

**Minority Report**  
**A-Engrossed**  
**Senate Bill 424**

Ordered by the Senate May 11  
Including Senate Minority Report Amendments dated May 11

Sponsored by nonconcurring members of the Senate Committee on Business, Transportation and Workforce Development: Senators GEORGE, STARR

**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.

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

**Requires applicant to submit Social Security number and proof of legal presence in United States in order to be eligible for driver license, driver permit or identification card. Applies to applicants for initial issuance, renewal or replacement license, permit or card. Requires Department of Transportation to determine by rule acceptable documentation to prove person is citizen or otherwise legally present in United States in accordance with federal immigration laws. Requires department to verify submitted documents with issuing agency.**

**Provides for temporary driver license, driver permit or identification card that is valid only during person's authorized stay in United States or for one year if length of stay is indeterminate.**

**Prohibits state agency or program from expending funds to implement Real ID Act of 2005 unless federal funds are received by state to cover estimated costs and certain other conditions are met by Department of Transportation.**

**Allows Attorney General, with approval of Governor, to challenge legality or constitutionality of Real ID Act of 2005.**

**A BILL FOR AN ACT**

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

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

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

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

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

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

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

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

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

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

10 (c) A temporary driver license, temporary driver permit or temporary identification card  
11 may be renewed only upon presentation of acceptable documentation, as determined by rule,  
12 that the status by which the applicant qualified for the temporary driver license, temporary  
13 driver permit or temporary identification card has been extended.

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

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

19 (f) The fees for issuance, renewal and replacement of temporary driver licenses and  
20 temporary driver permits under this section are as provided under ORS 807.370 for the cor-  
21 responding nontemporary license or permit. The fees for issuance, renewal and replacement  
22 of temporary identification cards under this section are as provided under ORS 807.410 for  
23 the corresponding nontemporary identification card.

24 (4) The Department of Transportation may issue, renew or replace a driver license,  
25 driver permit or identification card only after the Department of Transportation verifies the  
26 Social Security number with the United States Social Security Administration.

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

31 **SECTION 3.** Section 2 of this 2007 Act applies to driver licenses, driver permits and  
32 identification cards that are issued, renewed or replaced on or after the effective date of this  
33 2007 Act.

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

36 **SECTION 5.** "Identity source documents" means documents required for the issuance,  
37 renewal and replacement of driver licenses, driver permits and identification cards by the  
38 Department of Transportation.

39 **SECTION 6.** Before issuing or renewing a driver license, driver permit or identification  
40 card for a person, the Department of Transportation shall verify with the issuing agency the  
41 issuance, validity and completeness of each identity source document presented by the per-  
42 son.

43 **SECTION 7.** ORS 802.200 is amended to read:

44 802.200. In addition to any other records the Department of Transportation may establish, the  
45 department is subject to the following provisions concerning records:

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

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

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

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

9 (C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

31 (B) The name of the vehicle owner;

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

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

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

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

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

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

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

44 (5) The department shall maintain a file on vehicles for which the title record is canceled under  
45 ORS 819.030. The records required under this subsection shall disclose the last registered owner of

1 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the  
2 canceled title record for each vehicle and the make and year model for each vehicle.

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

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

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

9 (a) An index by name and number.

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

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

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

13 **(d) The Social Security number of the person to whom the driver license, driver permit**  
14 **or identification card is issued.**

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

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

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

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

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

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

27 (D) Every person who is required to provide future responsibility filings under ORS 806.200,  
28 806.220, 806.230 or 806.240.

29 (b) In addition to other information required by this paragraph, the employment driving record  
30 shall include all reports of drug test results that are made to the department under ORS 825.410.  
31 Notwithstanding any other provision of law, release of the portion of the employment driving record  
32 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS  
33 802.202. The employment driving record shall also include all motor vehicle accidents that the per-  
34 son is required to report under ORS 811.720, all suspensions of driving privileges required to be  
35 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license  
36 that result from operation or use of a commercial motor vehicle and all convictions of the person  
37 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation  
38 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include  
39 only such accidents, suspensions and convictions that occur while the person is driving a motor  
40 vehicle:

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

43 (B) Carrying persons or property for compensation;

44 (C) In the course of the person's employment in the collection, transportation or delivery of mail  
45 if the vehicle is government owned or marked for the collection, transportation or delivery of mail

1 in accordance with government rules;

2 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

38 (11) The department shall maintain accident reports filed with the department under ORS  
39 810.460 and 811.725 to 811.735.

