 807.050, 807.110, 807.115, 807.130, 807.162, 807.400, 811.603, 811.604 and 811.605; and declaring an emergency.

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

VOTER REGISTRATION

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 247.

SECTION 2. (1) A person registering to vote in this state for the first time must supply evidence of citizenship with the person's completed voter registration card or with the voter registration portion of the application for issuance or renewal of a driver license, issuance

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 of a state identification card under ORS 807.400 or a change of address at an office of the
 2 Department of Transportation under ORS 247.017.

3 (2) Documents acceptable as evidence of citizenship include originals or copies of birth
 4 certificates, naturalization documents and valid United States passports indicating that the
 5 holder of the passport is a United States citizen.

6 **SECTION 3.** ORS 247.171 is amended to read:

7 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
 8 and distribute state voter registration cards. The Secretary of State shall also distribute federal
 9 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
 10 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
 11 The secretary may revoke any permission granted under this subsection at any time. All registration
 12 cards shall be distributed to the public without charge.

13 (2) The Secretary of State shall approve any voter registration application form developed for
 14 use by the Department of Transportation under ORS 247.017 or by any other agency designated a
 15 voter registration agency under ORS 247.208.

16 (3) Each voter registration card designed or approved by the Secretary of State shall describe
 17 the penalties for knowingly supplying false information on the registration card and shall contain
 18 space for a person to provide the following information:

19 (a) Full name;

20 (b) Residence address, mailing address or any other information necessary to locate the resi-
 21 dence of the person offering to register to vote;

22 (c) The name of the political party with which the person is affiliated, if any;

23 (d) Date of birth;

24 (e) An indication that the person is a citizen of the United States; and

25 (f) A signature attesting to the fact that the person is qualified to be an elector.

26 (4) **Each voter registration card designed or approved by the Secretary of State shall**
 27 **state that evidence of citizenship is required for persons registering to vote in this state for**
 28 **the first time and shall list examples of documents acceptable as evidence of citizenship.**

29 [(4)] (5) Any form containing a voter registration card may also include space for a person to
 30 provide:

31 (a) A telephone number where the person may be contacted; and

32 (b) If previously registered to vote in this state, the name then supplied by the person and the
 33 county and, if known, the address of previous registration.

34 [(5)] (6) A person shall not supply any information under subsection (3) or [(4)] (5) of this section
 35 knowing it to be false.

36 [(6)] (7) A county clerk or other person accepting registration cards shall not request any in-
 37 formation unless it is authorized by state or federal law.

38 [(7)] (8) A person shall attest to the information supplied on the voter registration card by
 39 signing the completed registration card.

40 [(8)] (9) Any completed and signed registration card described in subsection (3) of this section
 41 shall be the official registration card of the elector.

42 **SECTION 4.** ORS 247.012 is amended to read:

43 247.012. (1) A qualified person may register to vote or update a registration to vote by:

44 (a) Delivering by mail or otherwise a completed registration card to any county clerk, the Sec-
 45 retary of State, any office of the Department of Transportation or any designated voter registration

1 agency as described in ORS 247.208;

2 (b) Personally delivering the card to an official designated by a county clerk under subsection
3 [(7)] (8) of this section; or

4 (c) Completing the voter registration portion of the application for issuance or renewal of a
5 driver license, issuance of a state identification card under ORS 807.400 or a change of address at
6 an office of the Department of Transportation under ORS 247.017.

7 (2) If a registration card is mailed or delivered to:

8 (a) Any person other than a county clerk or the Secretary of State, the person shall forward the
9 card to a county clerk or the Secretary of State not later than the fifth day after receiving the card;
10 or

11 (b) The Secretary of State or a county clerk for a county other than the county in which the
12 person applying for registration resides, the Secretary of State or county clerk shall forward the
13 card to the county clerk for the county in which the person resides not later than the fifth day after
14 receiving the card.

15 [(3) *Registration of a qualified person occurs:*]

16 [(a) *When a legible, accurate and complete registration card is received in the office of any county
17 clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated
18 voter registration agency under ORS 247.208 or at a location designated by a county clerk under sub-
19 section (7) of this section;*]

20 [(b) *On the date a registration card is postmarked if the card is received after the 21st day imme-
21 diately preceding an election but is postmarked not later than the 21st day immediately preceding the
22 election; or*]

23 [(c) *In the case of a registration card missing a date of birth, containing an incomplete date of birth
24 or containing an unintentional scrivener's error that is supplied or corrected as described in subsection
25 (4) or (6) of this section, on the date that registration would have occurred if the registration card had
26 not been missing the date of birth, contained an incomplete date of birth or contained the scrivener's
27 error.*]

