

**A-Engrossed**  
**Senate Bill 728**

Ordered by the Senate April 20  
Including Senate Amendments dated April 20

Sponsored by Senator ATKINSON

**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.

Repeals sunset on provisions allowing persons with limited vision to operate motor vehicles under specified circumstances.

**Allows person with defined limited vision condition to operate motor vehicle at night only if certain conditions are met.**

**Sunset June 30, 2011.**

**A BILL FOR AN ACT**

1  
2 Relating to vision requirements for driving privileges; creating new provisions; amending ORS  
3 807.070, 807.072, 807.280 and 807.370 and section 4, chapter 277, Oregon Laws 2003; and repeal-  
4 ing sections 14, 16 and 17, chapter 277, Oregon Laws 2003.

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

6 **SECTION 1. Sections 14, 16 and 17, chapter 277, Oregon Laws 2003, are repealed.**

7 **SECTION 2.** Section 4, chapter 277, Oregon Laws 2003, is amended to read:

8 **Sec. 4.** (1) The Department of Transportation shall issue a driver license to a person with a  
9 limited vision condition if the person:

10 (a) Complies with the requirements of ORS 807.040; and

11 (b) Provides a certificate issued by a rehabilitation training specialist certifying that the person  
12 has successfully completed a rehabilitation training program.

13 (2) A license issued to a person with a limited vision condition who meets the requirements of  
14 subsection (1) of this section is restricted to authorize operation of a motor vehicle only:

15 (a) During daylight hours; **and**

16 *[(b) On highways with a designated speed or speed limit not greater than 45 miles per hour; and]*

17 *[(c)]* (b) When the person is using a bioptic telescopic lens.

18 (3) A person issued a license under this section shall every two years:

19 (a) Take a test that is an actual demonstration of the person's ability to operate a motor vehicle  
20 without endangering the safety of persons or property; and

21 (b) Be examined by a licensed vision specialist who certifies to the department that the person  
22 meets the vision requirements under section 3, **chapter 277, Oregon Laws 2003** *[of this 2003 Act]*.

23 (4) A person must use a bioptic telescopic lens whenever the person is required to take a test  
24 that is an actual demonstration of the person's ability to operate a motor vehicle without endan-  
25 gering the safety of persons or property.

26 **SECTION 3.** ORS 807.070, as amended by section 10, chapter 277, Oregon Laws 2003, and sec-

**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.

tion 6, chapter 649, Oregon Laws 2005, is amended to read:

807.070. The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement shall include all of the following as described:

(1) A test of the applicant's eyesight. **This subsection does not apply to an applicant with a limited vision condition as defined in section 2, chapter 277, Oregon Laws 2003.**

(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. The following all apply to the test under this subsection:

(a) The test shall not cover any subject that is not presented in the publications of the department intended for the instruction of applicants for licenses and driver permits.

(b) The test for each class of license and endorsement shall include, but is not limited to, a test of knowledge and understanding of traffic laws that relate specifically to the type of driving privileges granted under the specific class of license or endorsement sought.

(c) The test under this subsection shall include, but is not limited to, the following subjects:

(A) Rights of blind pedestrians.

(B) The meaning of official traffic signs and signals.

(C) Proper operating procedure in emergency situations.

(D) Vehicle safety equipment and its use.

(E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

(d) The department may waive the test under circumstances described in ORS 807.072.

(3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property. The following apply to this subsection:

(a) The actual demonstration for each class of license shall be performed in a vehicle that may be operated under the class of license sought, but that may not be operated under lower classes of license.

(b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that is designed to transport 16 or more persons, including the driver.

(c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

(d) The department may waive the demonstration under circumstances described in ORS 807.072.

(4) Any other examination or test, including demonstrations, that the department determines may be necessary to assist the department in establishing whether the applicant is eligible for a license under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the highways of this state. In any examination or test under this subsection, the department shall only conduct an investigation for facts relating directly to the ability of the applicant to operate a motor vehicle safely or other facts that are specifically required to show the fitness of the applicant for license.

**SECTION 4.** ORS 807.072, as amended by section 11, chapter 277, Oregon Laws 2003, and section 8, chapter 649, Oregon Laws 2005, is amended to read:

807.072. (1) The Department of Transportation, by rule, may waive any examination, test or demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives satisfactory proof that the person required to take the examination, test or demonstration has passed an examination, test or demonstration approved by the department that:

(a) Is given in conjunction with a traffic safety education course certified by the department under ORS 802.345;

1 (b) Is given in conjunction with a motorcycle rider education course established under ORS  
2 802.320; [or]

3 (c) Is given in conjunction with a course conducted by a commercial driver training school  
4 certified by the department under ORS 822.515[.]; or

5 **(d) Is given in conjunction with an application for a special limited vision condition**  
6 **learner's permit under section 3, chapter 277, Oregon Laws 2003.**

7 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070  
8 (3) for a person who is applying for a commercial driver license or a Class C license if the person  
9 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration  
10 of a valid out-of-state license. A demonstration may be waived under this subsection only if the  
11 person has applied for the same driving privileges as those granted under the person's out-of-state  
12 license or for privileges granted by a lower class of license.

