

A-Engrossed
Senate Bill 128

Ordered by the Senate April 14
Including Senate Amendments dated April 14

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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.

[Requires verification of Social Security number when Department of Transportation issues, renews or replaces driver license, driver permit or identification card.]

Clarifies length of time for which limited term driver permit is valid.

[Authorizes Department of Transportation to verify and capture digital images of identity source documents.]

[Prohibits employee or contractor of department from knowingly disclosing certain information. Provides exceptions.]

[Authorizes department to retain duplicate image of applicant's signature.]

[Provides that driver license or driver permit without photograph must indicate that license or permit is not valid for federal identification purposes.]

Allows Department of **Transportation** to issue fictitious driver licenses and identification cards to undercover police officers.

[Authorizes fee increase for driver licenses, driver permits and identification cards.]

[Requires fingerprints and criminal background check of certain employees of department. Authorizes department to adopt rules specifying criminal records that disqualify persons from employment with department.]

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 807.140 and section 4, chapter 1, Oregon Laws 2008.

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

5 **SECTION 1.** Section 4, chapter 1, Oregon Laws 2008, is amended to read:

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

10 (2) A limited term driver license[, *limited term driver permit*] or limited term identification card
11 is valid:

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

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

15 **(3) A limited term driver permit is valid:**

16 **(a) During the applicant's authorized stay in the United States, but no longer than the**
17 **period of time for which a driver permit of the same type is issued by the department.**

18 **(b) If there is no definite end to the authorized stay, for a period of one year but no**
19 **longer than the period of time for which a driver permit of the same type is issued by the**

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 **department.**

2 [(3)] (4) A limited term driver license, limited term driver permit or limited term identification
3 card may be renewed only upon presentation of valid documentation, as determined by the depart-
4 ment by rule, that the status by which the applicant qualified for the limited term driver license,
5 limited term driver permit or limited term identification card has been extended or is still in effect.

6 [(4)] (5) A limited term driver license or limited term driver permit grants the same privileges
7 as a driver license or driver permit.

8 [(5)] (6) A limited term identification card shall bear a statement to the effect that the limited
9 term identification card is not a license or any other grant of driving privileges to operate a motor
10 vehicle and is to be used for identification purposes only.

11 **SECTION 2.** ORS 807.140 is amended to read:

12 807.140. (1) Before the expiration of any license or a license with an endorsement under the
13 vehicle code, the Department of Transportation shall notify the person to whom the license was is-
14 sued of the approaching expiration. Within a reasonable time prior to the expiration date, the notice
15 shall be mailed to the person to whom the license was issued at the address shown in the files
16 maintained by the department.

17 (2) The department is not required to notify the person of an approaching expiration if the per-
18 son's license has been suspended, canceled or revoked or if the person has failed to notify the de-
19 partment of a change of address as required under ORS 807.560.

20 (3) **Notwithstanding subsection (1) of this section, the department is not required to no-**
21 **tify the person of an approaching expiration if the person received a limited term driver li-**
22 **cence, limited term driver permit or limited term identification card under section 4, chapter**
23 **1, Oregon Laws 2008, for a period of less than one year.**

24 [(3)] (4) Failure to receive a notice of expiration from the department is not a defense to a
25 charge of driving with an expired license. However, the court may dismiss the charge if the person
26 renews the license before the scheduled court appearance.

27 [(4)] (5) The [department] **department's** responsibility to maintain records concerning notice
28 under this section is as provided under ORS 802.210.

29 **SECTION 3. Section 4 of this 2009 Act is added to and made a part of the Oregon Vehicle**
30 **Code.**

31 **SECTION 4. (1) If requested to do so by a law enforcement agency, the Department of**
32 **Transportation may issue or renew a fictitious driver license or identification card for a law**
33 **enforcement official for use in discharging the undercover criminal investigative duties of**
34 **the law enforcement agency.**

35 (2) **The fees for issuance and renewal of a fictitious driver license or fictitious identifi-**
36 **cation card issued under this section shall be the fees established for issuance and renewal**
37 **of a driver license under ORS 807.370 and 807.375 or the fees established for issuance and**
38 **renewal of an identification card under ORS 807.410.**

39 (3) **The department may determine by rule:**

40 (a) **What is considered a law enforcement agency for the purposes of this section; and**

41 (b) **The criteria for making a request under this section.**

42 (4) **The department may maintain a driving record under ORS 802.200 for a fictitious**
43 **driver license or fictitious identification card issued under this section.**

44 (5) **All information submitted to and maintained by the department regarding the true**
45 **identity of a law enforcement official under this section is confidential. The department may**

1 only disclose information regarding the true identity of a law enforcement official to a law
2 enforcement agency upon request.

3 **SECTION 5.** Section 4 of this 2009 Act and the amendments to ORS 807.140 and section
4 4, chapter 1, Oregon Laws 2008, by sections 1 and 2 of this 2009 Act apply to driver licenses,
5 driver permits and identification cards issued on or after the effective date of this 2009 Act.
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