28 **(3) The county clerk for the county in which the person resides shall register a person
29 if:**

30 [(4)] **(a) [If a] The person's** registration card is legible, accurate and contains, at a minimum,
31 the registrant's name, residence address, date of birth and signature[, *the county clerk shall register
32 the person.*]; **and**

33 **(b) For a person registering to vote in this state for the first time, the person's regis-
34 tration card is accompanied by acceptable evidence of United States citizenship.**

35 **(4) If [this] information or evidence of citizenship required under subsection (3) of this
36 section is [missing from the registration card] not supplied** or the date of birth is incomplete, the
37 county clerk shall attempt to contact the person to obtain the missing or incomplete information.
38 The county clerk may supply the registrant's date of birth from any previous registration of the
39 registrant.

40 **(5) The county clerk shall mail a written notice to each person who has attempted to
41 register to vote for the first time in this state under this section. The notice shall indicate
42 whether the person is registered and shall be mailed not later than seven business days after
43 the county clerk receives registration materials under subsection (1) or (2) of this section.
44 The registration of a qualified person occurs on the date the county clerk mails the notice
45 confirming the registration of the person.**

1 [5] (6) If a registration card meets the requirements of subsection [(4)] (3) of this section but
2 is missing an indication of political party affiliation, the registrant [shall be] is considered not af-
3 filiated with any political party. This subsection does not apply if an elector is updating a registra-
4 tion within the same county.

5 [(6)] (7) If a registration card contains an unintentional scrivener’s error, the county clerk may
6 attempt to contact the person to correct the error.

7 [(7)] (8) A county clerk may appoint officials to accept registration of persons at designated lo-
8 cations. The appointments and locations shall be in writing and filed in the office of the county
9 clerk. The county clerk [shall be] is responsible for the performance of duties by those appointed.

10 [(8)] (9) A registration [card received and accepted] that occurs under this section [shall be] is
11 considered an active registration.

12 [(9)] (10) A registration may be updated at any time.

13 **SECTION 5.** ORS 260.993 is amended to read:

14 260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532
15 (6) and (8).

16 (2) Violation of ORS 247.125, 247.171 [(5)] (6), 247.420 (2), 253.710, 260.402, 260.555, 260.558,
17 260.575, 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or
18 260.715 is a Class C felony.

19 (3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

20 (4) Violation of ORS 247.171 [(6)] (7) is a Class C misdemeanor.

21 **SECTION 6.** (1) **Section 2 of this 2007 Act applies only to persons who register to vote in**
22 **this state for the first time on or after the operative date of section 2 of this 2007 Act.**

23 (2) **The amendments to ORS 247.012 by section 4 of this 2007 Act apply only to voter**
24 **registration cards received, delivered or completed on or after the operative date of the**
25 **amendments to ORS 247.012 by section 4 of this 2007 Act.**

26 (3) **The amendments to ORS 247.171 by section 3 of this 2007 Act apply only to voter**
27 **registration cards designed, prepared or distributed on or after the operative date of the**
28 **amendments to ORS 247.171 by section 3 of this 2007 Act and to persons who register to vote**
29 **for the first time in this state on or after the operative date of the amendments to ORS**
30 **247.171 by section 3 of this 2007 Act.**

31

32

STATE EMPLOYMENT

33

34 **SECTION 7.** State government, as defined in ORS 174.111, may not employ an individual
35 who is not legally present or legally employable in the United States.

36

37

PUBLIC CONTRACTING

38

39 **SECTION 8.** Section 9 of this 2007 Act is added to and made a part of ORS chapter 279A.

40 **SECTION 9.** (1) A state contracting agency may not enter into or renew a public contract
41 for services with a contractor that knowingly employs an illegal alien to perform work under
42 the contract or that contracts with a subcontractor that knowingly employs an illegal alien
43 to perform work under the contract. Before executing a public contract for services, each
44 prospective contractor shall provide documentation to the state contracting agency verifying
45 that the contractor is not currently employing an illegal alien.

1 (2) Each public contract for services shall include a provision that the contractor may
2 not:

3 (a) Knowingly employ an illegal alien to perform work under the contract; or

4 (b) Enter into a contract with a subcontractor that knowingly employs an illegal alien
5 to perform work under the contract.

6 (3) If a contractor violates the provision of the public contract for services required by
7 subsection (2) of this section, the state contracting agency may terminate the contract for
8 a breach of the contract. If the contract is terminated, the contractor is liable for actual and
9 consequential damages to the state contracting agency. Regardless of whether the contract
10 is terminated, the contractor is ineligible to receive a public contract for services for a pe-
11 riod of 10 years after the date that the breach was discovered.

