

Senate Bill 267

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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 first-time applicant for driver license to certify that applicant has certain number of hours of driving experience with certified driving instructor.

Modifies requirements for provisional driver license.

Directs Department of Transportation to include certain number of questions in examination for driver license.

Requires applicants renewing driver license to complete questionnaire. Directs department to mail questionnaire to person whose license is about to expire. Permits department to not maintain records on preparation and mailing of questionnaires required on approaching expiration of driver license.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and amending ORS 802.210, 807.060, 807.065,
3 807.070, 807.140 and 807.150.

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

5 **SECTION 1.** ORS 807.060 is amended to read:

6 807.060. The Department of Transportation may not grant driving privileges to a person under
7 a license if the person is not eligible under this section. The following are not eligible for a license:

8 (1) A person under 16 years of age.

9 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
10 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-
11 plication under this paragraph may have the driving privileges canceled as provided under ORS
12 809.320.

13 (b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

14 (3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible
15 for a commercial driver license.

16 (4) A person [*that*] **who** the department determines has a problem condition involving alcohol,
17 inhalants or controlled substances as described under ORS 813.040.

18 (5) A person the department reasonably believes has a mental or physical condition or impair-
19 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

20 (6) A person the department reasonably believes is unable to understand highway signs that
21 warn, regulate or direct traffic.

22 (7) A person who is required to make future responsibility filings but has not made filings as
23 required.

24 (8) A person who cannot be issued a license under the Driver License Compact under ORS
25 802.540.

26 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose

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 driving privileges are currently under suspension or revocation in any other state upon grounds
 2 which, if committed in this state, would be grounds for the suspension or revocation of the driving
 3 privileges of the person.

4 (10) A person who has been declared a habitual offender under ORS 809.640. A person declared
 5 not eligible to be licensed under this subsection may become eligible by having eligibility restored
 6 under ORS 809.640.

7 (11) A person whose driving privileges are canceled in this state under ORS 809.310 until the
 8 person is eligible under ORS 809.310.

9 (12) A person while the person's driving privileges are revoked in this state.

10 (13) A person during a period when the person's driving privileges are suspended in this state.

11 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
 12 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
 13 rendering the license, driver permit or out-of-state license or driver permit to the department before
 14 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
 15 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
 16 807.062 to obtain an Oregon license or permit.

17 (15) A person who has not complied with the requirements and responsibilities created by cita-
 18 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
 19 authorizes the department to withhold issuance of a license.

20 **(16) A person 18 years of age or older who has never been issued a driver license in this**
 21 **state or another jurisdiction and who has not certified to the department that the person**
 22 **has had at least 20 hours of driving experience with a person who holds a valid, current**
 23 **driver training instructor certificate issued under ORS 822.530.**

24 **SECTION 2.** ORS 807.065 is amended to read:

25 807.065. (1) The Department of Transportation may not issue a driver license to a person who
 26 is under 18 years of age unless the person:

27 (a) Complies with the requirements of ORS 807.040 and 807.066;

28 (b) Passes an examination designed to test the person's knowledge and understanding of safe
 29 driving practices, in addition to any examination required under ORS 807.070;

30 (c) Has had, for at least six months prior to application for the license, an instruction driver
 31 permit issued under ORS 807.280 or the equivalent of an instruction driver permit issued by another
 32 state of the United States or by the District of Columbia; **and**

33 **(d) Certifies to the department that the person has had at least 20 hours of driving ex-**
 34 **perience with a person who holds a valid, current driver training instructor certificate issued**
 35 **under ORS 822.530.**

36 *[(d) Certifies to the department that the person has had at least 50 hours of driving experience*
 37 *during which the person was supervised by a person at least 21 years of age who has had a valid*
 38 *driver license for at least three years; and]*

39 *[(e) Completes a traffic safety education course that meets standards developed by the department*
 40 *under ORS 802.345. In lieu of completion of a traffic safety education course, a person may certify to*
 41 *the department that the person has had at least 50 hours of driving experience during which the person*
 42 *was supervised by a person at least 21 years of age who has had a valid driver license for at least*
 43 *three years, in addition to the 50 hours required by paragraph (d) of this subsection.]*

44 (2) A person under 18 years of age need not comply with the requirements of subsection
 45 (1)(c)[,] **and** (d) [*and (e)*] of this section if the person has been issued a driver license by another

1 state and surrenders that license in order to get an Oregon license.

2 (3) If the person takes but does not pass a test that consists of an actual demonstration of
3 driving ability under ORS 807.070, the department may not allow the person to perform the demon-
4 stration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a
5 period of not less than one month.

6 (4) A driver license issued pursuant to this section shall be a provisional driver license.

7 (5) The department shall prominently identify each driver license issued pursuant to this section
8 as a provisional driver license.

9 **SECTION 3.** ORS 807.070 is amended to read:

10 807.070. The Department of Transportation shall administer an examination to establish quali-
11 fication for each class of license and endorsement. The examination for each class of license or
12 endorsement shall include all of the following as described:

13 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a
14 limited vision condition as defined in ORS 807.355.

15 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe
16 driving practices and factors that cause accidents. The following all apply to the test under this
17 subsection:

18 (a) The test [*shall*] **may** not cover any subject that is not presented in the publications of the
19 department intended for the instruction of applicants for licenses and driver permits.

20 (b) The test for each class of license and endorsement [*shall*] **must** include, but is not limited
21 to, a test of knowledge and understanding of traffic laws that relate specifically to the type of
22 driving privileges granted under the specific class of license or endorsement sought.

23 (c) The test under this subsection [*shall*] **must** include, but is not limited to, the following sub-
24 jects:

25 (A) Rights of pedestrians who are blind.

