

# Enrolled Senate Bill 728

Sponsored by Senator ATKINSON

CHAPTER .....

AN ACT

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

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

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 Sections 14, 16 and 17, chapter 277, Oregon Laws 2003, are repealed.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The department may waive the actual demonstration required under ORS 807.070 for a person who is applying for a commercial driver license or for an endorsement related to a commercial driver license if the person submits to the department a certificate of competency issued under ORS 807.080 for the class of license or for the endorsement sought or under other circumstances, estab-

lished by the department by rule, that establish the person's ability to drive without an actual demonstration.

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

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

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

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

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

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

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

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

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

807.280. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

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

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

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

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

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

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

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

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

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

- (a) The holder may only operate a motorcycle during daylight hours.
- (b) The holder may not carry any passengers on the motorcycle.
- (c) The holder of the permit must wear an approved helmet while operating a motorcycle.

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

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

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

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

807.370. The following are the fees relating to the issuance and renewal of licenses, driver permits and endorsements:

- (1) Disability golf cart driver permit fees under ORS 807.210, as follows:
  - (a) For issuance, \$38.50.
  - (b) For renewal fee under ORS 807.210, \$26.50.
- (2) Emergency driver permit fee under ORS 807.220, \$18.
- (3) Instruction driver permit issuance fee under ORS 807.280, \$18.
- (4)(a) License issuance fee for a Class C license, \$48.50.
  - (b) Fee to take the knowledge test for a Class C license, \$5.
  - (c) Fee to take the skills test for a Class C license, \$9.
- (5) License issuance fee for a restricted Class C license, \$48.50.
- (6) License issuance fee for a commercial driver license, whether or not the license contains endorsements, \$70.
- (7) Test fees for a commercial driver license or permit:
  - (a) To take the knowledge test for a Class A commercial license or permit, \$10.
  - (b) To take the skills test for a Class A commercial license, \$70.
  - (c) To take the knowledge test for a Class B commercial license or permit, \$10.
  - (d) To take the skills test for a Class B commercial license, \$70.
  - (e) To take the knowledge test for a Class C commercial license or permit, \$10.
  - (f) To take the skills test for a Class C commercial license, \$70.

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

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

(a) \$21; or

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

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

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

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

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

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

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

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

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

(13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.

(14) License renewal fee for a commercial driver license, \$50.

(15) License renewal fee for a Class C license, \$28.50.

(16) License or driver permit replacement fee under ORS 807.160, \$21.

(17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46, in addition to any fees for the endorsed license.

(18) Special student driver permit fee under ORS 807.230, \$18.

(19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.

(20) Motorcycle Safety Subaccount fee as follows:

(a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$28.

(b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.

(21) Probationary driver permit application fee under ORS 807.270, \$50.

(22) Hardship driver permit application fee under ORS 807.240, \$50.

(23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.

(24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.

(25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

**(26) Fee for a special limited vision condition learner's permit under section 3, chapter 277, Oregon Laws 2003, \$13.**

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

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

**(a) Is issued a driver license under section 4, chapter 277, Oregon Laws 2003;**

**(b) Provides a certificate issued by a rehabilitation training specialist certifying that the person has successfully completed a rehabilitation training program and is able to safely operate a motor vehicle at night; and**

**(c) Is examined every two years by a licensed vision specialist who certifies that the person is able to safely operate a motor vehicle at night.**

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

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

**Passed by Senate April 24, 2007**

.....  
Secretary of Senate

.....  
President of Senate

**Passed by House June 8, 2007**

.....  
Speaker of House

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

.....  
Secretary of State