12 **SECTION 10.** (1) The Oregon Economic and Community Development Commission, the
13 Economic and Community Development Department and any financial institution that con-
14 tracts with the commission or department to make loans or grants may not make any loan
15 or grant to a person that knowingly employs an illegal alien to perform work funded by the
16 loan or grant. Before executing any agreement relating to a loan or grant, each prospective
17 recipient of a loan or grant shall provide documentation to the commission, department or
18 financial institution, as appropriate, verifying that the recipient is not currently employing
19 an illegal alien.

20 (2) Each agreement relating to a loan or grant shall include a provision that the recipient
21 may not knowingly employ an illegal alien to perform work funded by the loan or grant.

22 (3) If a recipient violates the provision of the agreement required by subsection (2) of this
23 section, the commission, department or financial institution, as appropriate, may terminate
24 the agreement for a breach of the agreement. If the agreement is terminated, the commis-
25 sion, department or financial institution may take any appropriate action and seek any ap-
26 propriate remedy relating to a breach as provided for in the agreement. Regardless of
27 whether the agreement is terminated, the recipient is ineligible to receive a loan or grant
28 from the commission, department or financial institution for a period of 10 years after the
29 date that the breach was discovered.

30
31 **PUBLIC BENEFITS**

32
33 **SECTION 11.** (1) Except as provided in subsection (3) of this section, the Department of
34 Human Services must verify that each applicant for public assistance who is 18 years of age
35 or older is lawfully present in the United States. A person is lawfully present if the person
36 is a citizen or permanent legal resident of the United States or is otherwise legally present
37 in the United States in accordance with federal immigration laws.

38 (2) The department shall enforce the requirement of subsection (1) of this section without
39 regard to race, religion, sex, ethnicity or national origin.

40 (3) The department may not require an applicant to verify lawful presence if verification
41 is not readily available and the applicant is seeking:

42 (a) Health care services that are necessary for the treatment of an emergency medical
43 condition including labor or delivery;

44 (b) Emergency disaster relief;

45 (c) Immunizations for immunizable diseases;

1 (d) Testing for communicable diseases and treatment of symptoms of communicable dis-
2 eases;

3 (e) In-kind services that are delivered in the community through public or private
4 nonprofit entities, that are necessary for the protection of life or safety and that are not
5 means tested; or

6 (f) Prenatal care.

7 (4) In lieu of other authentic documentation or reliable evidence, the verification re-
8 quirement in subsection (1) of this section is met if the applicant:

9 (a) Is receiving or has received public assistance conditioned upon verification of citi-
10 zenship or legal status in the United States or food stamp benefits;

11 (b) Has a valid Social Security number or identifying number issued by the United States
12 Department of Homeland Security;

13 (c) Has a temporary or permanent driver license or identification card issued by a state
14 that requires proof of citizenship or legal status or that issues the card in accordance with
15 the Real ID Act of 2005, 49 U.S.C. 30301 note; or

16 (d) Has a document issued by the United States Department of Homeland Security
17 showing lawful presence in the United States.

18 (5) The Department of Human Services shall use available federal and state matching
19 databases to verify lawful presence as required by subsection (1) of this section.

20 (6) As used in this section:

21 (a) "Public assistance" has the meaning given that term in ORS 411.010.

22 (b) "Verify" means to provide authentic documentary evidence or other reliable evidence
23 of the truth of an asserted fact.

24 **SECTION 12.** (1) A person who knowingly makes a false, fictitious or fraudulent state-
25 ment in an affidavit or a declaration of lawful presence under section 11 of this 2007 Act is
26 guilty of a violation of ORS 162.065. It is a separate violation of ORS 162.065 each time a
27 person receives public assistance based upon an affidavit or declaration that contains a false,
28 fictitious or fraudulent statement.

29 (2) As used in this section, "declaration" means a sworn statement described in ORCP 1
30 E.

31
32 **REPORTING TO FEDERAL IMMIGRATION OFFICIALS**

33
34 **SECTION 13.** (1) Notwithstanding any other law, an employee of state government, as
35 defined in ORS 174.111, may report to federal immigration enforcement authorities the name
36 of, and any other relevant information about, an individual who cannot produce valid, inde-
37 pendently verifiable documents to prove that the individual is legally present in the United
38 States.

39 (2) A state government employer may not discriminate in any manner against an em-
40 ployee who makes a report described in subsection (1) of this section. Any violation of this
41 subsection is an unlawful employment practice under ORS chapter 659A.

