

Enrolled
Senate Bill 1080

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CHAPTER

AN ACT

Relating to documents issued by Department of Transportation; creating new provisions; amending ORS 97.953, 802.200, 807.024, 807.040, 807.050, 807.110, 807.130, 807.162, 807.310, 807.370, 807.400, 807.405, 807.410, 811.603, 811.604, 811.605 and 811.606; and declaring an emergency.

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

SECTION 1. Sections 2 and 4 of this 2008 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) Except as provided in ORS 807.310 (5) and 807.405 (4) of this 2008 Act, prior to issuing, renewing or replacing any driver license, driver permit or identification card, the Department of Transportation shall require a person to provide proof of both legal presence in the United States and a Social Security number or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

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

(a) A person provides proof of legal presence in the United States by submitting valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws.

(b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may submit a tribal identification card as proof of legal presence in the United States if the department determines that the procedures used in issuing the card are sufficient to prove that a member is legally present in the United States.

(c) A person provides proof of a Social Security number by submitting valid documentation, as defined by the department by rule, that includes a Social Security number that has been assigned to the person by the United States Social Security Administration.

(d) If a person is not eligible for a Social Security number, the person shall provide proof, as defined by the department by rule, that the person is not eligible for a Social Security number.

(3) The department may issue, renew or replace a driver license, driver permit or identification card for an applicant who has submitted a Social Security number only after the department verifies the Social Security number with the United States Social Security Administration.

(4) This section does not apply if the department previously verified the Social Security number as required by subsection (3) of this section and the person applying for the driver license, driver permit or identification card is a citizen or permanent legal resident of the United States.

SECTION 3. Section 2 of this 2008 Act applies to driver licenses, driver permits and identification cards that are issued, renewed or replaced on or after the effective date of this 2008 Act.

SECTION 4. (1) The Department of Transportation may issue or replace a limited term driver license, limited term driver permit or limited term identification card only for a person who provides proof, as determined by the department by rule, that the person is legally present in the United States on a temporary basis.

(2) A limited term driver license, limited term driver permit or limited term identification card is valid:

(a) During the applicant's authorized stay in the United States, but no longer than eight years from the date of issuance; or

(b) If there is no definite end to the authorized stay, for a period of one year.

(3) A limited term driver license, limited term driver permit or limited term identification card may be renewed only upon presentation of valid documentation, as determined by the department by rule, that the status by which the applicant qualified for the limited term driver license, limited term driver permit or limited term identification card has been extended or is still in effect.

(4) A limited term driver license or limited term driver permit grants the same privileges as a driver license or driver permit.

(5) A limited term identification card shall bear a statement to the effect that the limited term identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only.

SECTION 5. Sections 6 and 7 of this 2008 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 6. "Identity source documents" means documents required for the issuance, renewal or replacement of a driver license, a driver permit or an identification card by the Department of Transportation.

SECTION 7. Prior to issuing, renewing or replacing a driver license, driver permit or identification card, the Department of Transportation may verify with the issuing agency the validity and completeness of each identity source document presented by the applicant.

SECTION 8. ORS 802.200 is amended to read:

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

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

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

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

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

(C) The vehicle description; and

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

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

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

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

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

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

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

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

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

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

(B) The name of the vehicle owner;

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

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

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

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

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

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

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

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

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

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

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

(a) An index by name and number.

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

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

(d) All **driver** licenses or driver permits that have been suspended or revoked.

(e) **For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or proof that the person is not eligible for a Social Security number.**

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

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

(a) The department shall maintain driving records on:

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

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

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

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

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

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

(B) Carrying persons or property for compensation;

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

(D) That is an authorized emergency vehicle;

(E) That is a commercial motor vehicle; or

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

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

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

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

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

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

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement programs or other matters concerning the status of the driving privileges of the person.

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

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

(g) The Department of **Transportation**, in consultation with the Department of State Police, shall devise and implement a method of noting suspensions and revocations of driving privileges on the record in such a way that police agencies can determine directly from the record what class of offense, as provided by law, is committed by a person who drives in violation of the suspension or revocation. If the Department of **Transportation** and the Department of State Police devise a mutually agreeable alternative method of informing police agencies of the nature of a suspension or revocation and the consequences of its violation, the implementation of that method shall satisfy the duty of the Department of **Transportation** under this paragraph.

(10) The Department of Transportation shall maintain records of judgments or convictions sent to the department under ORS 810.375.

