

Senate Bill 845

Sponsored by Senator SHIELDS, Representative CANNON; Representatives JENSON, KOTEK

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 Department of Transportation to issue driver license or driver permit to applicant who has complied with all requirements for license or permit but does not provide proof of legal presence in United States.

Provides that person who does not provide proof of legal presence in United States may only use driver license or driver permit as evidence of grant of driving privileges. Provides exceptions. Directs department to indicate on driver license or driver permit that license or permit may only be used for limited purposes.

Prohibits police officer from discriminating against individual who holds driver license or driver permit that states that it may only be used for limited purposes.

A BILL FOR AN ACT

Relating to documents issued by the Department of Transportation; creating new provisions; and amending ORS 97.953, 127.860, 144.102, 144.270, 165.107, 166.291, 166.412, 194.515, 247.019, 462.195, 471.130, 471.186, 471.242, 471.282, 471.478, 480.235, 609.510, 646A.210, 697.520, 723.152, 801.250, 807.021, 807.040, 807.050, 807.110, 807.130, 807.310 and 807.750.

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

SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Department of Transportation shall issue a driver license or driver permit described in subsection (2) of this section to an applicant who has complied with all the requirements for an application for a driver license or driver permit except that the applicant does not provide proof of legal presence in the United States.

(2) Except as provided in subsection (3) of this section, a driver license or driver permit issued to an applicant who does not provide proof of legal presence in the United States may only be used as evidence of a grant of driving privileges.

(3) A driver license or driver permit issued under this section may be used for the purpose of:

(a) Identifying the person as an anatomical donor.

(b) Identifying the person as an emancipated minor.

(c) Identifying the person as a veteran.

(d) Providing a driver license number as required under ORS 18.042, 18.170 and 25.020.

(e) Providing a driver license number to aid a law enforcement agency in identifying a missing person under ORS 146.181.

SECTION 3. A police officer may not discriminate against an individual who holds a driver license or driver permit issued under section 2 of this 2011 Act.

SECTION 4. ORS 807.021 is amended to read:

807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4) and section 2 of this 2011

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 **Act**, prior to issuing, renewing or replacing any driver license, driver permit or identification card,
2 the Department of Transportation shall require a person to provide proof of both legal presence in
3 the United States and a Social Security number or, if the person is not eligible for a Social Security
4 number, proof of legal presence in the United States and proof that the person is not eligible for a
5 Social Security number.

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

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

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

15 (c) A person provides proof of a Social Security number by submitting valid documentation, as
16 defined by the department by rule, that includes a Social Security number that has been assigned
17 to the person by the United States Social Security Administration.

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

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

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

26 **SECTION 5.** ORS 807.040 is amended to read:

27 807.040. (1) The Department of Transportation shall issue a driver license to any person who
28 complies with all of the following requirements:

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

30 (b) [As required by ORS 807.021 and 807.730] **Except as provided in section 2 of this 2011**
31 **Act**, the person must present proof of both legal presence in the United States and a Social Security
32 number or, if the person is not eligible for a Social Security number, proof of legal presence in the
33 United States and proof that the person is not eligible for a Social Security number **as described**
34 **in ORS 807.021.**

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

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

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

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

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

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

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

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

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

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

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

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

14 **SECTION 6.** ORS 807.050 is amended to read:

15 807.050. An application for a license shall be in a form approved by the Oregon Department of
 16 Transportation. An application must contain all the following:

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

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

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

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

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

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

32 (3) The class of license sought.

33 (4) The Social Security number of the applicant or other number or identifying information de-
 34 termined appropriate by the Secretary of the United States Department of Transportation, if the
 35 application is for a commercial driver license or if the Oregon Department of Transportation by rule
 36 requires the Social Security number on the application. **The department may accept a written
 37 statement from an individual who has not been issued a Social Security number by the
 38 United States Social Security Administration to fulfill the requirement of this subsection.**

39 (5) Any other information the department deems necessary to assist the department in deter-
 40 mining whether the applicant is qualified or eligible to be licensed.

