

Senate Bill 640

Sponsored by Senator WINTERS; Senators ATKINSON, BEYER, BURDICK, DEVLIN, FERRIOLI, KRUSE, METSGER, MORSE, NELSON, STARR, VERGER, WHITSETT, Representative BARKER (at the request of Blue Ribbon Task Force on Methamphetamine)

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**.

Directs Department of Transportation to collect fingerprints of applicants for each issuance, renewal or replacement of driver license, driver permit or identification card. Requires fingerprints to be retained in records of Department of Transportation.

Becomes operative July 1, 2008.

A BILL FOR AN ACT

1
2 Relating to fingerprints; creating new provisions; and amending ORS 807.024, 807.040 and 807.400.

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

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

6 **SECTION 2. (1) The Department of Transportation shall retain fingerprints collected by**
7 **the department in the course of issuing, renewing or replacing driver licenses, driver permits**
8 **and identification cards.**

9 **(2) Fingerprints collected by the department may not be made available to anyone other**
10 **than employees of the department acting in an official capacity.**

11 **SECTION 3. ORS 807.024 is amended to read:**

12 807.024. (1) A person who applies for issuance, renewal or replacement of a driver license, driver
13 permit or identification card shall submit to collection of **the person's fingerprints and** biometric
14 data by the Department of Transportation for the purpose of establishing the person's identity.
15 Submitting to collection of **the person's fingerprints and** biometric data under this section does
16 not excuse a person from responsibility for complying with requirements for proof of identity, age
17 or residence pursuant to ORS 807.050.

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

19 (a) The department finds that the **fingerprints and** biometric data collected as required under
20 subsection (1) of this section match the **fingerprints and** biometric data that are already in the
21 department's records for that person; or

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

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

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

3 (a) Inform the person who submitted to collection of **the person's fingerprints and** biometric
4 data that the person's identity was not established; and

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

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

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

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

21 **SECTION 4.** ORS 807.040, as amended by section 6, chapter 775, Oregon Laws 2005, is amended
22 to read:

23 807.040. (1) The Department of Transportation shall issue a driver license to any person who
24 complies with all of the following requirements:

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

26 (b) The person must submit to **fingerprinting and the** collection of biometric data by the de-
27 partment [*that establish*] **to establish** the identity of the person as described in ORS 807.024.

28 (c) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
29 the license under ORS 807.062.

30 (d) The person must successfully pass all examination requirements under ORS 807.070 for the
31 class of license sought.

32 (e) The person must pay the appropriate license fee under ORS 807.370 for the class of license
33 sought.

34 (f) The person must pay the Student Driver Training Fund eligibility fee.

35 (g) If the application is for a commercial driver license, the person must be the holder of a Class
36 C license or any higher class of license.

37 (h) If the application is for a commercial driver license, the person must submit to the depart-
38 ment, in a form approved by the department, the report of a medical examination that establishes
39 that the person meets the medical requirements for the particular class of license. The department,
40 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
41 ments established under this paragraph may include any requirements the department determines
42 are necessary for the safe operation of vehicles permitted to be operated under the class of license
43 for which the requirements are established.

44 (i) If the application is for a commercial driver license, the person must:

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

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

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

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

5 **SECTION 5.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is amended
6 to read:

7 807.400. (1) The Department of Transportation shall issue an identification card to any person
8 who:

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

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

11 (c) Furnishes such evidence of the person's age and identity as the department may require; and

12 (d) Submits to **fingerprinting and the** collection of biometric data by the department [*that es-*
13 *tablish*] **to establish** the identity of the person as provided in ORS 807.024.

14 (2) The department shall work with other agencies and organizations to attempt to improve the
15 issuance system for identification cards.

16 (3) Every original application for an identification card must be signed by the applicant. The
17 department shall require at least one document to verify the address of an applicant for issuance
18 of an identification card in addition to other documents the department may require of the applicant.
19 If the address of an applicant has changed since the last time an identification card was issued to
20 or renewed for the applicant, the department shall require proof to verify the address of an applicant
21 for renewal of an identification card, in addition to anything else the department may require.

22 (4) Every identification card shall be issued upon the standard license form described under ORS
23 807.110 and shall bear a statement to the effect that the identification card is not a license or any
24 other grant of driving privileges to operate a motor vehicle and is to be used for identification
25 purposes only. The department shall use the same security procedures, processes, materials and
26 features for an identification card as are required for a license under ORS 807.110.

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

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

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

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

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

38 (10) If a person to whom an identification card was issued and who changes residence address
39 appears in person at a department office that issues identification cards, the department may do any
40 of the following:

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

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

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

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

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

16 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
17 to the department. An identification card may be canceled for any of the reasons that driving priv-
18 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
19 tion card canceled under this subsection when the applicant has satisfied all requirements for the
20 identification card.

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

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

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

36 **SECTION 6. Section 2 of this 2007 Act and the amendments to ORS 807.024, 807.040 and**
37 **807.400 by sections 3 to 5 of this 2007 Act become operative on July 1, 2008.**

38 **SECTION 7. The Department of Transportation may take any action before the operative**
39 **date of section 2 of this 2007 Act that is necessary to enable the department to implement**
40 **section 2 of this 2007 Act and the amendments to ORS 807.024, 807.040 and 807.400 by sections**
41 **3 to 5 of this 2007 Act on and after the operative date of section 2 of this 2007 Act.**
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