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

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

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

- (a) A description of the vehicle sufficient to identify the vehicle.
- (b) The person to whom the permit was issued.
- (c) When the permit was issued.
- (d) The type of permit issued.
- (e) For registration weight trip permits, the maximum allowable registration weight permitted for operation under the permit.
- (f) Any other information the department determines appropriate or convenient.

SECTION 9. ORS 807.040, as operative until July 1, 2008, is amended to read:

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

- (a) The person must complete an application for a license under ORS 807.050.
- (b) **As required by sections 2 and 4 of this 2008 Act, the person must present proof of both legal presence in the United States and a Social Security number or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.**

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

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

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

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

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

[(g)] (h) If the application is for a commercial driver license, the person must submit to the department, in a form approved by the department, the report of a medical examination that establishes, to the satisfaction of the department, that the person meets the medical requirements for the particular class of license. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph may include any requirements the department determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established.

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

- (A) Have at least one year's driving experience;
- (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and
- (C) Not be otherwise ineligible to hold a commercial driver license.

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

SECTION 10. ORS 807.040 is amended to read:

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

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

(b) As required by sections 2 and 4 of this 2008 Act, the person must present proof of both legal presence in the United States and a Social Security number or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

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

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

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

[(e)] (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license sought.

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

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

[(h)] (i) If the application is for a commercial driver license, the person must submit to the department, in a form approved by the department, the report of a medical examination that establishes that the person meets the medical requirements for the particular class of license. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph may include any requirements the department determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established.

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

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

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

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

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

SECTION 11. ORS 807.050 is amended to read:

807.050. An application for a license shall be in a form approved by the Oregon Department of Transportation. An application must contain all the following:

(1) The applicant's *[true]* **full legal** name, age, sex, residence address, except as otherwise provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, and post-office address other than general delivery. The department may provide by rule for acceptance of something other than an actual residence or post-office address if the department determines that the applicant does not have an actual address. The department shall require proof to verify the address in addition to anything else the department may require of the applicant.

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

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

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

(c) Whether or not the driving privileges under the license or driver permit are currently suspended or revoked; and

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

(3) The class of license sought.

(4) The Social Security number of the applicant or other number or identifying information determined appropriate by the Secretary of the United States Department of Transportation, if the application is for a commercial driver license or if the Oregon Department of Transportation by rule requires the Social Security number on the application.

(5) Any other information the department deems necessary to assist the department in determining whether the applicant is qualified or eligible to be licensed.

SECTION 12. ORS 807.110, as operative until July 1, 2008, is amended to read:

807.110. A license issued by the Department of Transportation shall comply with all of the following:

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

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

(3) A license shall contain:

(a) The *[name,]* **full legal name of the person to whom the license is issued, except that the department may limit the number of characters displayed on the license;**

(b) The date of birth **of the person to whom the license is issued;** and~~[,]~~

(c) Except as provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, the residence address of the person to whom the license is issued *[and a space for the person's signature].*

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

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

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

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

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

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

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

(7) A license shall contain the signature of the person to whom the license is issued.

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

(9) The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

SECTION 13. ORS 807.110 is amended to read:

807.110. (1) A license issued by the Department of Transportation shall contain all of the following:

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

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

(c) The *[name,]* **full legal name of the person to whom the license is issued, except that the department may limit the number of characters displayed on the license.**

(d) The date of birth **of the person to whom the license is issued.** *[and,]*

(e) Except as provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, the residence address of the person to whom the license is issued *[and a space for the person's signature].*

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

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

[(f)] (h) Except as otherwise provided in *[this paragraph]* **subsection (2) of this section**, a photograph described in this paragraph. *[The Director of Transportation, by rule, may provide for issuance of a valid license without a photograph if the applicant shows good cause. The director shall include religious preferences as good cause for issuance of a license without a photograph but shall not limit good cause to religious grounds.]* A photograph required under this paragraph shall:

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

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

(C) Be taken at the time of application for issuance of the license whether the application is for an original license, replacement of a license under ORS 807.160 or for renewal of a license under ORS 807.150, **except that the department, by rule, may allow the applicant to use a photograph already on file with the department.**

[(g)] (i) The class of license issued and any endorsements granted. If the license is a commercial driver license, the words "commercial driver license" or the letters "CDL" shall appear on the license.

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

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

(2) The department may issue a valid license without a photograph to an applicant who objects either on religious grounds or because of the applicant's facial disfigurement.