41 **SECTION 7.** ORS 807.110, as amended by section 1, chapter 61, Oregon Laws 2010, is amended
 42 to read:

43 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
 44 lowing:

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

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

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

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

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

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

11 (g) Upon request of the person to whom the license is issued and presentation of proof, as de-
12 termined by the department, the fact that the person is a veteran, as defined in ORS 408.225.

13 (h) Upon order of the juvenile court, the fact that the person to whom the license is issued is
14 an emancipated minor.

15 (i) **The fact that a license issued under section 2 of this 2011 Act may only be used for**
16 **limited purposes.**

17 [(i)] (j) Except as otherwise provided in subsection (2) of this section, a photograph described in
18 this paragraph. A photograph required under this paragraph shall:

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

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

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

25 [(j)] (k) The class of license issued and any endorsements granted. If the license is a commercial
26 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
27 cense.

28 [(k)] (L) The signature of the person to whom the license is issued.

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

31 (3) A limited term driver license issued under ORS 807.730 shall indicate:

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

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

34 (4) The department shall use security procedures, processes and materials in the preparation,
35 manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter,
36 counterfeit, duplicate or modify the license without ready detection. The security features used in
37 the production of the licenses shall provide for:

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

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

41 **SECTION 8.** ORS 807.130 is amended to read:

42 807.130. (1) A license that is issued as an original license and not as a license that is renewed
43 expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of
44 issuance.

45 (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-

tion date of the immediately preceding license.

(3) Notwithstanding subsections (1) and (2) of this section, a **limited term driver** license that is issued **under ORS 807.730** to a person who is not a citizen or permanent legal resident of the United States expires on the date the licensee is no longer authorized to stay in the United States, as indicated by the documentation the person presented to the Department of Transportation to provide proof of legal presence in the United States as required by ORS 807.021 and 807.730, but no longer than eight years from the date of issuance or, if there is no definite end to the authorized stay, after a period of one year.

(4) A license that has expired does not grant driving privileges and is not valid evidence of driving privileges.

SECTION 9. ORS 807.310 is amended to read:

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

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

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

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

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

(6) An applicant temporary driver permit issued to an applicant under subsection (5) of this section is valid for a period of 90 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit may not exceed an additional 60 days.

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

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

SECTION 10. ORS 97.953 is amended to read:

97.953. As used in ORS 97.951 to 97.982:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agent" means an:

(a) Attorney-in-fact as that term is defined in ORS 127.505; or

(b) Individual expressly authorized to make an anatomical gift on the principal's behalf by any record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the

1 donor's death for the purpose of transplantation, therapy, research or education.

2 (4) "Body part" means an organ, an eye or tissue of a human being. The term does not include
3 the whole body.

4 (5) "Decedent" means a deceased individual whose body or body part is or may be the source
5 of an anatomical gift, and includes a stillborn infant or a fetus.

6 (6)(a) "Disinterested witness" means a witness other than:

7 (A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who
8 makes, amends, revokes or refuses to make an anatomical gift; or

9 (B) An adult who exhibited special care and concern for the individual.

10 (b) "Disinterested witness" does not include a person to whom an anatomical gift could pass
11 under ORS 97.969.

12 (7) "Document of gift" means a donor card or other record used to make an anatomical gift. The
13 term includes a statement, symbol or designation on a driver license, identification card or donor
14 registry.

15 (8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

16 (9) "Donor registry" means a centralized database that contains records of anatomical gifts and
17 amendments to or revocations of anatomical gifts.

18 (10) "Driver license" means a license or permit issued under ORS 807.021, 807.040, 807.200,
19 807.280 or 807.730 **or section 2 of this 2011 Act**, regardless of whether conditions are attached to
20 the license or permit.

21 (11) "Eye bank" means an organization licensed, accredited or regulated under federal or state
22 law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes
23 or portions of human eyes.

24 (12) "Guardian" means a person appointed by a court to make decisions regarding the support,
25 care, education, health or welfare of an individual. "Guardian" does not include a guardian ad litem.

26 (13) "Hospital" means a facility licensed as a hospital under the law of any state or a facility
27 operated as a hospital by the United States, a state or a subdivision of a state.

