

Enrolled
Senate Bill 128

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

CHAPTER

AN ACT

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

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

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

Sec. 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 permit is valid:

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

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

[(3)] (4) 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)] (5) A limited term driver license or limited term driver permit grants the same privileges as a driver license or driver permit.

[(5)] (6) 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 2. ORS 807.140 is amended to read:

807.140. (1) Before the expiration of any license or a license with an endorsement under the vehicle code, the Department of Transportation shall notify the person to whom the license was is-

sued of the approaching expiration. Within a reasonable time prior to the expiration date, the notice shall be mailed to the person to whom the license was issued at the address shown in the files maintained by the department.

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

(3) Notwithstanding subsection (1) of this section, the department is not required to notify the person of an approaching expiration if the person received a limited term driver license, limited term driver permit or limited term identification card under section 4, chapter 1, Oregon Laws 2008, for a period of less than one year.

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

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

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

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

(2) The fees for issuance and renewal of a fictitious driver license or fictitious identification card issued under this section shall be the fees established for issuance and renewal of a driver license under ORS 807.370 and 807.375 or the fees established for issuance and renewal of an identification card under ORS 807.410.

(3) The department may determine by rule:

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

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

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

(5) All information submitted to and maintained by the department regarding the true identity of a law enforcement official under this section is confidential. The department may only disclose information regarding the true identity of a law enforcement official to a law enforcement agency upon request.

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

Passed by Senate April 16, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House May 26, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State