40 (12) The department shall maintain records of bank checks or money orders returned under ORS  
41 802.110.

42 (13) The department shall maintain records of trip permits issued by the department under ORS  
43 803.600, as provided under this subsection. The records required by this subsection shall include the  
44 following:

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

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

2 (c) When the permit was issued.

3 (d) The type of permit issued.

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

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

7 **SECTION 8.** ORS 807.040 is amended to read:

8 807.040. (1) The Department of Transportation shall issue a driver license to any person who  
9 complies with all of the following requirements:

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

11 **(b) The person must present proof of legal presence and a Social Security number, as  
12 required by section 2 of this 2007 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

38 **SECTION 9.** ORS 807.040, as amended by section 6, chapter 775, Oregon Laws 2005, is amended  
39 to read:

40 807.040. (1) The Department of Transportation shall issue a driver license to any person who  
41 complies with all of the following requirements:

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

43 **(b) The person must present proof of legal presence and a Social Security number, as  
44 required by section 2 of this 2007 Act.**

45 **(c) The person must present acceptable documents to prove identity, date of birth and**

1 **address. The Department of Transportation shall determine by rule what documents are ac-**  
2 **ceptable to prove identity, date of birth and address.**

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

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

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

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

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

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

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

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

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

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

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

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

27 **SECTION 10.** ORS 807.110 is amended to read:

28 807.110. A license issued by the Department of Transportation shall comply with all of the fol-  
29 lowing:

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

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

34 (3) A license shall contain the name, date of birth and, except as provided for corrections offi-  
35 cers in ORS 802.253 or eligible employees in ORS 802.250, residence address of the person to whom  
36 the license is issued and a space for the person's signature.

37 (4) Upon request of the person to whom the license is issued, a license shall indicate on the li-  
38 cense the fact that the person is an anatomical donor.

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

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

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

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

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

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

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

10 **(9) A temporary license issued under section 2 of this 2007 Act shall indicate:**

11 **(a) That it is a temporary license; and**

12 **(b) The date on which the temporary license expires.**

13 [(9)] **(10)** The department shall use such security procedures, processes and materials in the  
14 preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's  
15 ability to alter, counterfeit, duplicate or modify the license without ready detection. The security  
16 features used in the production of the licenses shall provide for the rapid authentication of a genu-  
17 ine document.

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

20 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-  
21 lowing:

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

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

25 (c) The name, date of birth and, except as provided for corrections officers in ORS 802.253 or  
26 eligible employees in ORS 802.250, residence address of the person to whom the license is issued and  
27 a space for the person's signature.

28 (d) Upon request of the person to whom the license is issued, the fact that the person is an  
29 anatomical donor.

30 (e) Upon order of the juvenile court, the fact that the person to whom the license is issued is  
31 an emancipated minor.

32 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.  
33 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-  
34 tograph if the applicant shows good cause. The director shall include religious preferences as good  
35 cause for issuance of a license without a photograph but shall not limit good cause to religious  
36 grounds. A photograph required under this paragraph shall:

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

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

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

42 (g) The class of license issued and any endorsements granted. If the license is a commercial  
43 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-  
44 cense.

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



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

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

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

8 **(4) A temporary license issued under section 2 of this 2007 Act shall indicate:**

9 **(a) That it is a temporary license; and**

10 **(b) The date on which the temporary license expires.**

11 **SECTION 12.** 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 2 of this 2007 Act, or, if there**  
22 **is no prescribed ending date for 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 13.** 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, as required by section 2 of this**  
31 **2007 Act.**

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

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

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

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

41 [(3)] (2) Subsection (1) of this section does not apply if the department *[of Transportation]* is able  
42 to verify the person's identification through a duplicate image of a photograph retained by the de-  
43 partment under ORS 807.115.

44 **SECTION 14.** ORS 807.400 is amended to read:

45 807.400. (1) The Department of Transportation shall issue an identification card to any person

1 who:

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

3 **(b) Furnishes proof of legal presence in the United States, as required by section 2 of this**  
4 **2007 Act;**

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

6 [(c)] (d) Furnishes [such] evidence of the person's age and identity as the department may re-  
7 quire.