28 (14) "Identification card" means the card issued under ORS 807.021, 807.400 or 807.730, or a
29 comparable provision of the motor vehicle laws of another state.

30 (15) "Know" means to have actual knowledge.

31 (16) "Minor" means an individual who is under 18 years of age.

32 (17) "Organ procurement organization" means an organization designated by the Secretary of
33 the United States Department of Health and Human Services as an organ procurement organization.

34 (18) "Parent" means a parent whose parental rights have not been terminated.

35 (19) "Physician" means an individual authorized to practice medicine or osteopathy under the
36 law of any state.

37 (20) "Procurement organization" means an eye bank, organ procurement organization or tissue
38 bank.

39 (21) "Prospective donor" means an individual who is dead or near death and has been deter-
40 mined by a procurement organization to have a body part that could be medically suitable for
41 transplantation, therapy, research or education. The term does not include an individual who has
42 made a refusal.

43 (22) "Reasonably available" means able to be contacted by a procurement organization without
44 undue effort and willing and able to act in a timely manner consistent with existing medical criteria
45 necessary for the making of an anatomical gift.

1 (23) "Recipient" means an individual into whose body a decedent's body part has been or is in-
 2 tended to be transplanted.

3 (24) "Record" means information that is inscribed on a tangible medium or that is stored in an
 4 electronic or other medium and is retrievable in perceivable form.

5 (25) "Refusal" means a record that expressly states an intent to prohibit other persons from
 6 making an anatomical gift of an individual's body or body part.

7 (26) "Sign" means, with the present intent to authenticate or adopt a record:

8 (a) To execute or adopt a tangible symbol; or

9 (b) To attach to or logically associate with the record an electronic symbol, sound or process.

10 (27) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
 11 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the
 12 United States.

13 (28) "Technician" means an individual determined to be qualified to remove or process body
 14 parts by an appropriate organization that is licensed, accredited or regulated under federal or state
 15 law. The term includes an enucleator.

16 (29) "Tissue" means a portion of the human body other than an organ or an eye. The term does
 17 not include blood unless the blood is donated for the purpose of research or education.

18 (30) "Tissue bank" means a person that is licensed, accredited or regulated under federal or
 19 state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

20 (31) "Transplant hospital" means a hospital that furnishes organ transplants and other medical
 21 and surgical specialty services required for the care of transplant patients.

22 **SECTION 11.** ORS 127.860 is amended to read:

23 127.860. §3.10. Residency requirement. Only requests made by Oregon residents under ORS
 24 127.800 to 127.897 shall be granted. Factors demonstrating Oregon residency include but are not
 25 limited to:

26 (1) Possession of an Oregon driver license, **except that a driver license issued under section**
 27 **2 of this 2011 Act may not be used to establish residency;**

28 (2) Registration to vote in Oregon;

29 (3) Evidence that the person owns or leases property in Oregon; or

30 (4) Filing of an Oregon tax return for the most recent tax year.

31 **SECTION 12.** ORS 144.102 is amended to read:

32 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority
 33 responsible for correctional services for a person shall specify in writing the conditions of post-
 34 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person
 35 upon release from prison or jail.

36 (2) The board or the supervisory authority shall determine, and may at any time modify, the
 37 conditions of post-prison supervision, which may include, among other conditions, that the person
 38 shall:

39 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-
 40 sory authority.

41 (b) Be under the supervision of the Department of Corrections and its representatives or other
 42 supervisory authority and abide by their direction and counsel.

43 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

44 (d) Report to the parole officer as directed by the board, the department or the supervisory au-
 45 thority.