42 **SECTION 14.** ORS 181.850 is amended to read:

43 181.850. (1) [No] A law enforcement agency of the State of Oregon or of any political subdivision
44 of the state [shall] **may** use agency moneys, equipment or personnel for the purpose of detecting or
45 apprehending persons [whose only violation of law is that they are persons] of foreign citizenship

1 present in the United States in violation of federal immigration laws.

2 (2) *[Notwithstanding subsection (1) of this section,]* A law enforcement agency may exchange in-
3 formation with the United States Bureau of Immigration and Customs Enforcement, the United
4 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and
5 Border Protection in order to:

6 (a) Verify the immigration status of a person if the person is arrested for any criminal offense;
7 or

8 (b) Request criminal investigation information with reference to persons named in records of the
9 United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citi-
10 zenship and Immigration Services or the United States Bureau of Customs and Border Protection.

11 (3) *[Notwithstanding subsection (1) of this section,]* A law enforcement agency may arrest any
12 person who:

13 (a) Is charged by the United States with a criminal violation of federal immigration laws under
14 Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

15 (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal
16 magistrate.

17 *[(4) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law*
18 *enforcement agency.]*

19 *[(5)]* (4) As used in this section, “warrant of arrest” has the meaning given that term in ORS
20 131.005.

21
22 **DOCUMENTS ISSUED BY DEPARTMENT OF TRANSPORTATION**

23
24 **(Notification of Law Enforcement Officials**
25 **About False Applications)**

26
27 **SECTION 15. Section 16 of this 2007 Act is added to and made a part of the Oregon Ve-**
28 **hicle Code.**

29 **SECTION 16. Whenever the Department of Transportation has reason to believe that an**
30 **applicant for a driver license, driver permit or identification card has provided a false appli-**
31 **cation in violation of ORS 807.430 or 807.530, the department shall immediately notify a law**
32 **enforcement agency having jurisdiction over the crime.**

33
34 **(Compliance With Federal Real ID Act of 2005)**

35
36 **SECTION 17. Section 18 of this 2007 Act is added to and made a part of the Oregon Ve-**
37 **hicle Code.**

38 **SECTION 18. (1) Prior to issuing, renewing or replacing any driver license, driver permit**
39 **or identification card, the Department of Transportation shall require a person to provide**
40 **proof of legal presence and a Social Security number or, if the person is not eligible for a**
41 **Social Security number, an identifying number issued by the United States Department of**
42 **Homeland Security and proof that the person is not eligible for a Social Security number.**

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

44 **(a) A person provides proof of legal presence by submitting valid documentation, as de-**
45 **finied by rule, that the person is a citizen or permanent legal resident of the United States**

1 or is otherwise legally present in the United States in accordance with federal immigration
2 laws.

3 (b) A person satisfies the requirement of providing proof of a Social Security number by
4 submitting a valid Social Security number that has been assigned to the person by the United
5 States Social Security Administration.

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

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

11 (e) A temporary driver license grants the same privileges as a driver license. The term
12 "temporary driver license" may be used interchangeably with driver license when referring
13 to a document issued by this state as evidence of a grant of driving privileges.

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

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

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

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

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

31 (f) The fees for issuance, renewal and replacement of temporary driver licenses and
32 temporary driver permits under this section are as provided under ORS 807.370 for the cor-
33 responding nontemporary license or permit. The fees for issuance, renewal and replacement
34 of temporary identification cards under this section are as provided under ORS 807.410 for
35 the corresponding nontemporary identification card.

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

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

45 **SECTION 19.** Section 18 of this 2007 Act applies to driver licenses, driver permits and

1 **identification cards that are issued, renewed or replaced on or after May 11, 2008.**

2 **SECTION 20.** ORS 802.195 is amended to read:

3 802.195. (1) As used in this section:

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

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

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

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

18 (4) An Oregon government agency that receives an individual's Social Security number, **or an**
19 **individual's identifying number issued by the United States Department of Homeland Secu-**
20 **riety**, under subsection (3) of this section may not redisclose the Social Security number **or identi-**
21 **fyng number** except as required by law. An Oregon government agency that rediscloses a Social
22 Security number **or identifying number** as authorized by this subsection shall keep for five years
23 records that identify each other government agency that receives the Social Security number **or**
24 **identifying number**. Records kept in accordance with this subsection must be made available to the
25 Department **of Transportation** upon request.

