

# Senate Bill 1080

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person to provide proof of legal presence in United States and Social Security number before Department of Transportation may issue, renew or replace driver license, driver permit or identification card. Provides that license issued to person who is not citizen or permanent legal resident of United States is valid until date licensee is no longer authorized to stay in United States or until one year from date of issuance of license.

Provides exemption from collection of biometric data for certain persons applying for issuance, renewal or replacement of driver license or driver permit.

Permits person to use photograph on file for issuance, renewal or replacement of driver license in certain circumstances.

Directs Department of Transportation to provide ombudsman services to applicants for driver license, driver permit or identification card who have difficulty producing required documentation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to documents issued by Department of Transportation; creating new provisions; amending  
3 ORS 97.953, 801.250, 802.200, 807.024, 807.040, 807.050, 807.110, 807.130, 807.162, 807.310, 807.400,  
4 807.405, 811.603, 811.604, 811.605 and 811.606 and section 11, chapter 775, Oregon Laws 2005; and  
5 declaring an emergency.

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

7 **SECTION 1. Section 2 of this 2008 Act is added to and made a part of the Oregon Vehicle**  
8 **Code.**

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

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

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1           (3)(a) The department may issue or replace a temporary driver license, temporary driver  
2 permit or temporary identification card only for a person who provides proof, as determined  
3 by the department by rule, that the person is legally present in the United States on a tem-  
4 porary basis.

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

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

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

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

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

22           (4) The department may issue, renew or replace a driver license, driver permit or iden-  
23 tification card for an applicant who has submitted a Social Security number only after the  
24 department verifies the Social Security number with the United States Social Security Ad-  
25 ministration.

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

30           **SECTION 3.** Section 2 of this 2008 Act applies to driver licenses, driver permits and  
31 identification cards that are issued, renewed or replaced on or after the effective date of this  
32 2008 Act.

33           **SECTION 4.** Sections 5 and 6 of this 2008 Act are added to and made a part of the Oregon  
34 Vehicle Code.

35           **SECTION 5.** "Identity source documents" means documents required for the issuance,  
36 renewal or replacement of a driver license, a driver permit or an identification card by the  
37 Department of Transportation.

38           **SECTION 6.** Prior to issuing, renewing or replacing a driver license, driver permit or  
39 identification card, the Department of Transportation shall verify with the issuing agency  
40 the validity and completeness of each identity source document presented by the applicant.

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

42           802.200. In addition to any other records the Department of Transportation may establish, the  
43 department is subject to the following provisions concerning records:

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

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

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

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

7 (C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

29 (B) The name of the vehicle owner;

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

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

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

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

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

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

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

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

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

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

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

7 (a) An index by name and number.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (B) Carrying persons or property for compensation;

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

1 in accordance with government rules;

2 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (c) When the permit was issued.

3 (d) The type of permit issued.

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

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

7 **SECTION 8.** ORS 807.040, as operative until July 1, 2008, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 9.** ORS 807.040 is amended to read:

38 807.040. (1) The Department of Transportation shall issue a driver license to any person who  
39 complies with all of the following requirements:

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

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

45 [(b)] (c) The person must submit to collection of biometric data by the department that establish

1 the identity of the person as described in ORS 807.024.

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

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

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

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

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

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

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

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

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

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

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

24 **SECTION 10.** ORS 807.050 is amended to read:

25 807.050. An application for a license shall be in a form approved by the Oregon Department of  
26 Transportation. An application must contain all the following:

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

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

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

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

38 (c) Whether or not the driving privileges under the license or driver permit are currently sus-  
39 pended or revoked; and

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

42 (3) The class of license sought.

43 (4) The Social Security number of the applicant or other number or identifying information de-  
44 termined appropriate by the Secretary of the United States Department of Transportation, if the  
45 application is for a commercial driver license or if the Oregon Department of Transportation by rule

1 requires the Social Security number on the application.

2 (5) Any other information the department deems necessary to assist the department in deter-  
 3 mining whether the applicant is qualified or eligible to be licensed.

4 **SECTION 11.** ORS 807.110, as operative until July 1, 2008, is amended to read:

5 807.110. A license issued by the Department of Transportation shall comply with all of the fol-  
 6 lowing:

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

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

11 (3) A license shall contain the **full legal** name, the date of birth and, except as provided for  
 12 corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality  
 13 Program participants in ORS 192.846, the residence address of the person to whom the license is  
 14 issued [*and a space for the person's signature*].

