

Senate Bill 128

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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 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 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 807.050, 807.110, 807.115, 807.140 and 807.400 and sections 2, 4 and 7, chapter 1,
4 Oregon Laws 2008.

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

6 **SECTION 1.** Section 2, chapter 1, Oregon Laws 2008, is amended to read:

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

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

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

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

21 (c) A person provides proof of a Social Security number by submitting valid documentation, as
22 defined by the department by rule, that includes a Social Security number that has been assigned

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 to the person by the United States Social Security Administration.

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

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

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

10 **(4) Subsections (1) and (2) of this section do not apply if the person previously provided
11 proof of a Social Security number and proof of United States citizenship or permanent legal
12 resident status to the department and the department verifies the person's Social Security
13 number as required by subsection (3) of this section.**

14 **SECTION 2.** Section 4, chapter 1, Oregon Laws 2008, is amended to read:

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

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

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

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

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

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

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

30 *[(3)]* **(4)** A limited term driver license, limited term driver permit or limited term identification
31 card may be renewed only upon presentation of valid documentation, as determined by the depart-
32 ment by rule, that the status by which the applicant qualified for the limited term driver license,
33 limited term driver permit or limited term identification card has been extended or is still in effect.

34 *[(4)]* **(5)** A limited term driver license or limited term driver permit grants the same privileges
35 as a driver license or driver permit.

36 *[(5)]* **(6)** A limited term identification card shall bear a statement to the effect that the limited
37 term identification card is not a license or any other grant of driving privileges to operate a motor
38 vehicle and is to be used for identification purposes only.

39 **SECTION 3.** Section 7, chapter 1, Oregon Laws 2008, is amended to read:

40 **Sec. 7.** (1) Prior to issuing, renewing or replacing a driver license, driver permit or identifica-
41 tion card, the Department of Transportation may verify with the issuing agency the validity and
42 completeness of each identity source document presented by the applicant.

43 **(2) The department may require the holder of a current, valid driver license, driver per-
44 mit or identification card who previously presented an identity source document that was
45 not verified with the issuing agency to present an identity source document for the purpose**

1 of verifying with the issuing agency the validity and completeness of the identity source
2 document.

3 **SECTION 4.** Sections 5 and 6 of this 2009 Act are added to and made a part of the Oregon
4 Vehicle Code.

5 **SECTION 5.** (1) The Department of Transportation may capture digital images of identity
6 source documents presented by an applicant for the issuance, renewal or replacement of a
7 driver license, driver permit or identification card.

8 (2) If the department does not have a digital image of the identity source document pre-
9 viously presented by an applicant, the department may require the applicant to present an
10 identity source document for the purpose of capturing a digital image of the identity source
11 document.

12 (3) The department shall retain the digital image of an identity source document for at
13 least 10 years.

14 **SECTION 6.** (1) Except as provided in subsection (2) of this section, an employee or con-
15 tractor of the Department of Transportation may not knowingly disclose information from,
16 or otherwise make available to any person copies of, identity source documents presented
17 to the department in connection with an application for a driver license, driver permit or
18 identification card.

19 (2) The department may make information or copies described in subsection (1) of this
20 section available only to the following persons acting in an official capacity:

21 (a) Law enforcement officials.

22 (b) Motor vehicle agencies in other jurisdictions.

23 (c) Employees of the department.

24 **SECTION 7.** ORS 807.050, as amended by section 11, chapter 1, Oregon Laws 2008, is amended
25 to read:

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

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

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

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

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

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

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

43 (3) The class of license sought.

44 (4) The Social Security number of the applicant or other number or identifying information de-
45 termined appropriate by the Secretary of the United States Department of Transportation, if the

1 application is for a commercial driver license or if the Oregon Department of Transportation by rule
2 requires the Social Security number on the application.

3 **(5) A declaration, signed by the applicant, in the following form: “I declare, subject to**
4 **penalty of perjury, that the information provided in this application is true and correct to**
5 **the best of my knowledge and belief.” A declaration signed under this subsection is a sworn**
6 **statement for the purposes of ORS 162.065.**

7 [(5)] (6) Any other information the department deems necessary to assist the department in de-
8 termining whether the applicant is qualified or eligible to be licensed.