(3) A limited term driver license issued under section 4 of this 2008 Act shall indicate:

(a) That it is a limited term driver license; and

(b) The date on which the limited term driver license expires.

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

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

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

SECTION 14. ORS 807.024 is amended to read:

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

(2) Notwithstanding subsection (1) of this section and ORS 807.040 (1)(c), the department, by rule, may provide for issuance, renewal or replacement of a valid driver license or driver permit without the collection of biometric data.

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

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

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

[(3)] (4) If a person's identity is established as described in subsection [(2)] (3) of this section, the department shall mail the driver license, driver permit or identification card to the address provided by the person when the person applied for the issuance, renewal or replacement of the license, permit or identification card.

[(4)] (5) If a person's identity is not established as described in subsection [(2)] (3) of this section, the department shall:

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

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

[(5)] (6) If a person's identity was not established as described in subsection [(2)] (3) of this section and the department has reason to believe that the crime of identity theft, as described in ORS 165.800, was committed by the person currently submitting to collection of biometric data or by a person who previously submitted to collection of biometric data under the identity of the person currently submitting to collection of biometric data, the department shall notify a law enforcement agency that has jurisdiction over the crime.

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

[(7)] (8) The department and employees of the department are immune from liability for any damages resulting from the issuance, renewal or replacement of a driver license, driver permit or identification card under another person's identity if the employee who processed the biometric data for a license, permit or identification card established the applicant's identity as described in subsection [(2)] (3) of this section.

SECTION 15. ORS 807.130 is amended to read:

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

(2) A license that is renewed under ORS 807.150 expires eight years from the specified expiration date of the immediately preceding license.

(3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a person who is not a citizen or permanent legal resident of the United States expires on the date the licensee is no longer authorized to stay in the United States, as indicated by the documentation the person presented to the Department of Transportation to provide proof of legal presence in the United States as required by sections 2 and 4 of this 2008 Act, but no longer than eight years from the date of issuance or, if there is no definite end to the authorized stay, after a period of one year.

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

SECTION 16. ORS 807.162 is amended to read:

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

(1) As required by sections 2 and 4 of this 2008 Act, proof of both legal presence in the United States and a Social Security number, or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

(2) Proof of identity, date of birth and address. The department shall determine by rule what documents are acceptable to prove identity, date of birth and address.

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

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

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

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

SECTION 17. ORS 807.370 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~~] **\$43.**

(b) For renewal fee under ORS 807.210, [~~\$26.50~~] **\$31.**

(2) Emergency driver permit fee under ORS 807.220, [~~\$18~~] **\$22.50.**

(3) Instruction driver permit fees under ORS 807.280, as follows:

(a) For issuance, [~~\$18~~] **\$22.50.**

(b) For renewal, [~~\$18~~] **\$22.50.**

(4)(a) License issuance fee for a Class C license, [~~\$48.50~~] **\$53.**

(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~~] **\$53.**

(6) License issuance fee for a commercial driver license, whether or not the license contains endorsements, [~~\$70~~] **\$74.50.**

(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 double and triple 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~~] **\$54.50.**

- (15) License renewal fee for a Class C license, [~~\$28.50~~] **\$33**.
- (16) License or driver permit replacement fee under ORS 807.160, [~~\$21~~] **\$25.50**.
- (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~~] **\$22.50**.
- (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 ORS 807.359, \$13.

SECTION 18. The amendments to ORS 807.370 by section 17 of this 2008 Act become operative July 1, 2008.