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

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

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

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

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

44 (10) Any person whose use or acquisition of a Social Security number, **or an identifying**
45 **number issued by the United States Department of Homeland Security**, in violation of this

1 section subjects the State of Oregon to any liability or claim shall indemnify and hold harmless this
 2 state from all such liabilities and claims, including attorney fees and court costs, incurred in any
 3 action brought under this section.

4 **SECTION 21.** ORS 802.200 is amended to read:

5 802.200. In addition to any other records the Department of Transportation may establish, the
 6 department is subject to the following provisions concerning records:

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

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

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

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

15 (C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

37 (B) The name of the vehicle owner;

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

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

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

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

1 dealer certificates:

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

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

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

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

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

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

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

15 (a) An index by name and number.

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

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

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

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

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

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

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

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

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

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

34 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
35 806.220, 806.230 or 806.240.

36 (b) In addition to other information required by this paragraph, the employment driving record
37 shall include all reports of drug test results that are made to the department under ORS 825.410.
38 Notwithstanding any other provision of law, release of the portion of the employment driving record
39 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
40 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
41 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
42 placed on the record under ORS 809.280, all suspensions of the person’s commercial driver license
43 that result from operation or use of a commercial motor vehicle and all convictions of the person
44 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
45 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include

1 only such accidents, suspensions and convictions that occur while the person is driving a motor
 2 vehicle:

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

5 (B) Carrying persons or property for compensation;

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

9 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

45 (11) The department shall maintain accident reports filed with the department under ORS

1 810.460 and 811.725 to 811.735.

2 (12) The department shall maintain records of bank checks or money orders returned under ORS
3 802.110.

4 (13) The department shall maintain records of trip permits issued by the department under ORS
5 803.600, as provided under this subsection. The records required by this subsection shall include the
6 following:

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

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

9 (c) When the permit was issued.

10 (d) The type of permit issued.

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

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

14 (14) **The department shall maintain records of identity source documents as described in**
15 **section 38 of this 2007 Act.**

16 **SECTION 22.** ORS 807.024 is amended to read:

17 807.024. (1) A person who applies for issuance, renewal or replacement of a driver license, driver
18 permit or identification card shall submit to collection of biometric data by the Department of
19 Transportation for the purpose of establishing the person's identity. Submitting to collection of
20 biometric data under this section does not excuse a person from responsibility for complying with
21 requirements for proof of identity, [*age or*] **date of birth or address** [*residence*] pursuant to ORS
22 [*807.050*] **807.040 or proof of legal presence under section 18 of this 2007 Act.**

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

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

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

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

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

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

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

41 (5) If a person's identity was not established as described in subsection (2) of this section and
42 the department has reason to believe that the crime of identity theft, as described in ORS 165.800,
43 was committed by the person currently submitting to collection of biometric data or by a person
44 who previously submitted to collection of biometric data under the identity of the person currently
45 submitting to collection of biometric data, the department shall notify a law enforcement agency

1 that has jurisdiction over the crime.

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

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

9 **SECTION 23.** ORS 807.040 is amended to read:

10 807.040. (1) The Department of Transportation shall issue a driver license to any person who
11 complies with all of the following requirements:

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

13 **(b) The person must present proof of legal presence and a Social Security number or an**
14 **identifying number issued by the United States Department of Homeland Security, as re-**
15 **quired by section 18 of this 2007 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

43 807.040. (1) The Department of Transportation shall issue a driver license to any person who
44 complies with all of the following requirements:

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

1 **(b) The person must present proof of legal presence and a Social Security number or an**
 2 **identifying number issued by the United States Department of Homeland Security, as re-**
 3 **quired by section 18 of this 2007 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **SECTION 25.** ORS 807.050 is amended to read:

32 807.050. An application for a **driver** license shall be in a form approved by the [Oregon] De-
 33 partment of Transportation. An application must contain all the following:

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

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

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

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

45 (c) Whether or not the driving privileges under the **driver** license or driver permit are currently

1 suspended or revoked; and

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

4 (3) The class of license sought.

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

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

12 **(5) For each commercial driver license, the applicant’s Social Security number or identi-**
13 **fying number issued by the United States Department of Homeland Security, or any other**
14 **number or identifying information that the Secretary of the United States Department of**
15 **Transportation determines appropriate to identify the person.**

16 *[(5)]* **(6) Any other information the Department of Transportation deems necessary to assist the**
17 **department in determining whether the applicant is qualified or eligible to be licensed.**

18 **SECTION 26.** ORS 807.110 is amended to read:

19 807.110. A license issued by the Department of Transportation shall comply with all of the fol-
20 lowing:

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

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

25 (3) A license shall contain the name, **as defined by rule**, date of birth and[,] **gender of the**
26 **person to whom the license is issued and**, except as provided for corrections officers in ORS
27 802.253 or eligible employees in ORS 802.250, *[residence]* **the address, as defined by rule**, of the
28 person to whom the license is issued *[and a space for the person’s signature]*.