- 1 (e) Not own, possess or be in control of any weapon.
- 2 (f) Respect and obey all municipal, county, state and federal laws.
- 3 (g) Understand that the board or supervisory authority may, at its discretion, punish violations
- 4 of post-prison supervision.
- 5 (h) Attend a victim impact treatment session in a county that has a victim impact program. If
- 6 the board or supervisory authority requires attendance under this paragraph, the board or supervi-
- 7 sory authority may require the person, as an additional condition of post-prison supervision, to pay
- 8 a reasonable fee to the victim impact program to offset the cost of the person's participation. The
- 9 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-
- 10 agraph.
- 11 (i) If required to report as a sex offender under ORS 181.595, report with the Department of
- 12 State Police, a city police department, a county sheriff's office or the supervising agency:
- 13 (A) When supervision begins;
- 14 (B) Within 10 days of a change in residence;
- 15 (C) Once each year within 10 days of the person's date of birth;
- 16 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
- 17 institution of higher education; and
- 18 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
- 19 education.
- 20 (3)(a) The board or supervisory authority may establish special conditions as the board or su-
- 21 pervisory authority determines necessary because of the individual circumstances of the person on
- 22 post-prison supervision.
- 23 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in
- 24 ORS 181.594, the board or supervisory authority shall include all of the following as special condi-
- 25 tions of the person's post-prison supervision:
- 26 (A) Agreement to comply with any curfew set by the board, the supervisory authority or the
- 27 supervising officer.
- 28 (B) A prohibition against contacting a person under 18 years of age without the prior written
- 29 approval of the board, supervisory authority or supervising officer.
- 30 (C) A prohibition against being present more than one time, without the prior written approval
- 31 of the board, supervisory authority or supervising officer, at a place where persons under 18 years
- 32 of age regularly congregate.
- 33 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
- 34 against being present, without the prior written approval of the board, supervisory authority or
- 35 supervising officer, at, or on property adjacent to, a school, child care center, playground or other
- 36 place intended for use primarily by persons under 18 years of age.
- 37 (E) A prohibition against working or volunteering at a school, child care center, park, play-
- 38 ground or other place where persons under 18 years of age regularly congregate.
- 39 (F) Entry into and completion of or successful discharge from a sex offender treatment program
- 40 approved by the board, supervisory authority or supervising officer. The program may include
- 41 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-
- 42 gram.
- 43 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved
- 44 by the victim, the person's treatment provider and the board, supervisory authority or supervising
- 45 officer.

1 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
2 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating
3 visual or auditory materials that are relevant to the person's deviant behavior.

4 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
5 upon the request of a representative of the board or supervisory authority if the representative has
6 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision
7 will be found.

8 (J) Participation in random polygraph examinations to obtain information for risk management
9 and treatment. The person is responsible for paying the expenses of the examinations. The results
10 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
11 prove a violation of post-prison supervision.

12 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
13 approved by the board, supervisory authority or supervising officer.

14 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-
15 thority or supervising officer.

16 (M) A prohibition against residing in any dwelling in which another sex offender who is on
17 probation, parole or post-prison supervision resides unless approved by the board, supervisory au-
18 thority or supervising officer, or in which more than one other sex offender who is on probation,
19 parole or post-prison supervision resides unless approved by the board or the director of the super-
20 visory authority, or a designee of the board or director. As soon as practicable, the supervising of-
21 ficer of a person subject to the requirements of this subparagraph shall review the person's living
22 arrangement with the person's sex offender treatment provider to ensure that the arrangement
23 supports the goals of offender rehabilitation and community safety. As used in this subparagraph:

24 (i) "Dwelling" has the meaning given that term in ORS 469.160.

25 (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

26 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-
27 cility that provides rehabilitative care and treatment for sex offenders.

28 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined
29 in ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
30 years of age, the board or supervisory authority, if requested by the victim, shall include as a special
31 condition of the person's post-prison supervision that the person not reside within three miles of the
32 victim unless:

33 (i) The victim resides in a county having a population of less than 130,000 and the person is
34 required to reside in that county under subsection (6) of this section;

35 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the
36 evidence that no mental intimidation or pressure was brought to bear during the commission of the
37 crime;

38 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the
39 evidence that imposition of the condition will deprive the person of a residence that would be
40 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
41 supervision; or

42 (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"
43 means a publicly or privately operated profit or nonprofit residential facility that provides
44 rehabilitative care and treatment for sex offenders.

45 (B) A victim may request imposition of the special condition of post-prison supervision described

1 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's
2 request may be included in the judgment document.