9 **SECTION 8.** ORS 807.400, as amended by section 22, chapter 1, Oregon Laws 2008, is amended
10 to read:

11 807.400. (1) The Department of Transportation shall issue an identification card to any person
12 who:

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

14 (b) As required by sections 2 and 4, chapter 1, Oregon Laws 2008, furnishes proof of both legal
15 presence in the United States and a Social Security number, or, if the person is not eligible for a
16 Social Security number, proof of legal presence in the United States and proof that the person is
17 not eligible for a Social Security number;

18 (c) Does not have a current, valid driver license;

19 (d) Furnishes evidence of the person’s full legal name, age and identity as the department may
20 require; and

21 (e) Submits to collection of biometric data by the department that establish the identity of the
22 person as provided in ORS 807.024.

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

25 (3) Every original application for an identification card must **contain a declaration, signed by**
26 **the applicant, in the following form: “I declare, subject to penalty of perjury, that the infor-**
27 **mation provided in this application is true and correct to the best of my knowledge and be-**
28 **lief.”** [*be signed by the applicant.*] The department shall require at least one document to verify the
29 address of an applicant for issuance of an identification card in addition to other documents the
30 department may require of the applicant. If the address of an applicant has changed since the last
31 time an identification card was issued to or renewed for the applicant, the department shall require
32 proof to verify the address of the applicant for renewal of an identification card, in addition to
33 anything else the department may require.

34 (4) Every identification card shall be issued upon the standard license form described under ORS
35 807.110 and shall bear a statement to the effect that the identification card is not a license or any
36 other grant of driving privileges to operate a motor vehicle and is to be used for identification
37 purposes only. The department shall use the same security procedures, processes, materials and
38 features for an identification card as are required for a license under ORS 807.110. The identification
39 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

40 (5) If the identification card is a limited term identification card issued under section 4, chapter
41 1, Oregon Laws 2008, the limited term identification card shall indicate:

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

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

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

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

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

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

7 (10) An identification card becomes invalid if the holder of the card changes the holder's resi-
8 dence address from that shown on the identification card and does not provide the department with
9 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 resi-
11 dence address appears in person at a department office that issues identification cards, the depart-
12 ment may do any of the following:

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

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

20 (12) An identification card becomes invalid if the holder of the card changes the holder's name
21 from that shown on the card, including a change of name by marriage, without providing the de-
22 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
23 the old identification card, the department shall issue a replacement identification card upon pay-
24 ment of the fee required under ORS 807.410.

25 (13) In the event that, for a reason identified by the department by rule, a person needs a re-
26 placement identification card that bears a distinguishing number different from the number on the
27 card being replaced, the person to whom the card was issued may obtain a replacement card from
28 the department upon furnishing proof satisfactory to the department of the need for such replace-
29 ment and payment of the replacement fee under ORS 807.410.

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

33 (15) Upon cancellation of an identification card, the card is terminated and must be surrendered
34 to the department. An identification card may be canceled for any of the reasons that driving priv-
35 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an
36 identification card canceled under this subsection when the applicant has satisfied all requirements
37 for the identification card.

38 (16) Notwithstanding any other provision of this section, the department may issue an identifi-
39 cation card to a person under this subsection without charge when the person surrenders the per-
40 son's driver license or driver permit to the department for reasons described in this subsection. If
41 the department issues an identification card under this subsection, the identification card shall ex-
42 pire at the same time as the surrendered driver license or driver permit would have expired. An
43 identification card issued under this subsection is subject to the same requirements and fees for
44 renewal or upon expiration as any other identification card issued under this section. The depart-
45 ment may issue identification cards under this subsection for any of the following reasons:

1 (a) The person voluntarily surrenders the person's driver license or driver permit to the de-
 2 partment based upon the person's recognition that the person is no longer competent to drive.

3 (b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only
 4 applies if the person voluntarily surrenders the person's driver license or driver permit to the de-
 5 partment as provided under ORS 809.500.

6 **(17) A declaration signed under subsection (3) of this section is a sworn statement for**
 7 **the purposes of ORS 162.065.**

8 **SECTION 9.** ORS 807.115 is amended to read:

9 807.115. (1) The Department of Transportation shall retain a duplicate image of each photograph
 10 **and signature** used on a driver license under the provisions of ORS 807.110 or an identification
 11 card under ORS 807.400. [*The duplicates may not be made available to anyone other than law*
 12 *enforcement officials and employees of the department acting in an official capacity.*]

13 **(2) Any duplicate image of a photograph or signature may not be made available to any-**
 14 **one other than the following persons acting in an official capacity:**

15 **(a) Law enforcement officials.**

16 **(b) Motor vehicle agencies in other jurisdictions.**

17 **(c) Employees of the department.**

18 **SECTION 10.** ORS 807.140 is amended to read:

19 807.140. (1) Before the expiration of any license or a license with an endorsement under the
 20 vehicle code, the Department of Transportation shall notify the person to whom the license was is-
 21 sued of the approaching expiration. Within a reasonable time prior to the expiration date, the notice
 22 shall be mailed to the person to whom the license was issued at the address shown in the files
 23 maintained by the department.