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

30 *[(4)]* **(5) Upon request of the person to whom the license is issued, a license shall indicate on the**
31 **license the fact that the person is an anatomical donor.**

32 *[(5)]* **(6) Upon order of the juvenile court, a license shall indicate on the license the fact that**
33 **the person to whom the license is issued is an emancipated minor.**

34 *[(6)]* **(7) Except as otherwise provided in this subsection, a license shall bear a photograph de-**
35 **scribed in this subsection. The Director of Transportation, by rule, may provide for issuance of a**
36 **valid license without a photograph if the applicant shows good cause. The director shall include**
37 **religious preferences as good cause for issuance of a license without a photograph but shall not limit**
38 **good cause to religious grounds. A photograph required under this subsection shall:**

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

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

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

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

45 (8) A license shall indicate the class of license issued and any endorsements granted. If the li-

1 cense is a commercial driver license, the words “commercial driver license” or the letters “CDL”
 2 shall appear on the license.

3 **(9) A temporary license issued under section 18 of this 2007 Act shall clearly indicate that**
 4 **it is a temporary license and indicate the date on which the temporary license expires.**

5 [(9)] (10) The department shall use such security procedures, processes and materials in the
 6 preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone’s
 7 ability to alter, counterfeit, duplicate or modify the license without ready detection. The security
 8 features used in the production of the licenses shall provide for the rapid authentication of a genu-
 9 ine document.

10 **SECTION 27.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, is
 11 amended to read:

12 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
 13 lowing:

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

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

17 (c) The name **as defined by rule**, date of birth [*and*], **gender and**, except as provided for cor-
 18 rections officers in ORS 802.253 or eligible employees in ORS 802.250, [*residence*] **the address, as**
 19 **defined by rule**, of the person to whom the license is issued [*and a space for the person’s*
 20 *signature*].

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

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

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

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

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

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

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

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

39 **(2) A temporary license issued under section 18 of this 2007 Act shall clearly indicate that**
 40 **it is a temporary license and indicate the date on which the temporary license expires.**

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

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

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

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

4 **SECTION 28.** ORS 807.115 is amended to read:

5 807.115. (1) The Department of Transportation shall retain a duplicate **digital** image of each
 6 photograph *[used]* **and signature shown** on a driver license under the provisions of ORS 807.110
 7 or an identification card under ORS 807.400.

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

11 **SECTION 29.** ORS 807.130 is amended to read:

12 807.130. (1) *[Except as otherwise provided in this section,]* A license that is issued as an original
 13 license and not as a license that is renewed expires on the anniversary of the licensee’s birthday in
 14 the eighth calendar year after the year of issuance.

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

17 (3) **Notwithstanding subsections (1) and (2) of this section, a license that is issued to a**
 18 **person who is not a citizen or permanent legal resident of the United States shall expire on**
 19 **the date the licensee is no longer authorized to stay in the United States, as indicated by the**
 20 **documentation the person presented to the Department of Transportation to provide proof**
 21 **of legal presence in the United States as required by section 18 of this 2007 Act, or, if there**
 22 **is no definite end to the period of authorized stay, one year from issuance.**

23 *[(3)]* (4) A license that has expired does not grant driving privileges and is not valid evidence
 24 of driving privileges.

25 **SECTION 30.** ORS 807.162 is amended to read:

26 807.162. (1) Prior to issuing a replacement identification card, driver permit or driver license to
 27 a person who is applying in person, the Department of Transportation shall require *[one of the fol-*
 28 *lowing proofs of identity in addition to the proofs of identity, age and residence required by rule:]* **the**
 29 **person to present:**

30 (a) **Proof of legal presence and a Social Security number or an identifying number issued**
 31 **by the United States Department of Homeland Security, as required by section 18 of this 2007**
 32 **Act.**

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

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

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

39 *[(2) For the purposes of subsection (1) of this section, “birth certificate” means a certificate issued*
 40 *by the State of Oregon or another jurisdiction. “Birth certificate” does not include a hospital birth*
 41 *certificate, a hospital card, a birth registration or a baptismal certificate.]*

42 *[(3)]* (2) Subsection (1) of this section does not apply if the department *[of Transportation]* is able
 43 to verify the person’s identification through a duplicate image of a photograph retained by the de-
 44 partment under ORS 807.115.