3 (C) If the board or supervisory authority imposes the special condition of post-prison supervision
4 described in this paragraph and if at any time during the period of post-prison supervision the victim
5 moves to within three miles of the person's residence, the board or supervisory authority may not
6 require the person to change the person's residence in order to comply with the special condition
7 of post-prison supervision.

8 (4)(a) The board or supervisory authority may require the person to pay, as a condition of
9 post-prison supervision, any compensatory fines, restitution or attorney fees:

10 (A) As determined, imposed or required by the sentencing court; or

11 (B) When previously required as a condition of any type of supervision that is later revoked.

12 (b) The board may require a person to pay restitution as a condition of post-prison supervision
13 imposed for an offense other than the offense for which the restitution was ordered if the person:

14 (A) Was ordered to pay restitution as a result of another conviction; and

15 (B) Has not fully paid the restitution by the time the person has completed the period of post-
16 prison supervision imposed for the offense for which the restitution was ordered.

17 (5) A person's failure to apply for or accept employment at any workplace where there is a labor
18 dispute in progress does not constitute a violation of the conditions of post-prison supervision. As
19 used in this subsection, "labor dispute" has the meaning given that term in ORS 662.010.

20 (6)(a) When a person is released from imprisonment on post-prison supervision, the board shall
21 order, as a condition of post-prison supervision, that the person reside for the first six months after
22 release in the county where the person resided at the time of the offense that resulted in the
23 imprisonment.

24 (b) Upon motion of the board, the person, a victim or a district attorney, the board may waive
25 the residency requirement only after making a finding that one of the following conditions has been
26 met:

27 (A) The person provides proof of employment with no set ending date in a county other than the
28 established county of residence;

29 (B) The person is found to pose a significant danger to a victim of the person's crime, or a vic-
30 tim or victim's family is found to pose a significant danger to the person residing in the established
31 county of residence;

32 (C) The person has a spouse or biological or adoptive family residing in a county other than the
33 established county of residence who will be materially significant in aiding in the rehabilitation of
34 the person and in the success of the post-prison supervision;

35 (D) As another condition of post-prison supervision, the person is required to participate in a
36 treatment program that is not available in the established county of residence;

37 (E) The person desires to be released to another state; or

38 (F) The board finds other good cause, of a nature similar to the other conditions listed in this
39 paragraph, for the waiver.

40 (c)(A) The board shall determine the county where the person resided at the time of the offense
41 by establishing the person's last address at the time of the offense. In making its determination, the
42 board shall examine all of the following:

43 (i) An Oregon driver license, regardless of its validity, **except that a driver license issued**
44 **under section 2 of this 2011 Act may not be used;**

45 (ii) Records maintained by the Department of Revenue;

- 1 (iii) Records maintained by the Department of State Police bureau of criminal identification;
- 2 (iv) Records maintained by the Department of Human Services;
- 3 (v) Records maintained by the Department of Corrections; and
- 4 (vi) Records maintained by the Oregon Health Authority.

5 (B) When the person did not have an identifiable address of record at the time of the offense,
6 the person is considered to have resided in the county where the offense occurred.

7 (C) If the person is serving multiple sentences, the county of residence shall be determined ac-
8 cording to the date of the last arrest resulting in a conviction.

9 (D) In determining the person's county of residence for purposes of this subsection, the board
10 may not consider offenses committed by the person while the person was incarcerated in a Depart-
11 ment of Corrections facility.

12 (7) As used in this section, "attends," "institution of higher education," "works" and "carries
13 on a vocation" have the meanings given those terms in ORS 181.594.

14 **SECTION 13.** ORS 144.270 is amended to read:

15 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on
16 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be
17 given to the person paroled.

18 (2) The board shall determine, and may at any time modify, the conditions of parole, which may
19 include, among other conditions, that the parolee shall:

20 (a) Accept the parole granted subject to all terms and conditions specified by the board.

21 (b) Be under the supervision of the Department of Corrections and its representatives and abide
22 by their direction and counsel.

23 (c) Answer all reasonable inquiries of the board or the parole officer.

24 (d) Report to the parole officer as directed by the board or parole officer.

25 (e) Not own, possess or be in control of any weapon.

