

House Bill 2139

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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**.

Modifies requirement to provide proof of Social Security number for driver license, driver permit or identification card.

Allows Department of Transportation to extend term of applicant temporary driver permits and applicant temporary identification cards for persons who require additional time to produce required documentation.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 807.021, 807.040, 807.310, 807.400 and 807.405.

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

5 **SECTION 1.** ORS 807.021 is amended to read:

6 807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4), prior to issuing, renewing or
7 replacing any driver license, driver permit or identification card, the Department of Transportation
8 shall require a person to provide **the Social Security number assigned to the person by the**
9 **United States Social Security Administration and proof of legal presence in the United States**
10 [*proof of both legal presence in the United States and a Social Security number*] or, if the person is
11 not eligible for a Social Security number, proof of legal presence in the United States and proof that
12 the person is not eligible for a Social Security number.

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

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

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

22 [*(c) A person provides proof of a Social Security number by submitting valid documentation, as*
23 *defined by the department by rule, that includes a Social Security number that has been assigned to*
24 *the person by the United States Social Security Administration.*]

25 [(d)] (c) If a person is not eligible for a Social Security number, the person shall provide proof,
26 as defined by the department by rule, that the person is not eligible for a Social Security number.

27 (3) The department may issue, renew or replace a driver license, driver permit or identification
28 card for an applicant who has submitted a Social Security number only after the department verifies
29 the Social Security number with the United States Social Security Administration. **In order to**

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 **verify the person's Social Security number, the department may require the person to pro-**
 2 **vide proof, as defined by rule, of the person's Social Security number.**

3 (4) This section does not apply if the department previously verified the Social Security number
 4 as required by subsection (3) of this section and the person applying for the driver license, driver
 5 permit or identification card is a citizen or permanent legal resident of the United States.

6 **SECTION 2.** ORS 807.040 is amended to read:

7 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 8 complies with all of the following requirements:

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

10 (b) As required by ORS 807.021 and 807.730, the person must [*present proof of both legal presence*
 11 *in the United States and a Social Security number*] **provide the Social Security number assigned**
 12 **to the person by the United States Social Security Administration and proof of legal presence**
 13 **in the United States** or, if the person is not eligible for a Social Security number, proof of legal
 14 presence in the United States and proof that the person is not eligible for a Social Security number.

15 (c) The person must submit to collection of biometric data by the department that establish the
 16 identity of the person as described in ORS 807.024.

17 (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
 18 the license under ORS 807.062.

19 (e) The person must successfully pass all examination requirements under ORS 807.070 for the
 20 class of license sought.

21 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license
 22 sought.

23 (g) The person must pay the Student Driver Training Fund eligibility fee.

24 (h) If the application is for a commercial driver license, the person must be the holder of a Class
 25 C license or any higher class of license.

26 (i) If the application is for a commercial driver license, the person must submit to the depart-
 27 ment, in a form approved by the department, the report of a medical examination that establishes
 28 that the person meets the medical requirements for the particular class of license. The department,
 29 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
 30 ments established under this paragraph may include any requirements the department determines
 31 are necessary for the safe operation of vehicles permitted to be operated under the class of license
 32 for which the requirements are established.

33 (j) If the application is for a commercial driver license, the person must:

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

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

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

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

39 **SECTION 3.** ORS 807.310 is amended to read:

40 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
 41 porary driver permits in a manner consistent with this section.

42 (2) The department may issue an applicant temporary driver permit to an applicant for a driver
 43 license or for a driver permit while the department is determining all facts relative to application
 44 for the driver license or driver permit. The department shall set forth on the applicant temporary
 45 driver permit the driving privileges granted under the permit.

1 (3) The holder of an applicant temporary driver permit must have the temporary driver permit
 2 on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver
 3 permit must operate within the driving privileges granted under the temporary driver permit.

4 (4) An applicant temporary driver permit is valid for a period of 30 days from the date issued.
 5 The department may extend the term of the permit for sufficient cause. An extension of the term
 6 of the permit may not exceed an additional 30 days.

7 (5) Notwithstanding section 11, chapter 775, Oregon Laws 2005, if an applicant has complied
 8 with all the requirements for an application for a driver license or driver permit, except that the
 9 applicant is unable to produce the documentation required by the department under ORS 807.021
 10 and 807.730, the department, at the time of application, may issue to the applicant an applicant
 11 temporary driver permit as provided in this section if the applicant certifies that the applicant is,
 12 to the best of the applicant's knowledge, legally present in the United States.

13 (6) An applicant temporary driver permit issued to an applicant under subsection (5) of this
 14 section is valid for a period of 90 days from the date issued. The department may extend the term
 15 of the permit **up to two times** for sufficient cause. [An] **Each** extension of the term of the permit
 16 may not exceed [an additional 60] **90** days.

17 **(7) Notwithstanding subsection (6) of this section, the department may, in the manner**
 18 **provided by rule, further extend the term of the applicant temporary driver permit for an**
 19 **applicant who needs additional time to obtain the documentation required under ORS 807.021**
 20 **and 807.730.**

21 [(7)] (8) An applicant temporary driver permit automatically becomes invalid if the applicant's
 22 license or permit is issued or refused for good cause.

23 [(8)] (9) The department may not charge a fee for issuance of an applicant temporary driver
 24 permit under this section.