26 (B) The meaning of official traffic signs and signals.

27 (C) Proper operating procedure in emergency situations.

28 (D) Vehicle safety equipment and its use.

29 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

30 **(d) The test under this subsection must include at least 40 questions. At least 15 percent**
31 **of the total number of questions on the test must pertain to the practices necessary for safe**
32 **operation of a vehicle around pedestrians and bicyclists.**

33 [*d*] (e) The test may include a question regarding fuel efficient driving techniques.

34 [*e*] (f) The department may waive the test under circumstances described in ORS 807.072.

35 (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle
36 without endangering the safety of persons or property. The following apply to this subsection:

37 (a) The actual demonstration for each class of license shall be performed in a vehicle that may
38 be operated under the class of license sought, but that may not be operated under lower classes of
39 license.

40 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that
41 is designed to transport 16 or more persons, including the driver.

42 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

43 (d) The department may waive the demonstration under circumstances described in ORS 807.072.

44 (4) Any other examination or test, including demonstrations, that the department determines
45 may be necessary to assist the department in establishing whether the applicant is eligible for a li-

1 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the
 2 highways of this state. In any examination or test under this subsection, the department shall only
 3 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor
 4 vehicle safely or other facts that are specifically required to show the fitness of the applicant for
 5 license.

6 **SECTION 4.** ORS 807.140 is amended to read:

7 807.140. (1) Before the expiration of any license or a license with an endorsement under the
 8 vehicle code, the Department of Transportation shall notify the person to whom the license was is-
 9 sued of the approaching expiration **and provide the person with the questionnaire described in**
 10 **ORS 807.150.** Within a reasonable time prior to the expiration date, the **department shall mail the**
 11 notice [*shall be mailed*] **and questionnaire** to the person to whom the license was issued at the
 12 address shown in the files maintained by the department.

13 (2) The department is not required to notify the person of an approaching expiration **or provide**
 14 **the person with a questionnaire** if the person's license has been suspended, canceled or revoked
 15 or if the person has failed to notify the department of a change of address as required under ORS
 16 807.560.

17 (3) Failure to receive a notice of expiration **or a questionnaire** from the department is not a
 18 defense to a charge of driving with an expired license. However, the court may dismiss the charge
 19 if the person renews the license before the scheduled court appearance.

20 (4) The department responsibility to maintain records concerning **the notice and questionnaire**
 21 under this section is as provided under ORS 802.210.

22 **SECTION 5.** ORS 807.150 is amended to read:

23 807.150. (1) When a license expires or is about to expire, the Department of Transportation shall
 24 renew the license under this section if the holder of the license qualifies for renewal of the license
 25 under this section and:

26 (a) Applies for renewal within one year of the expiration of a similar license under ORS 807.130;
 27 or

28 (b) Applies for issuance of a license within six months after the applicant is discharged from the
 29 Armed Forces of the United States and was licensed by this state at the time of the applicant's entry
 30 into the Armed Forces.

31 (2) To qualify for renewal of a license under this section, a person must meet all of the re-
 32 quirements under ORS 807.040 for the class of license sought to be renewed **and the person must**
 33 **submit the completed questionnaire described in subsection (3) of this section**, except that the
 34 department may waive the examination under ORS 807.070 of a person applying for renewal of a li-
 35 cense unless the department has reason to believe that the applicant is not qualified to hold the li-
 36 cense or unless the applicant for renewal has not previously been examined.

37 **(3)(a) The department shall develop the questionnaire required for renewal of a license**
 38 **under subsection (2) of this section. The questionnaire must include, but need not be limited**
 39 **to, the following subjects:**

40 **(A) The traffic laws enacted or amended within the preceding eight calendar years; and**

41 **(B) The subjects described in ORS 807.070 (2)(c).**

42 **(b) The questionnaire must contain at least 40 questions. At least 15 percent of the total**
 43 **number of questions on a questionnaire must pertain to the practices necessary for safe**
 44 **operation of a vehicle around pedestrians and bicyclists.**

45 [(3)] (4) To receive a renewal under this section, the license renewal fee and the Student Driver

1 Training Fund eligibility fee under ORS 807.370 must be paid.

2 [(4)] (5) If a person who applies for a renewal under this section is not qualified to renew the
 3 class of license sought to be renewed, the department may issue the person any lower class of li-
 4 cense for which the person qualifies in lieu of renewing the person’s license for the class of license
 5 held by the person.

6 [(5)] (6) A license that is renewed under this section may be used on or after the date of issu-
 7 ance. If the department issues a license renewal to a person under this section before the expiration
 8 of the license being renewed, the older license is invalid. A license that becomes invalid under this
 9 subsection shall be destroyed by the person to whom it was issued.

10 [(6)] (7) If the address of the applicant has changed since the last time a license was issued to
 11 or renewed for the applicant, the department shall require proof to verify the address of an applicant
 12 for renewal of a license in addition to anything else the department may require of the applicant.

13 **SECTION 6.** ORS 802.210 is amended to read:

14 802.210. The Department of Transportation is not required to maintain records on any of the
 15 following:

16 (1) The preparation and mailing of notices required on approaching expiration of registration
 17 under ORS 803.450.

18 (2) The preparation and mailing of notices **and questionnaires** required on approaching expi-
 19 ration of driver license or driver permit under ORS 807.140.

20 **SECTION 7. The amendments to ORS 807.060, 807.065, 807.070, 807.140 and 807.150 by**
 21 **sections 1 to 5 of this 2009 Act apply to applications for issuance or renewal of a driver li-**
 22 **cence submitted on or after the effective date of this 2009 Act.**

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