45 **SECTION 31.** ORS 807.400 is amended to read:

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

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

4 **(b) Furnishes proof of legal presence in the United States, as required by section 18 of**
 5 **this 2007 Act;**

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

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

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

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

18 **(3) If the identification card is a temporary identification card issued under section 18**
 19 **of this 2007 Act, the temporary identification card shall indicate that it is a temporary**
 20 **identification card and the date on which the card expires.**

21 (4) Every identification card shall be issued upon the standard license form described under ORS
 22 807.110 and shall bear a statement to the effect that the identification card is not a license or any
 23 other grant of driving privileges to operate a motor vehicle and is to be used for identification
 24 purposes only.

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

27 [(5)] (6) Upon order of the juvenile court, the department shall include on the card the fact that
 28 the person issued the identification card is an emancipated minor.

29 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration
 30 dates of licenses as set forth in ORS 807.130.

31 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth
 32 in ORS 807.150.

33 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-
 34 lished under ORS 807.410. [In no event shall the issuance or renewal of an identification card be
 35 subject to any fee in addition to that set forth in ORS 807.410.]

36 [(9)] (10) An identification card becomes invalid if the holder of the card changes **the holder's**
 37 [residence] address from that shown on the identification card and does not provide the department
 38 with notice of the change as required under ORS 807.420.

39 [(10)] (11) If a person to whom an identification card was issued and who changes **the person's**
 40 [residence] address appears in person at a department office that issues identification cards, the de-
 41 partment may do any of the following:

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

1 card being replaced.

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

4 [(11)] (12) An identification card becomes invalid if the holder of the card changes the
5 [person's] **holder's** name from that shown on the card, including a change of name by marriage,
6 without providing the department with notice of the change as required under ORS 807.420. Upon
7 receiving such notice and the old identification card, the department shall issue a replacement
8 identification card upon payment of the fee required under ORS 807.410.

9 [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs
10 a replacement identification card that bears a different distinguishing number from the card being
11 replaced, the person to whom the card was issued may obtain a replacement card from the depart-
12 ment upon furnishing proof satisfactory to the department of the need for such replacement and
13 payment of the replacement fee under ORS 807.410.

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

17 [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-
18 rendered to the department. An identification card may be canceled for any of the reasons that
19 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-
20 issue an identification card canceled under this subsection when the applicant has satisfied all re-
21 quirements for the identification card.

22 [(15)] (16) Notwithstanding any other provision of this section, the department may issue an
23 identification card to a person under this subsection without charge when the person surrenders a
24 **driver** license or driver permit to the department for reasons described in this subsection. If the
25 department issues an identification card under this subsection, the identification card shall expire
26 at the same time as the surrendered driver license or driver permit would have expired. An iden-
27 tification card issued under this subsection is subject to the same requirements and fees for renewal
28 or upon expiration as any other identification card issued under this section. The department may
29 issue identification cards under this subsection as described under any of the following:

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

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

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

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

41 807.400. (1) The Department of Transportation shall issue an identification card to any person
42 who:

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

44 (b) **Furnishes proof of legal presence in the United States, as required by section 18 of**
45 **this 2007 Act;**

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

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

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

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

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

15 (3) **If the identification card is a temporary identification card issued under section 18**
16 **of this 2007 Act, the temporary identification card shall indicate that it is a temporary**
17 **identification card and the date on which the card expires.**

18 (4) Every identification card shall be issued upon the standard license form described under ORS
19 807.110 and shall bear a statement to the effect that the identification card is not a license or any
20 other grant of driving privileges to operate a motor vehicle and is to be used for identification
21 purposes only.

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

24 [(5)] (6) Upon order of the juvenile court, the department shall include on the card the fact that
25 the person issued the identification card is an emancipated minor.

26 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration
27 dates of licenses as set forth in ORS 807.130.

28 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth
29 in ORS 807.150.

30 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-
31 lished under ORS 807.410.

32 [(9)] (10) An identification card becomes invalid if the holder of the card changes **the holder's**
33 [*residence*] address from that shown on the identification card and does not provide the department
34 with notice of the change as required under ORS 807.420.

35 [(10)] (11) If a person to whom an identification card was issued and who changes **the person's**
36 [*residence*] address appears in person at a department office that issues identification cards, the de-
37 partment may do any of the following:

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

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

45 [(11)] (12) An identification card becomes invalid if the holder of the card changes the

1 [person's] **holder's** name from that shown on the card, including a change of name by marriage,
 2 without providing the department with notice of the change as required under ORS 807.420. Upon
 3 receiving such notice and the old identification card, the department shall issue a replacement
 4 identification card upon payment of the fee required under ORS 807.410.