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

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

19 (6) Except as otherwise provided in this subsection, a license shall bear a photograph described  
 20 in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid li-  
 21 cense without a photograph **or with a photograph already on file with the department** if the  
 22 applicant shows good cause **as determined by the department by rule**. The director shall include  
 23 religious preferences as good cause for issuance of a license without a photograph but [*shall*] **need**  
 24 not limit good cause to religious grounds. A photograph required under this subsection shall:

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

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

27 (c) Be taken at the time of application for issuance of the license whether the application is for  
 28 an original license, replacement of a license under ORS 807.160 or for renewal of a license under  
 29 ORS 807.150, **unless the department allows the applicant to use a photograph already on file**  
 30 **with the department**.

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

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

33 **(8) A temporary driver license issued under section 2 of this 2008 Act shall indicate:**

34 **(a) That it is a temporary driver license; and**

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

36 [(8)] **(9)** A license shall indicate the class of license issued and any endorsements granted. If the  
 37 license is a commercial driver license, the words “commercial driver license” or the letters “CDL”  
 38 shall appear on the license.

39 [(9)] **(10)** The department shall use such security procedures, processes and materials in the  
 40 preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's  
 41 ability to alter, counterfeit, duplicate or modify the license without ready detection. The security  
 42 features used in the production of the licenses shall provide for the rapid authentication of a genu-  
 43 ine document.

44 **SECTION 12.** ORS 807.110 is amended to read:

45 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-



1 lowing:

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

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

5 (c) The **full legal** name, the date of birth and, except as provided for corrections officers in ORS  
6 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS  
7 192.846, the residence address of the person to whom the license is issued [*and a space for the per-  
8 son's signature*].

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

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

13 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.  
14 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-  
15 tograph **or with a photograph already on file with the department** if the applicant shows good  
16 cause **as determined by the department by rule**. The director shall include religious preferences  
17 as good cause for issuance of a license without a photograph but [*shall*] **need** not limit good cause  
18 to religious grounds. A photograph required under this paragraph shall:

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

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

21 (C) Be taken at the time of application for issuance of the license whether the application is for  
22 an original license, replacement of a license under ORS 807.160 or for renewal of a license under  
23 ORS 807.150, **unless the department allows the applicant to use a photograph already on file  
24 with the department**.

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

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

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

30 **(2) A temporary driver license issued under section 2 of this 2008 Act shall indicate:**

31 **(a) That it is a temporary driver license; and**

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

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

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

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

40 **SECTION 13.** ORS 807.024 is amended to read:

41 807.024. (1) A person who applies for issuance, renewal or replacement of a driver license, driver  
42 permit or identification card shall submit to collection of biometric data by the Department of  
43 Transportation for the purpose of establishing the person's identity. Submitting to collection of  
44 biometric data under this section does not excuse a person from responsibility for complying with  
45 requirements for proof of identity, age or residence pursuant to ORS 807.050.

1       **(2) Notwithstanding subsection (1) of this section and ORS 807.040 (1)(c), the Director of**  
 2 **Transportation, by rule, may provide for issuance of a valid driver license or driver permit**  
 3 **without the collection of biometric data if the applicant shows good cause as determined by**  
 4 **the department by rule. The director shall include religious preferences as good cause for**  
 5 **issuance of a driver license or driver permit without the collection of biometric data but need**  
 6 **not limit good cause to religious grounds.**

7       [(2)] (3) For purposes of this section, a person's identity is established if:

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

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

15       [(3)] (4) If a person's identity is established as described in subsection [(2)] (3) of this section,  
 16 the department shall mail the driver license, driver permit or identification card to the address  
 17 provided by the person when the person applied for the issuance, renewal or replacement of the li-  
 18 cense, permit or identification card.

19       [(4)] (5) If a person's identity is not established as described in subsection [(2)] (3) of this section,  
 20 the department shall:

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

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

25       [(5)] (6) If a person's identity was not established as described in subsection [(2)] (3) of this  
 26 section and the department has reason to believe that the crime of identity theft, as described in  
 27 ORS 165.800, was committed by the person currently submitting to collection of biometric data or  
 28 by a person who previously submitted to collection of biometric data under the identity of the per-  
 29 son currently submitting to collection of biometric data, the department shall notify a law enforce-  
 30 ment agency that has jurisdiction over the crime.