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

27 **(3) Notwithstanding subsection (1) of this section, the department is not required to no-**
 28 **tify the person of an approaching expiration if the person received a limited term driver li-**
 29 **cence, limited term driver permit or limited term identification card under section 4, chapter**
 30 **1, Oregon Laws 2008, for a period of less than one year.**

31 [(3)] (4) Failure to receive a notice of expiration from the department is not a defense to a
 32 charge of driving with an expired license. However, the court may dismiss the charge if the person
 33 renews the license before the scheduled court appearance.

34 [(4)] (5) The [department] **department's** responsibility to maintain records concerning notice
 35 under this section is as provided under ORS 802.210.

36 **SECTION 11.** ORS 807.110, as amended by section 13, chapter 1, Oregon Laws 2008, is amended
 37 to read:

38 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
 39 lowing:

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

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

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

45 (d) The date of birth of the person to whom the license is issued.

1 (e) Except as provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250
 2 or Address Confidentiality Program participants in ORS 192.846, the residence address of the person
 3 to whom the license is issued.

4 (f) Upon request of the person to whom the license is issued, the fact that the person is an an-
 5 atomical donor.

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

8 (h) Except as otherwise provided in subsection (2) of this section, a photograph described in this
 9 paragraph. A photograph required under this paragraph shall:

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

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

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

16 (i) The class of license issued and any endorsements granted. If the license is a commercial
 17 driver license, the words “commercial driver license” or the letters “CDL” shall appear on the li-
 18 cense.

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

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

22 **(3) A valid license without a photograph issued under subsection (2) of this section shall**
 23 **clearly indicate on the license that the license is not acceptable for official federal identifi-**
 24 **cation purposes.**

25 [(3)] (4) A limited term driver license issued under section 4, chapter 1, Oregon Laws 2008, shall
 26 indicate:

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

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

29 [(4)] (5) The department shall use security procedures, processes and materials in the prepara-
 30 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone’s ability to
 31 alter, counterfeit, duplicate or modify the license without ready detection. The security features
 32 used in the production of the licenses shall provide for:

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

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

36 **SECTION 12. Sections 13 to 16 of this 2009 Act are added to and made a part of the**
 37 **Oregon Vehicle Code.**

38 **SECTION 13. (1) If requested to do so by a law enforcement agency, the Department of**
 39 **Transportation may issue or renew a fictitious driver license or identification card for a law**
 40 **enforcement official for use in discharging the undercover criminal investigative duties of**
 41 **the law enforcement agency.**

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

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

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

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

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

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

10 **SECTION 14.** **(1) The Department of Transportation may increase by rule the fee imposed**
11 **under ORS 807.370 or 807.410 for each driver license, driver permit or identification card that**
12 **is issued, renewed or replaced for the purpose of covering any increase in costs of issuing**
13 **driver licenses, driver permits and identification cards.**

14 **(2) The fee increase under this section may not exceed \$10.**

15 **SECTION 15.** **For the purpose of requesting a state or nationwide criminal records check**
16 **under ORS 181.534, the Department of Transportation shall require the fingerprints of a**
17 **person who is or will be working for or providing services to the department in a position in**
18 **which the person:**

19 **(1) Is involved in the manufacture or production of driver licenses, driver permits or**
20 **identification cards issued by the department; or**

21 **(2) Has the ability to alter the identity information that appears on a driver license,**
22 **driver permit or identification card issued by the department.**

23 **SECTION 16.** **The Department of Transportation may determine by rule the circum-**
24 **stances in which a person is ineligible to work or provide services in a position described in**
25 **section 15 of this 2009 Act. To the extent practicable, rules adopted by the department under**
26 **this section shall be uniform with any applicable federal regulations related to the disquali-**
27 **fication of persons determined to be ineligible to work or provide services in positions de-**
28 **scribed in section 15 of this 2009 Act.**

29 **SECTION 17.** **Sections 4, 5, 13 and 14 of this 2009 Act, the amendments to ORS 807.050,**
30 **807.110, 807.115, 807.140 and 807.400 by sections 7 to 11 of this 2009 Act and the amendments**
31 **to sections 2, 4 and 7, chapter 1, Oregon Laws 2008, by sections 1 to 3 of this 2009 Act apply**
32 **to driver licenses, driver permits and identification cards issued on or after the effective date**
33 **of this 2009 Act.**

34