SECTION 19. ORS 807.370, as amended by section 17 of this 2008 Act, 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, [~~\$43.00~~] **\$44**.
 - (b) For renewal fee under ORS 807.210, [~~\$31.00~~] **\$32**.
- (2) Emergency driver permit fee under ORS 807.220, [~~\$22.50~~] **\$23.50**.
- (3) Instruction driver permit fees under ORS 807.280, as follows:
 - (a) For issuance, [~~\$22.50~~] **\$23.50**.
 - (b) For renewal, [~~\$22.50~~] **\$23.50**.
- (4)(a) License issuance fee for a Class C license, [~~\$53.00~~] **\$54**.
- (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, [~~\$53.00~~] **\$54**.
- (6) License issuance fee for a commercial driver license, whether or not the license contains endorsements, [~~\$74.50~~] **\$75.50**.
- (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 double and triple 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, [~~\$54.50~~] **\$55.50**.
- (15) License renewal fee for a Class C license, [~~\$33.00~~] **\$34**.
- (16) License or driver permit replacement fee under ORS 807.160, [~~\$25.50~~] **\$26.50**.
- (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, [~~\$22.50~~] **\$23.50**.
- (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 ORS 807.359, \$13.
- (27)(a) License issuance fee for a Class C limited term license, \$23.**
- (b) Fee to take the knowledge test for a Class C limited term license, \$5.**
- (c) Fee to take the skills test for a Class C limited term license, \$9.**
- (28) License issuance fee for a restricted Class C limited term license, \$23.**
- (29) License issuance fee for a limited term commercial driver license, whether or not the license contains endorsements, \$45.**
- (30) License renewal fee for a limited term commercial driver license, \$14.**
- (31) License renewal fee for a Class C limited term license, \$8.**
- (32) Limited term license or limited term driver permit replacement fee under ORS 807.160, \$26.50.**
- (33) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$2.**

SECTION 20. The amendments to ORS 807.370 by section 19 of this 2008 Act become operative January 1, 2010.

SECTION 21. ORS 807.400, as operative until July 1, 2008, is amended to read:

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

- (a) Is domiciled in or **is a resident** of this state, as described in ORS 807.062;
 - (b) As required by sections 2 and 4 of this 2008 Act, furnishes proof of both legal presence in the United States and a Social Security number, or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number;**
 - ~~[(b)]~~ (c) Does not have a current, valid driver license; and
 - ~~[(c)]~~ (d) Furnishes [*such*] evidence of the person's **full legal name**, age and identity as the department may require.
- (2) The department shall work with other agencies and organizations to attempt to improve the issuance system for identification cards.
- (3) Every original application for an identification card must be signed by the applicant. The department shall require at least one document to verify the address of an applicant for issuance

of an identification card in addition to other documents the department may require of the applicant. If the address of an applicant has changed since the last time an identification card was issued or renewed for the applicant, the department shall require proof to verify the address of [an] **the** applicant for renewal of an identification card, in addition to anything else the department may require.

(4) Every identification card shall be issued upon the standard license form described under ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only. The department shall use the same security procedures, processes, materials and features for an identification card as are required for a license under ORS 807.110. The identification card is not required to contain the residence address of persons listed in ORS 807.110 (3).

(5) If the identification card is a limited term identification card issued under section 4 of this 2008 Act, the limited term identification card shall indicate:

(a) That it is a limited term identification card; and

(b) The date on which the limited term identification card expires.

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

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

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

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

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

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

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

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

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

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

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

[(14)] (15) Upon cancellation of an identification card, the card is terminated and must be surrendered to the department. An identification card may be canceled for any of the reasons that

driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-issue an identification card canceled under this subsection when the applicant has satisfied all requirements for the identification card.

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

(a) The ~~[department may issue an identification card under this subsection to a]~~ person ~~[who]~~ voluntarily surrenders ~~[a]~~ **the person's driver** license or driver permit to the department based upon the person's recognition that the person is no longer competent to drive.

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

SECTION 22. ORS 807.400 is amended to read:

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

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

(b) As required by sections 2 and 4 of this 2008 Act, furnishes proof of both legal presence in the United States and a Social Security number, or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number;

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

~~[(c)]~~ **(d)** Furnishes ~~[such]~~ evidence of the person's **full legal name**, age and identity as the department may require; and

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

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

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

(4) Every identification card shall be issued upon the standard license form described under ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only. The department shall use the same security procedures, processes, materials and features for an identification card as are required for a license under ORS 807.110. The identification card is not required to contain the residence address of persons listed in ORS 807.110 ~~[(1)(c)]~~ **(1)(e)**.

(5) If the identification card is a limited term identification card issued under section 4 of this 2008 Act, the limited term identification card shall indicate:

(a) That it is a limited term identification card; and

(b) The date on which the limited term identification card expires.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The [department may issue an identification card under this subsection to a] person [who] voluntarily surrenders [a] **the person's driver** license or driver permit to the department based upon the person's recognition that the person is no longer competent to drive.

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

SECTION 23. ORS 807.410 is amended to read:

807.410. This section establishes the fees relating to identification cards. The following fees apply to identification cards unless otherwise provided by ORS 807.400 or otherwise provided by law:

(1) For issuance of an original identification card, [\$29] **\$33.50**. This subsection does not require a fee for issuance when ORS 807.400 provides for issuance of an identification card without charge of a fee.