31       [(6)] (7) The department by rule shall establish procedures for providing expedited processing  
 32 of driver licenses, driver permits or identification cards.

33       [(7)] (8) The department and employees of the department are immune from liability for any  
 34 damages resulting from the issuance, renewal or replacement of a driver license, driver permit or  
 35 identification card under another person's identity if the employee who processed the biometric data  
 36 for a license, permit or identification card established the applicant's identity as described in sub-  
 37 section [(2)] (3) of this section.

38       **SECTION 14.** ORS 807.130 is amended to read:

39       807.130. (1) [*Except as otherwise provided in this section,*] A license that is issued as an original  
 40 license and not as a license that is renewed expires on the anniversary of the licensee's birthday in  
 41 the eighth calendar year after the year of issuance.

42       (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-  
 43 tion date of the immediately preceding license.

44       **(3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a**  
 45 **person who is not a citizen or permanent legal resident of the United States expires on the**

1 **date the licensee is no longer authorized to stay in the United States, as indicated by the**  
 2 **documentation the person presented to the Department of Transportation to provide proof**  
 3 **of legal presence in the United States as required by section 2 of this 2008 Act, or, if there**  
 4 **is no definite end to the authorized stay, for a period of one year.**

5 [(3)] (4) A license that has expired does not grant driving privileges and is not valid evidence  
 6 of driving privileges.

7 **SECTION 15.** ORS 807.162 is amended to read:

8 807.162. [(1)] Prior to issuing a replacement identification card, driver permit or driver license  
 9 to a person who is applying in person, the Department of Transportation shall require [*one of the*  
 10 *following proofs of identity in addition to the proofs of identity, age and residence required by rule:*]  
 11 **the person to present:**

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

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

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

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

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

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

26 **SECTION 16.** ORS 807.400, as operative until July 1, 2008, is amended to read:

27 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 28 who:

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

30 (b) **As required by section 2 of this 2008 Act, furnishes proof of both legal presence in the**  
 31 **United States and a Social Security number, or, if the person is not eligible for a Social Se-**  
 32 **curity number, proof that the person is not eligible for a Social Security number;**

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

34 [(c)] (d) **Furnishes** [*such*] evidence of the person's **full legal name**, age and identity as the de-  
 35 partment may require.

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

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

45 (4) Every identification card shall be issued upon the standard license form described under ORS

1 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
 2 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
 3 purposes only. The department shall use the same security procedures, processes, materials and  
 4 features for an identification card as are required for a license under ORS 807.110. The identification  
 5 card is not required to contain the residence address of persons listed in ORS 807.110 (3).

6 **(5) If the identification card is a temporary identification card issued under section 2 of**  
 7 **this 2008 Act, the temporary identification card shall indicate:**

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

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

10 [(5)] (6) Upon order of the juvenile court, the department shall include on the card the fact that  
 11 the person issued the identification card is an emancipated minor.

12 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration  
 13 dates of licenses as set forth in ORS 807.130.

14 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth  
 15 in ORS 807.150.

16 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-  
 17 lished under ORS 807.410. In no event shall the issuance or renewal of an identification card be  
 18 subject to any fee in addition to that set forth in ORS 807.410.

19 [(9)] (10) An identification card becomes invalid if the holder of the card changes **the holder's**  
 20 residence address from that shown on the identification card and does not provide the department  
 21 with notice of the change as required under ORS 807.420.

22 [(10)] (11) If a person to whom an identification card was issued and who changes **the person's**  
 23 residence address appears in person at a department office that issues identification cards, the de-  
 24 partment may do any of the following:

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

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

32 [(11)] (12) An identification card becomes invalid if the holder of the card changes the  
 33 [person's] **holder's** name from that shown on the card, including a change of name by marriage,  
 34 without providing the department with notice of the change as required under ORS 807.420. Upon  
 35 receiving such notice and the old identification card, the department shall issue a replacement  
 36 identification card upon payment of the fee required under ORS 807.410.