26 (f) Respect and obey all municipal, county, state and federal laws.

27 (g) Understand that the board may, in its discretion, suspend or revoke parole if it determines
28 that the parole is not in the best interest of the parolee, or in the best interest of society.

29 (3)(a) The board may establish such special conditions as it determines are necessary because
30 of the individual circumstances of the parolee.

31 (b) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594, the
32 board shall include all of the following as special conditions of the person's parole:

33 (A) Agreement to comply with any curfew set by the board or the supervising officer.

34 (B) A prohibition against contacting a person under 18 years of age without the prior written
35 approval of the board or supervising officer.

36 (C) A prohibition against being present more than one time, without the prior written approval
37 of the board or supervising officer, at a place where persons under 18 years of age regularly con-
38 gregate.

39 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
40 against being present, without the prior written approval of the board or supervising officer, at, or
41 on property adjacent to, a school, child care center, playground or other place intended for use
42 primarily by persons under 18 years of age.

43 (E) A prohibition against working or volunteering at a school, child care center, park, play-
44 ground or other place where persons under 18 years of age regularly congregate.

45 (F) Entry into and completion of or successful discharge from a sex offender treatment program

1 approved by the board or supervising officer. The program may include polygraph and
2 plethysmograph testing. The person is responsible for paying for the treatment program.

3 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved
4 by the victim, the person's treatment provider and the board or supervising officer.

5 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
6 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating
7 visual or auditory materials that are relevant to the person's deviant behavior.

8 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
9 upon the request of a representative of the board if the representative has reasonable grounds to
10 believe that evidence of a violation of a condition of parole will be found.

11 (J) Participation in random polygraph examinations to obtain information for risk management
12 and treatment. The person is responsible for paying the expenses of the examinations. The results
13 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
14 prove a violation of parole.

15 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
16 approved by the board or supervising officer.

17 (L) A prohibition against using a post-office box unless approved by the board or supervising
18 officer.

19 (M) A prohibition against residing in any dwelling in which another sex offender who is on
20 probation, parole or post-prison supervision resides unless approved by the board or supervising of-
21 ficer, or in which more than one other sex offender who is on probation, parole or post-prison
22 supervision resides unless approved by the board or a designee of the board. As soon as practicable,
23 the supervising officer of a person subject to the requirements of this subparagraph shall review the
24 person's living arrangement with the person's sex offender treatment provider to ensure that the
25 arrangement supports the goals of offender rehabilitation and community safety. As used in this
26 subparagraph:

27 (i) "Dwelling" has the meaning given that term in ORS 469.160.

28 (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

29 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-
30 cility that provides rehabilitative care and treatment for sex offenders.

31 (c)(A) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594,
32 or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the
33 board, if requested by the victim, shall include as a special condition of the person's parole that the
34 person not reside within three miles of the victim unless:

35 (i) The victim resides in a county having a population of less than 130,000 and the person is
36 required to reside in that county under subsection (5) of this section;

37 (ii) The person demonstrates to the board by a preponderance of the evidence that no mental
38 intimidation or pressure was brought to bear during the commission of the crime;

39 (iii) The person demonstrates to the board by a preponderance of the evidence that imposition
40 of the condition will deprive the person of a residence that would be materially significant in aiding
41 in the rehabilitation of the person or in the success of the parole; or

42 (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"
43 means a publicly or privately operated profit or nonprofit residential facility that provides
44 rehabilitative care and treatment for sex offenders.

45 (B) A victim may request imposition of the special condition of parole described in this para-

1 graph at the time of sentencing in person or through the prosecuting attorney. A victim's request
2 may be included in the judgment document.

3 (C) If the board imposes the special condition of parole described in this paragraph and if at any
4 time during the period of parole the victim moves to within three miles of the parolee's residence,
5 the board may not require the parolee to change the parolee's residence in order to comply with the
6 special condition of parole.

7 (4) It is not a cause for revocation of parole that the parolee failed to apply for or accept em-
8 ployment at any workplace where there is a labor dispute in progress. As used in this subsection,
9 "labor dispute" has the meaning given that term in ORS 662.010.