13 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-  
14 son who is applying for a commercial driver license or for an endorsement related to a commercial  
15 driver license if the person submits to the department a certificate of competency issued under ORS  
16 807.080 for the class of license or for the endorsement sought or under other circumstances, estab-  
17 lished by the department by rule, that establish the person's ability to drive without an actual  
18 demonstration.

19 (4) The department may issue a Class A farm endorsement without requiring additional tests to  
20 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to  
21 the department that the person is experienced in driving a vehicle that may be driven only by per-  
22 sons who have a Class A commercial driver license and the person's two-part driving record does  
23 not show either a traffic accident within two years of the date of application for the endorsement  
24 or a conviction for one of the following traffic crimes within five years of the date of application for  
25 the endorsement:

26 (a) Reckless driving, as defined in ORS 811.140.

27 (b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

28 (c) Failure to perform the duties of a driver involved in an accident or collision, as described  
29 in ORS 811.700 or 811.705.

30 (d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

31 (e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

32 (5) The department may issue a Class B farm endorsement without requiring additional tests to  
33 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to  
34 the department that the person is experienced in driving a vehicle that may be driven only by per-  
35 sons who have a Class B commercial driver license and the person's two-part driving record does  
36 not show either a conviction for a traffic crime specified in subsection (4) of this section within five  
37 years of the date of application for the endorsement or a traffic accident within two years of the  
38 date of application for the endorsement.

39 (6) The department by rule may establish other circumstances under which a farm endorsement  
40 may be issued without an actual demonstration. The authority granted by this subsection includes,  
41 but is not limited to, authority to adopt rules specifying circumstances under which the endorsement  
42 may be granted to a person despite the appearance of traffic accidents on the person's record.

43 **SECTION 5.** ORS 807.280, as amended by section 12, chapter 277, Oregon Laws 2003, section  
44 8, chapter 59, Oregon Laws 2005, and section 36, chapter 649, Oregon Laws 2005, is amended to  
45 read:

1 807.280. The Department of Transportation shall provide for the issuance of instruction driver  
2 permits in a manner consistent with this section. A person who is issued an instruction driver per-  
3 mit may exercise the same driving privileges as those under the class of license or endorsement for  
4 which the permit is issued except as provided in this section or under the permit. Except as other-  
5 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-  
6 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving  
7 privileges. The following apply to an instruction driver permit:

8 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-  
9 cense. The department may issue an instruction driver permit to grant the same driving privileges  
10 as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as  
11 a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

12 (2) The department may issue an instruction driver permit to a person who is qualified to obtain  
13 the same driving privileges under the corresponding class of license or type of endorsement except  
14 for the person's age or lack of experience in the operation of motor vehicles subject to the following:

15 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are  
16 granted under a Class C license.

17 (b) An applicant must be 16 years of age or older and have a commercial driver license or a  
18 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-  
19 ment.

20 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are  
21 granted under any class of license not otherwise provided for under this subsection.

22 (3) The only fee required for issuance of an instruction driver permit is the instruction driver  
23 permit issuance fee under ORS 807.370.

24 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.  
25 All other instruction driver permits issued under this section shall be valid for one year from the  
26 date of issuance. A permit issued under this section may not be renewed.

27 (5) The holder of the permit may not operate a motor vehicle unless the holder has the permit  
28 in the holder's immediate possession and is accompanied by a person with a class of license granting  
29 the same driving privileges or a license with an endorsement granting the same driving privileges  
30 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the  
31 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting  
32 motorcycle driving privileges, the holder of the permit must be in the company and under the  
33 supervision and visual observation of the accompanying person and the accompanying person must  
34 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial  
35 motor vehicle, the accompanying person must have a commercial driver license and the proper  
36 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit  
37 may not operate any motor vehicle transporting hazardous materials.

38 (6) The holder of a permit granting motorcycle driving privileges is subject to the following in  
39 addition to any other requirements under this section:

40 (a) The holder may only operate a motorcycle during daylight hours.

41 (b) The holder may not carry any passengers on the motorcycle.

42 (c) The holder of the permit must wear an approved helmet while operating a motorcycle.