37 [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs  
 38 a replacement identification card that bears a [different] distinguishing number **different** from the  
 39 **number on the** card being replaced, the person to whom the card was issued may obtain a re-  
 40 placement card from the department upon furnishing proof satisfactory to the department of the  
 41 need for such replacement and payment of the replacement fee under ORS 807.410.

42 [(13)] (14) The department may establish by rule reasons for issuing replacement identification  
 43 cards that are in addition to the reasons identified in subsections [(10) to (12)] (11) to (13) of this  
 44 section. The fee for a replacement identification card is provided under ORS 807.410.

45 [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-

1 rendered to the department. An identification card may be canceled for any of the reasons that  
 2 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-  
 3 issue an identification card canceled under this subsection when the applicant has satisfied all re-  
 4 quirements for the identification card.

5 [(15)] (16) Notwithstanding any other provision of this section, the department may issue an  
 6 identification card to a person under this subsection without charge when the person surrenders  
 7 [a] **the person's driver** license or driver permit to the department for reasons described in this  
 8 subsection. If the department issues an identification card under this subsection, the identification  
 9 card shall expire at the same time as the surrendered driver license or driver permit would have  
 10 expired. An identification card issued under this subsection is subject to the same requirements and  
 11 fees for renewal or upon expiration as any other identification card issued under this section. The  
 12 department may issue identification cards under this subsection [as described under] **for** any of the  
 13 following **reasons**:

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

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

21 **SECTION 17.** ORS 807.400 is amended to read:

22 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 23 who:

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

25 **(b) As required by section 2 of this 2008 Act, furnishes proof of both legal presence in the**  
 26 **United States and a Social Security number, or, if the person is not eligible for a Social Se-**  
 27 **curity number, proof that the person is not eligible for a Social Security number;**

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

29 [(c)] (d) Furnishes [such] evidence of the person's **full legal name**, age and identity as the de-  
 30 partment may require; and

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

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

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

42 (4) Every identification card shall be issued upon the standard license form described under ORS  
 43 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
 44 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
 45 purposes only. The department shall use the same security procedures, processes, materials and

1 features for an identification card as are required for a license under ORS 807.110. The identification  
2 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(c).

3 **(5) If the identification card is a temporary identification card issued under section 2 of**  
4 **this 2008 Act, the temporary identification card shall indicate:**

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

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

7 [(5)] **(6)** Upon order of the juvenile court, the department shall include on the card the fact that  
8 the person issued the identification card is an emancipated minor.

9 [(6)] **(7)** Each original identification card shall expire on a date consistent with the expiration  
10 dates of licenses as set forth in ORS 807.130.

11 [(7)] **(8)** Identification cards shall be renewed under the terms for renewal of licenses as set forth  
12 in ORS 807.150.

13 [(8)] **(9)** The fee for an original identification card or a renewal thereof shall be the fee estab-  
14 lished under ORS 807.410.

15 [(9)] **(10)** An identification card becomes invalid if the holder of the card changes **the holder's**  
16 residence address from that shown on the identification card and does not provide the department  
17 with notice of the change as required under ORS 807.420.

18 [(10)] **(11)** If a person to whom an identification card was issued and who changes **the person's**  
19 residence address appears in person at a department office that issues identification cards, the de-  
20 partment may do any of the following:

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

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

28 [(11)] **(12)** An identification card becomes invalid if the holder of the card changes the  
29 [*person's*] **holder's** name from that shown on the card, including a change of name by marriage,  
30 without providing the department with notice of the change as required under ORS 807.420. Upon  
31 receiving such notice and the old identification card, the department shall issue a replacement  
32 identification card upon payment of the fee required under ORS 807.410.

33 [(12)] **(13)** In the event that, for a reason identified by the department by rule, a person needs  
34 a replacement identification card that bears a [*different*] distinguishing number **different** from the  
35 **number on the** card being replaced, the person to whom the card was issued may obtain a re-  
36 placement card from the department upon furnishing proof satisfactory to the department of the  
37 need for such replacement and payment of the replacement fee under ORS 807.410.

38 [(13)] **(14)** The department may establish by rule reasons for issuing replacement identification  
39 cards that are in addition to the reasons identified in subsections [(10) to (12)] **(11) to (13)** of this  
40 section. The fee for a replacement identification card is provided under ORS 807.410.