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

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

17 **(3) If the identification card is a temporary identification card issued under section 2 of**  
18 **this 2007 Act, the temporary identification card shall indicate:**

19 **(a) That it is a temporary identification card; and**

20 **(b) The date on which the temporary identification 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 15.** 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 2 of this**  
45 **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 re-  
3 quire; 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 2 of**  
16 **this 2007 Act, the temporary identification card shall indicate:**

17 (a) **That it is a temporary identification card; and**

18 (b) **The date on which the temporary identification card expires.**

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

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

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

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

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

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

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

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

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

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

1 [(11)] (12) An identification card becomes invalid if the holder of the card changes the  
 2 [person's] **holder's** name from that shown on the card, including a change of name by marriage,  
 3 without providing the department with notice of the change as required under ORS 807.420. Upon  
 4 receiving such notice and the old identification card, the department shall issue a replacement  
 5 identification card upon payment of the fee required under ORS 807.410.

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

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

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

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

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

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

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

36 **SECTION 16.** ORS 811.603 is amended to read:

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

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

1 contain a photograph.

2 **SECTION 17.** ORS 811.604 is amended to read:

3 811.604. (1) Application for issuance of a disabled person parking permit in the form of an indi-  
4 vidual placard or decal issued under ORS 811.602 shall include:

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

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

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

13 **SECTION 18.** ORS 811.605 is amended to read:

14 811.605. (1) An applicant for an individual placard or decal issued by the Department of Trans-  
15 portation under ORS 811.602 must have a driver license, a disability golf cart driver permit, [or] an  
16 identification card **or a parking identification card** issued by the department. The placard or decal  
17 shall be valid [so] **as long as the license, permit, [or] identification card or parking identification**  
18 **card** is valid and may be renewed when the license, permit or card is renewed.

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

23 **SECTION 19.** **A state agency or program may not expend funds to implement the Real**  
24 **ID Act of 2005, P.L. 109-13, unless:**

25 (1) **Federal funds are received by this state and allocated in amounts sufficient to cover**  
26 **the estimated costs to this state of implementing the Real ID Act of 2005; and**

27 (2) **The requirements of section 20 of this 2007 Act are met.**

28 **SECTION 20.** (1) **The Department of Transportation shall comply with subsection (2) of**  
29 **this section and adopt rules that will ensure compliance with subsection (3) of this section**  
30 **before:**

31 (a) **Issuing, replacing or renewing a driver license, driver permit or identification card**  
32 **that complies with the requirements of the Real ID Act of 2005, P.L. 109-13; and**

33 (b) **Storing or including data about individuals in any database, records facility or com-**  
34 **puter system that meets the requirements of the Real ID Act of 2005.**

35 (2) **The department shall ensure that the procedures for issuance, renewal and replace-**  
36 **ment of driver licenses, driver permits and identification cards, the procedures for estab-**  
37 **lishment of a database and a records facility for the computer system and the procedures for**  
38 **personnel screening and training include the following:**

39 (a) **All reasonable security measures to protect the privacy of individuals; and**

40 (b) **All reasonable safeguards against unauthorized disclosure or use of data.**

41 (3) **The department may not charge unreasonable fees or place unreasonable record**  
42 **keeping burdens on an applicant for issuance, renewal or replacement of a driver license,**  
43 **driver permit or identification card.**

44 **SECTION 21.** (1) **The Department of Transportation shall prepare a report that analyzes**  
45 **the cost to this state of implementing the Real ID Act of 2005, P.L. 109-13, and to applicants**

1 for issuance, renewal or replacement of driver licenses, driver permits and identification  
2 cards, of implementing the requirements of the Real ID Act of 2005 and any related federal  
3 regulations.

4 (2) The department shall prepare a report that analyzes the potential cost to this state  
5 of providing the funds to citizens to apply for the original issuance of a passport. The de-  
6 partment shall compare the costs of complying with the Real ID Act of 2005 with the costs  
7 of providing funds to citizens to apply for the original issuance of a passport.

8 (3) The department shall make the reports available for public inspection.

9 SECTION 22. The Attorney General may, with the approval of the Governor, challenge  
10 the legality or constitutionality of the Real ID Act of 2005.

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