25 **SECTION 4.** ORS 807.400, as amended by section 3, chapter 61, Oregon Laws 2010, is amended
 26 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 ORS 807.021 and 807.730, **provides the Social Security number assigned**
 31 **to the person by the United States Social Security Administration and proof of legal presence**
 32 **in the United States** [*furnishes proof of both legal presence in the United States and a Social Secu-*
 33 *rity number,*] or, if the person is not eligible for a Social Security number, proof of legal presence
 34 in the United States and proof that the person is not eligible for a Social Security number;

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

36 (d) Furnishes evidence of the person's full legal name, age and identity as the department may
 37 require; and

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

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

42 (3) Every original application for an identification card must be signed by the applicant. The
 43 department shall require at least one document to verify the address of an applicant for issuance
 44 of an identification card in addition to other documents the department may require of the applicant.
 45 If the address of an applicant has changed since the last time an identification card was issued to

1 or renewed for the applicant, the department shall require proof to verify the address of the appli-
2 cant for renewal of an identification card, in addition to anything else the department may require.

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

9 (5) If the identification card is a limited term identification card issued under ORS 807.730, the
10 limited term identification card shall indicate:

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

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

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

15 (7) Upon request of the person to whom the identification card is issued and presentation of
16 proof, as determined by the department, that the person is a veteran, as defined in ORS 408.225, the
17 department shall include on the card the fact that the person is a veteran.

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

20 (9) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
21 ORS 807.150.

22 (10) The fee for an original identification card or a renewal thereof shall be the fee established
23 under ORS 807.410.

24 (11) An identification card becomes invalid if the holder of the card changes the holder's resi-
25 dence address from that shown on the identification card and does not provide the department with
26 notice of the change as required under ORS 807.420.

27 (12) If a person to whom an identification card was issued and who changes the person's resi-
28 dence address appears in person at a department office that issues identification cards, the depart-
29 ment may do any of the following:

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

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

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

42 (14) In the event that, for a reason identified by the department by rule, a person needs a re-
43 placement identification card that bears a distinguishing number different from the number on the
44 card being replaced, the person to whom the card was issued may obtain a replacement card from
45 the department upon furnishing proof satisfactory to the department of the need for such replace-

1 ment and payment of the replacement fee under ORS 807.410.

2 (15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the
 3 person's identification card does not include the fact that the person is a veteran, the department
 4 shall issue a replacement identification card that includes the fact that the person is a veteran.

5 (16) The department may establish by rule reasons for issuing replacement identification cards
 6 that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for
 7 a replacement identification card is provided under ORS 807.410.

8 (17) Upon cancellation of an identification card, the card is terminated and must be surrendered
 9 to the department. An identification card may be canceled for any of the reasons that driving priv-
 10 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an
 11 identification card canceled under this subsection when the applicant has satisfied all requirements
 12 for the identification card.

13 (18) Notwithstanding any other provision of this section, the department may issue an identifi-
 14 cation card to a person under this subsection without charge when the person surrenders the
 15 person's driver license or driver permit to the department for reasons described in this subsection.
 16 If the department issues an identification card under this subsection, the identification card shall
 17 expire at the same time as the surrendered driver license or driver permit would have expired. An
 18 identification card issued under this subsection is subject to the same requirements and fees for
 19 renewal or upon expiration as any other identification card issued under this section. The depart-
 20 ment may issue identification cards under this subsection for any of the following reasons:

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

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

26 **SECTION 5.** ORS 807.405 is amended to read:

27 807.405. (1) The Department of Transportation shall provide for the issuance of applicant tem-
 28 porary identification cards in a manner consistent with this section.

29 (2) The department may issue an applicant temporary identification card to an applicant while
 30 the department is determining all facts relative to the application for an identification card.

31 (3) An applicant temporary identification card is valid for a period of 30 days from the date is-
 32 sued. The department may extend the term of the applicant temporary identification card for suffi-
 33 cient cause. An extension of the term of the applicant temporary identification card may not exceed
 34 an additional 30 days.

35 (4) Notwithstanding section 11, chapter 775, Oregon Laws 2005, if an applicant has complied
 36 with all the requirements for an application for an identification card, except that the applicant is
 37 unable to produce the documentation required by the department under ORS 807.021 and 807.730,
 38 the department, at the time of application, may issue to the applicant an applicant temporary iden-
 39 tification card as provided in this section if the applicant certifies that the applicant is, to the best
 40 of the applicant's knowledge, legally present in the United States.

41 (5) An applicant temporary identification card issued to an applicant under subsection (4) of this
 42 section is valid for a period of 90 days from the date issued. The department may extend the term
 43 of the permit **up to two times** for sufficient cause. [An] **Each** extension of the term of the permit
 44 may not exceed [an additional 60] **90** days.

45 **(6) Notwithstanding subsection (5) of this section, the department may, in the manner**

1 **provided by rule, further extend the term of the applicant temporary identification card for**
2 **an applicant who needs additional time to obtain the documentation required under ORS**
3 **807.021 and 807.730.**

4 [(6)] (7) An applicant temporary identification card automatically becomes invalid if the
5 applicant's identification card is issued or refused for good cause.

6 [(7)] (8) The department may not charge a fee for issuance of an applicant temporary identifi-
7 cation card under this section.

8 **SECTION 6. The amendments to ORS 807.021, 807.040, 807.310, 807.400 and 807.405 by**
9 **sections 1 to 5 of this 2011 Act apply to driver licenses, driver permits and identification**
10 **cards issued, renewed or replaced on or after the effective date of this 2011 Act.**

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