41 [(14)] **(15)** Upon cancellation of an identification card, the card is terminated and must be sur-  
42 rendered to the department. An identification card may be canceled for any of the reasons that  
43 driving privileges or a **driver** license may be canceled under ORS 809.310. The department may re-  
44 issue an identification card canceled under this subsection when the applicant has satisfied all re-  
45 quirements for the identification card.

1        [(15)] (16) Notwithstanding any other provision of this section, the department may issue an  
 2 identification card to a person under this subsection without charge when the person surrenders  
 3 [a] **the person's driver** license or driver permit to the department for reasons described in this  
 4 subsection. If the department issues an identification card under this subsection, the identification  
 5 card shall expire at the same time as the surrendered driver license or driver permit would have  
 6 expired. An identification card issued under this subsection is subject to the same requirements and  
 7 fees for renewal or upon expiration as any other identification card issued under this section. The  
 8 department may issue identification cards under this subsection [*as described under*] **for** any of the  
 9 following **reasons**:

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

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

17        **SECTION 18.** ORS 807.310 is amended to read:

18        807.310. (1) The Department of Transportation shall provide for the issuance of [*applicant tem-*  
 19 *porary*] **interim** driver permits in a manner consistent with this section.

20        (2) The department may issue an [*applicant temporary*] **interim** driver permit to an applicant for  
 21 a **driver** license, **temporary driver license**, [*or for a*] driver permit **or temporary driver permit**  
 22 while the department is determining all facts relative to application for the **driver** license, **tempo-**  
 23 **rary driver license**, [*or*] driver permit **or temporary driver permit**. The department shall set forth  
 24 on the [*applicant temporary*] **interim** driver permit the driving privileges granted under the permit.

25        (3) The holder of an [*applicant temporary*] **interim** driver permit must have the [*temporary*] **in-**  
 26 **terim** driver permit on the holder's person while operating a motor vehicle. The holder of an [*ap-*  
 27 *plicant temporary*] **interim** driver permit must operate within the driving privileges granted under  
 28 the [*temporary*] **interim** driver permit.

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

35        (5) [*No fee shall be charged*] **The department may not charge a fee** for issuance of an [*appli-*  
 36 *cant temporary*] **interim** driver permit under this section.

37        **SECTION 19.** ORS 807.405 is amended to read:

38        807.405. (1) The Department of Transportation shall provide for the issuance of [*applicant tem-*  
 39 *porary*] **interim** identification cards in a manner consistent with this section.

40        (2) The department may issue an [*applicant temporary*] **interim** identification card to an appli-  
 41 cant while the department is determining all facts relative to the application for an identification  
 42 card **or a temporary identification card**.

43        (3) An [*applicant temporary*] **interim** identification card [*shall be*] **is** valid for a period of 30 days  
 44 from the date issued. The department may extend the term of the [*applicant temporary*] **interim**  
 45 identification card for sufficient cause. An extension of the term of the [*applicant temporary*] **interim**

1 identification card may not *[be for more than]* **exceed** 30 additional days. An *[applicant temporary]*  
 2 **interim** identification card automatically becomes invalid if the *[applicant's]* **holder's** identification  
 3 card **or temporary identification card** is issued or refused for good cause.

4 (4) The department may not charge a fee for issuance of an *[applicant temporary]* **interim** iden-  
 5 tification card under this section.

6 **SECTION 20.** ORS 801.250 is amended to read:

7 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction  
 8 that is more limited than those available under a license or that is only available under special or  
 9 limited circumstances. The term may also refer to a document issued as evidence of a grant of  
 10 driving privileges under a driver permit. Driver permits issued by this state include the following:

11 (1) *[Applicant temporary]* **Interim** driver permit described under ORS 807.310.

12 (2) Court issued temporary driver permit described under ORS 807.320.

13 (3) Disability golf cart driver permit described under ORS 807.210.

14 (4) Emergency driver permit described under ORS 807.220.

15 (5) Instruction driver permit described under ORS 807.280.

16 (6) Hardship driver permit described under ORS 807.240.

17 (7) Probationary driver permit described under ORS 807.270.

18 (8) Special student driver permit described under ORS 807.230.

19 (9) Special temporary instruction driver permit described under ORS 807.290.

20 (10) Court bail driver permit described under ORS 807.330.