(2) For renewal of an identification card, [\$25] **\$29.50**.

(3) For replacement of an identification card, [\$24] **\$28.50**.

(4) For reinstatement of an identification card after suspension, \$75.

SECTION 24. The amendments to ORS 807.410 by section 23 of this 2008 Act become operative July 1, 2008.

SECTION 25. ORS 807.410, as amended by section 23 of this 2008 Act, is amended to read:

807.410. This section establishes the fees relating to identification cards. The following fees apply to identification cards unless otherwise provided by ORS 807.400 or otherwise provided by law:

(1) For issuance of an original identification card, [\$33.50] **\$34.50**. This subsection does not require a fee for issuance when ORS 807.400 provides for issuance of an identification card without charge of a fee.

(2) For renewal of an identification card, [\$29.50] **\$30.50**.

(3) For replacement of an identification card, [\$28.50] **\$29.50**.

(4) For reinstatement of an identification card after suspension, \$75.

(5) For issuance of an original limited term identification card, \$10.

(6) For renewal of a limited term identification card, \$8.

(7) For replacement of a limited term identification card, \$29.50.

SECTION 26. The amendments to ORS 807.410 by section 25 of this 2008 Act become operative January 1, 2010.

SECTION 27. ORS 807.310 is amended to read:

807.310. (1) The Department of Transportation shall provide for the issuance of applicant temporary driver permits in a manner consistent with this section.

(2) The department may issue an applicant temporary driver permit to an applicant for a **driver** license or for a driver permit while the department is determining all facts relative to application for the **driver** license or driver permit. The department shall set forth on the applicant temporary driver permit the driving privileges granted under the permit.

(3) The holder of an applicant temporary driver permit must have the temporary driver permit on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver permit must operate within the driving privileges granted under the temporary driver permit.

(4) An applicant temporary driver permit [shall be] **is** valid for a period of 30 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit [shall not be for more than 30] **may not exceed an** additional **30** days. [An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause.]

(5) Notwithstanding section 11, chapter 775, Oregon Laws 2005, if an applicant has complied with all the requirements for an application for a driver license or driver permit, except that the applicant is unable to produce the documentation required by the department under sections 2 and 4 of this 2008 Act, the department, at the time of application, may issue to the applicant an applicant temporary driver permit as provided in this section if the applicant certifies that the applicant is, to the best of the applicant's knowledge, legally present in the United States.

(6) An applicant temporary driver permit issued to an applicant under subsection (5) of this section is valid for a period of 90 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit may not exceed an additional 60 days.

(7) An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause.

[5] (8) [No fee shall be charged] The department may not charge a fee for issuance of an applicant temporary driver permit under this section.

SECTION 28. ORS 807.405 is amended to read:

807.405. (1) The Department of Transportation shall provide for the issuance of applicant temporary identification cards in a manner consistent with this section.

(2) The department may issue an applicant temporary identification card to an applicant while the department is determining all facts relative to the application for an identification card.

(3) An applicant temporary identification card [shall be] is valid for a period of 30 days from the date issued. The department may extend the term of the applicant temporary identification card for sufficient cause. An extension of the term of the applicant temporary identification card may not [be for more than 30] exceed an additional 30 days. [An applicant temporary identification card automatically becomes invalid if the applicant's identification card is issued or refused for good cause.]

(4) Notwithstanding section 11, chapter 775, Oregon Laws 2005, if an applicant has complied with all the requirements for an application for an identification card, except that the applicant is unable to produce the documentation required by the department under sections 2 and 4 of this 2008 Act, the department, at the time of application, may issue to the applicant an applicant temporary identification card as provided in this section if the applicant certifies that the applicant is, to the best of the applicant's knowledge, legally present in the United States.

(5) An applicant temporary identification card issued to an applicant under subsection (4) of this section is valid for a period of 90 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit may not exceed an additional 60 days.

(6) An applicant temporary identification card automatically becomes invalid if the applicant's identification card is issued or refused for good cause.

[4] (7) The department may not charge a fee for issuance of an applicant temporary identification card under this section.