43 **(7)(a) The department may issue an instruction driver permit to a person with a limited**  
44 **vision condition if a rehabilitation training specialist certifies to the department that the**  
45 **person has successfully completed a rehabilitation training program.**

1       **(b) As used in this subsection, “limited vision condition,” “rehabilitation training spe-**  
2 **cialist” and “rehabilitation training program” have the meanings given those terms in sec-**  
3 **tion 2, chapter 277, Oregon Laws 2003.**

4       **(8) In addition to any other requirements under this section, the holder of a permit is-**  
5 **sued under subsection (7) of this section may operate a motor vehicle only when using a**  
6 **bioptic telescopic lens.**

7       **SECTION 6.** ORS 807.370, as amended by section 13, chapter 277, Oregon Laws 2003, section  
8 3, chapter 59, Oregon Laws 2005, and section 11, chapter 649, Oregon Laws 2005, is amended to  
9 read:

10       807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-  
11 mits and endorsements:

12       (1) Disability golf cart driver permit fees under ORS 807.210, as follows:

13       (a) For issuance, \$38.50.

14       (b) For renewal fee under ORS 807.210, \$26.50.

15       (2) Emergency driver permit fee under ORS 807.220, \$18.

16       (3) Instruction driver permit issuance fee under ORS 807.280, \$18.

17       (4)(a) License issuance fee for a Class C license, \$48.50.

18       (b) Fee to take the knowledge test for a Class C license, \$5.

19       (c) Fee to take the skills test for a Class C license, \$9.

20       (5) License issuance fee for a restricted Class C license, \$48.50.

21       (6) License issuance fee for a commercial driver license, whether or not the license contains  
22 endorsements, \$70.

23       (7) Test fees for a commercial driver license or permit:

24       (a) To take the knowledge test for a Class A commercial license or permit, \$10.

25       (b) To take the skills test for a Class A commercial license, \$70.

26       (c) To take the knowledge test for a Class B commercial license or permit, \$10.

27       (d) To take the skills test for a Class B commercial license, \$70.

28       (e) To take the knowledge test for a Class C commercial license or permit, \$10.

29       (f) To take the skills test for a Class C commercial license, \$70.

30       (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license  
31 of any class when the Department of Transportation accepts a certificate of competency issued un-  
32 der ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.

33       (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus  
34 endorsement to a person who has a commercial driver license with a passenger endorsement:

35       (a) \$21; or

36       (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.

37       (10) For a farm endorsement, \$26.

38       (11) Test fees for the knowledge test for endorsements other than motorcycle and farm  
39 endorsements:

40       (a) For a hazardous materials endorsement, \$10.

41       (b) For a tank vehicle endorsement, \$10.

42       (c) For a passenger endorsement, \$10.

43       (d) For a trailer endorsement, \$10.

44       (e) For a school bus endorsement, \$10.

45       (12) Fee to take an airbrake knowledge test, \$10.

- 1 (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.  
2 (14) License renewal fee for a commercial driver license, \$50.  
3 (15) License renewal fee for a Class C license, \$28.50.  
4 (16) License or driver permit replacement fee under ORS 807.160, \$21.  
5 (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46,  
6 in addition to any fees for the endorsed license.  
7 (18) Special student driver permit fee under ORS 807.230, \$18.  
8 (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.  
9 (20) Motorcycle Safety Subaccount fee as follows:  
10 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$28.  
11 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.  
12 (21) Probationary driver permit application fee under ORS 807.270, \$50.  
13 (22) Hardship driver permit application fee under ORS 807.240, \$50.  
14 (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.  
15 (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.  
16 (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS  
17 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.  
18 (26) **Fee for a special limited vision condition learner's permit under section 3, chapter**  
19 **277, Oregon Laws 2003, \$13.**

20 **SECTION 7. Section 8 of this 2007 Act is added to and made a part of the Oregon Vehicle**  
21 **Code.**

22 **SECTION 8. (1) Notwithstanding section 4, chapter 277, Oregon Laws 2003, a person with**  
23 **a limited vision condition may operate a vehicle at night if the person:**

- 24 (a) **Is issued a driver license under section 4, chapter 277, Oregon Laws 2003;**  
25 (b) **Provides a certificate issued by a rehabilitation training specialist certifying that the**  
26 **person has successfully completed a rehabilitation training program and is able to safely**  
27 **operate a motor vehicle at night; and**  
28 (c) **Is examined every two years by a licensed vision specialist who certifies that the**  
29 **person is able to safely operate a motor vehicle at night.**

30 (2) **As used in this section, "limited vision condition," "rehabilitation training specialist"**  
31 **and "rehabilitation training program" have the meanings given those terms in section 2,**  
32 **chapter 277, Oregon Laws 2003.**

33 **SECTION 9. Section 8 of this 2007 Act is repealed on June 30, 2011.**

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