21 (11) Temporary driver permit described under ORS 813.110.

22 **SECTION 21.** Section 11, chapter 775, Oregon Laws 2005, is amended to read:

23 **Sec. 11.** If an applicant has complied with all requirements for an application for a driver li-  
 24 cense, driver permit or identification card, the department at the time of application may issue to  
 25 the applicant:

26 (1) An *[applicant temporary]* **interim** driver permit as provided in ORS 807.310; or

27 (2) An *[applicant temporary]* **interim** identification card as provided in *[section 10 of this 2005*  
 28 *Act]* **ORS 807.405.**

29 **SECTION 22.** ORS 811.603 is amended to read:

30 811.603. (1) The Department of Transportation shall issue *[an]* **a parking** identification card  
 31 without a photograph to an applicant for a disabled person parking permit if the applicant does not  
 32 have a driver license, *[or]* **a driver** permit or an identification card issued by the department under  
 33 ORS 807.400 and if the applicant submits a statement from a physician that it would be impractical  
 34 or harmful to the applicant, because of medical or physical condition, to appear at an office of the  
 35 department and be photographed for *[an]* **a parking** identification card.

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

40 **SECTION 23.** ORS 811.604 is amended to read:

41 811.604. (1) Application for issuance of a disabled person parking permit in the form of an indi-  
 42 vidual placard or decal issued under ORS 811.602 shall include:

43 (a) A certificate by a licensed physician, a certified nurse practitioner or a licensed physician  
 44 assistant to the Department of Transportation that the applicant is a person with a disability or a  
 45 certificate by a licensed optometrist that the applicant is a person with a disability because of loss



1 of vision or substantial loss of visual acuity or visual field beyond correction; and

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

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

6 **SECTION 24.** ORS 811.605 is amended to read:

7 811.605. (1) An applicant for an individual placard or decal issued by the Department of Trans-  
8 portation under ORS 811.602 must have a driver license, a disability golf cart driver permit, [or] an  
9 identification card **or a parking identification card** issued by the department. The placard or decal  
10 shall be valid so long as the license, permit, [or] identification card **or parking identification card**  
11 is valid and may be renewed when the license, permit or card is renewed.

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

16 **SECTION 25.** ORS 811.606 is amended to read:

17 811.606. The Department of Transportation may issue a placard showing an expiration date not  
18 to exceed six months after the date of issuance for use by persons with temporary disabilities upon  
19 submission by the applicant of a certificate described in ORS 811.604 except that it certifies that the  
20 applicant has a temporary disability for less than four years. An applicant for a temporary **disabled**  
21 **person parking** permit need not have a driver license, **a driver** permit, [or] **an** identification card  
22 **or a parking identification card**.

23 **SECTION 26.** ORS 97.953 is amended to read:

24 97.953. As used in ORS 97.951 to 97.982:

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

26 (2) "Agent" means an:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SECTION 27.** (1) **Using existing resources, the Department of Transportation shall pro-**  
 8 **vide ombudsman services to applicants for a driver license, a driver permit or an identifica-**  
 9 **tion card. An ombudsman shall assist applicants who are otherwise qualified for issuance,**  
 10 **renewal or replacement of a driver license, a driver permit or an identification card but who**  
 11 **are unable to produce the documentation required by the department under section 2 of this**  
 12 **2008 Act.**

13 (2) **The department may not provide ombudsman services to an applicant unless the ap-**  
 14 **plicant certifies in writing, under penalty of perjury, that the applicant is, to the best of the**  
 15 **applicant's knowledge, legally present in the United States.**

16 (3) **Notwithstanding section 2 of this 2008 Act, the department may provide an applicant**  
 17 **for issuance, renewal or replacement of a driver license, a driver permit or an identification**  
 18 **card with a temporary driver license, temporary driver permit or temporary identification**  
 19 **card, for an amount of time determined by the department by rule, if the applicant is oth-**  
 20 **erwise eligible for issuance, renewal or replacement of a driver license, a driver permit or**  
 21 **an identification card but is unable to produce the documentation required by the depart-**  
 22 **ment under section 2 of this 2008 Act.**

23 **SECTION 28.** **This 2008 Act being necessary for the immediate preservation of the public**  
 24 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**  
 25 **on its passage.**

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