SECTION 29. ORS 811.603 is amended to read:

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

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

SECTION 30. ORS 811.604 is amended to read:

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

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

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

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

SECTION 31. ORS 811.605 is amended to read:

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

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

SECTION 32. ORS 811.606 is amended to read:

811.606. The Department of Transportation may issue a placard showing an expiration date not to exceed six months after the date of issuance for use by persons with temporary disabilities upon submission by the applicant of a certificate described in ORS 811.604 except that it certifies that the applicant has a temporary disability for less than four years. An applicant for a temporary **disabled person parking** permit need not have a driver license, a **driver** permit, [or] **an** identification card **or a parking identification card**.

SECTION 33. ORS 97.953 is amended to read:

97.953. As used in ORS 97.951 to 97.982:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agent" means an:

(a) Attorney-in-fact as that term is defined in ORS 127.505; or

(b) Individual expressly authorized to make an anatomical gift on the principal's behalf by any record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

(4) "Body part" means an organ, an eye or tissue of a human being. The term does not include the whole body.

(5) "Decedent" means a deceased individual whose body or body part is or may be the source of an anatomical gift, and includes a stillborn infant or a fetus.

(6)(a) "Disinterested witness" means a witness other than:

(A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who makes, amends, revokes or refuses to make an anatomical gift; or

(B) An adult who exhibited special care and concern for the individual.

(b) "Disinterested witness" does not include a person to whom an anatomical gift could pass under ORS 97.969.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement, symbol or designation on a driver license, identification card or donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means a centralized database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(10) "Driver license" means a license or permit issued under ORS 807.040, 807.200 or 807.280 **or sections 2 and 4 of this 2008 Act**, regardless of whether conditions are attached to the license or permit.

(11) "Eye bank" means an organization licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

(12) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of an individual. "Guardian" does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state or a subdivision of a state.

(14) "Identification card" means the card issued under ORS 807.400 **or sections 2 and 4 of this 2008 Act**, or a comparable provision of the motor vehicle laws of another state.

(15) "Know" means to have actual knowledge.

(16) "Minor" means an individual who is under 18 years of age.

(17) "Organ procurement organization" means an organization designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(18) "Parent" means a parent whose parental rights have not been terminated.

(19) "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

(20) "Procurement organization" means an eye bank, organ procurement organization or tissue bank.

(21) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a body part that could be medically suitable for transplantation, therapy, research or education. The term does not include an individual who has made a refusal.

(22) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(23) "Recipient" means an individual into whose body a decedent's body part has been or is intended to be transplanted.

(24) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(25) "Refusal" means a record that expressly states an intent to prohibit other persons from making an anatomical gift of an individual's body or body part.

(26) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

(27) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(28) "Technician" means an individual determined to be qualified to remove or process body parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.

(29) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(30) "Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

(31) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

SECTION 34. (1) Using existing resources, the Department of Transportation shall provide ombudsman services to applicants for a driver license, a driver permit or an identification card. An ombudsman shall assist applicants who are otherwise qualified for issuance, renewal or replacement of a driver license, a driver permit or an identification card but who are unable to produce the documentation required by the department under sections 2 and 4 of this 2008 Act.

(2) The department may not provide ombudsman services to an applicant unless the applicant certifies in writing that the applicant is, to the best of the applicant's knowledge, legally present in the United States.

SECTION 35. (1) Section 2 of this 2008 Act and the amendments to ORS 807.050, 807.110, 807.310, 807.400 and 807.405 by sections 11, 13, 22, 27 and 28 of this 2008 Act become operative July 1, 2008.

(2) The Department of Transportation may adopt rules or take any action before the operative date specified in subsection (1) of this section necessary to enable the department to exercise, on or after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department by section 2 of this 2008 Act and the amendments to ORS 807.050, 807.110, 807.310, 807.400 and 807.405 by sections 11, 13, 22, 27 and 28 of this 2008 Act.

SECTION 36. (1) Section 4 of this 2008 Act and the amendments to ORS 807.130 by section 15 of this 2008 Act become operative January 1, 2010.

(2) The Department of Transportation may adopt rules or take any action before the operative date specified in subsection (1) of this section necessary to enable the department to exercise, on or after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department by section 4 of this 2008 Act and the amendments to ORS 807.130 by section 15 of this 2008 Act.

SECTION 37. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

Passed by Senate February 11, 2008

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Secretary of Senate

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President of Senate

Passed by House February 13, 2008

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Speaker of House

Received by Governor:

.....M,....., 2008

Approved:

.....M,....., 2008

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Governor

Filed in Office of Secretary of State:

.....M,....., 2008

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Secretary of State