5 [(12)] **(13)** In the event that, for a reason identified by the department by rule, a person needs
 6 a replacement identification card that bears a different distinguishing number from the card being
 7 replaced, the person to whom the card was issued may obtain a replacement card from the depart-
 8 ment upon furnishing proof satisfactory to the department of the need for such replacement and
 9 payment of the replacement fee under ORS 807.410.

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

13 [(14)] **(15)** Upon cancellation of an identification card, the card is terminated and must be sur-
 14 rendered to the department. An identification card may be canceled for any of the reasons that
 15 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-
 16 issue an identification card canceled under this subsection when the applicant has satisfied all re-
 17 quirements for the identification card.

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

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

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

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

35 **SECTION 33.** ORS 811.603 is amended to read:

36 811.603. (1) The Department of Transportation shall issue [an] **a parking** identification card
 37 without a photograph to an applicant for a disabled person parking permit if the applicant does not
 38 have a driver license, [or] **a driver** permit or an identification card issued by the department under
 39 ORS 807.400 and if the applicant submits a statement from a physician that it would be impractical
 40 or harmful to the applicant, because of medical or physical condition, to appear at an office of the
 41 department and be photographed for [an] **a parking** identification card.

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

SECTION 34. ORS 811.604 is amended to read:

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

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

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

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

SECTION 35. ORS 811.605 is amended to read:

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

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

SECTION 36. Sections 37 to 42 of this 2007 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 37. "Identity source documents" means documents required for the issuance, renewal and replacement of driver licenses, driver permits and identification cards by the Department of Transportation.

SECTION 38. The Department of Transportation shall retain paper copies of identity source documents for a minimum of seven years or digital images of identity source documents for a minimum of 10 years.

SECTION 39. (1) In addition to any fee imposed under ORS 807.370 and 807.410, the Department of Transportation may increase the fee for each driver license, driver permit and identification card that is issued, renewed or replaced for the purpose of covering the costs of compliance with the Real ID Act of 2005, 49 U.S.C. 30301 note.

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

SECTION 40. (1) Except as provided in subsection (2) of this section, an officer, employee or contractor of the Department of Transportation may not knowingly disclose information from, or otherwise make available to any person copies of, identity source documents submitted to the department in connection with an application for a driver license, driver permit or identification card.

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

SECTION 41. All employees or contractors authorized to manufacture or produce driver licenses, driver permits or identification cards shall meet the appropriate security require-

ments as defined by rule.

SECTION 42. Before issuing or renewing a driver license, driver permit or identification card for a person, the Department of Transportation may verify with the issuing agency the issuance, validity and completeness of each identity source document presented by the person.

OPERATIVE DATES AND RELATED PROVISIONS

(Voter Registration)

SECTION 43. (1) Except as provided in subsection (2) of this section, section 2 of this 2007 Act and the amendments to ORS 247.012, 247.171 and 260.993 by sections 3 to 5 of this 2007 Act become operative on January 1, 2008.

(2) The Secretary of State and any county clerk or county official in charge of elections may take any action under section 2 of this 2007 Act and ORS 247.012, 247.171 and 260.993 as amended by sections 3 to 5 of this 2007 Act prior to the operative date specified in subsection (1) of this section that is necessary to enable the Secretary of State and any county clerk or county official in charge of elections to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the Secretary of State and any county clerk or county official in charge of elections by section 2 of this 2007 Act and the amendments to ORS 247.012, 247.171 and 260.993 by sections 3 to 5 of this 2007 Act.

(Compliance With Federal Real ID Act of 2005)

SECTION 44. (1) Sections 17, 18, 19 and 36 to 42 of this 2007 Act and the amendments to ORS 802.195, 802.200, 807.040, 807.050, 807.110, 807.115, 807.130, 807.162, 807.400, 811.603, 811.604 and 811.605 by sections 20, 21 and 23 to 35 of this 2007 Act become operative May 11, 2008.

(2) The Department of Transportation may take whatever actions are necessary to implement sections 17, 18, 19 and 36 to 42 of this 2007 Act and the amendments to ORS 802.195, 802.200, 807.040, 807.050, 807.110, 807.115, 807.130, 807.162, 807.400, 811.603, 811.604 and 811.605 by sections 20, 21 and 23 to 35 of this 2007 Act prior to May 11, 2008.

CAPTIONS

SECTION 45. The unit captions used in this 2007 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2007 Act.

EMERGENCY CLAUSE

SECTION 46. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.