10 (5)(a) When the board grants an inmate parole from the custody of the Department of Cor-
11 rections, the board shall order, as a condition of parole, that the inmate reside for the first six
12 months in the county where the inmate resided at the time of the offense that resulted in the
13 imprisonment.

14 (b) Upon motion of the board, an inmate, a victim or a district attorney, the board may waive
15 the residency requirement only after making a finding that one of the following conditions has been
16 met:

17 (A) The inmate provides proof of a job with no set ending date in a county other than the es-
18 tablished county of residence;

19 (B) The inmate is found to pose a significant danger to the victim of the offender's crime, or the
20 victim or victim's family is found to pose a significant danger to the inmate residing in the county
21 of residence;

22 (C) The inmate has a spouse or biological or adoptive family residing in other than the county
23 of residence who will be materially significant in aiding in the rehabilitation of the offender and in
24 the success of the parole;

25 (D) As another condition of parole, the inmate is required to participate in a treatment program
26 that is not available or located in the county of residence;

27 (E) The inmate desires to be paroled to another state; or

28 (F) The board finds other good cause, of a nature similar to the other conditions listed in this
29 paragraph, for the waiver.

30 (c)(A) For purposes of this subsection, "residency" means the last address at the time of the
31 offense, as established by an examination of all of the following:

32 (i) An Oregon driver license, regardless of its validity, **except that a driver license issued**
33 **under section 2 of this 2011 Act may not be used;**

34 (ii) Records maintained by the Department of Revenue;

35 (iii) Records maintained by the Department of State Police bureau of criminal identification;

36 (iv) Records maintained by the Department of Human Services;

37 (v) Records maintained by the Department of Corrections; and

38 (vi) Records maintained by the Oregon Health Authority.

39 (B) When an inmate did not have one identifiable address of record at the time of the offense,
40 the inmate shall be considered to have resided in the county where the offense occurred.

41 (C) If the inmate is serving multiple sentences, the county of residence shall be determined ac-
42 cording to the date of the last arrest resulting in a conviction.

43 (D) If the inmate is being rereleased after revocation of parole, the county of residence shall
44 be determined according to the date of the arrest resulting in a conviction of the underlying offense.

45 (E) In determining the inmate's county of residence, a conviction for an offense that the inmate

1 committed while incarcerated in a state corrections institution may not be considered.

2 (6) When the board grants an inmate parole from the custody of the Department of Corrections
 3 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-
 4 tion of parole, shall order the inmate to report with the Department of State Police, a city police
 5 department, a county sheriff's office or the supervising agency:

6 (a) When supervision begins;

7 (b) Within 10 days of a change in residence;

8 (c) Once each year within 10 days of the inmate's date of birth;

9 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 10 institution of higher education; and

11 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 12 education.

13 (7) As used in this section, "attends," "institution of higher education," "works" and "carries
 14 on a vocation" have the meanings given those terms in ORS 181.594.

15 **SECTION 14.** ORS 165.107, as amended by section 5, chapter 56, Oregon Laws 2010, is amended
 16 to read:

17 165.107. (1) Before completing a transaction, a scrap metal business engaged in business in this
 18 state shall:

19 (a) Create a metal property record for the transaction at the time and in the location where the
 20 transaction occurs. The record must:

21 (A) Be accurate and written clearly and legibly in English;

22 (B) Be entered onto a standardized printed form or an electronic form that is securely stored
 23 and is capable of ready retrieval and printing; and

24 (C) Contain all of the following information:

25 (i) The signature of the individual with whom the scrap metal business conducts the transaction.

26 (ii) The time, date, location and monetary amount or other value of the transaction.

27 (iii) The name of the employee who conducts the transaction on behalf of the scrap metal busi-
 28 ness.

29 (iv) The name, street address and telephone number of the individual with whom the scrap metal
 30 business conducts the transaction. The metal property record may contain an address other than a
 31 street address if the address is listed on the government-issued photo identification described in
 32 sub-subparagraph (vi) of this subparagraph.

33 (v) A description of, and the license number and issuing state shown on the license plate affixed
 34 to, the motor vehicle, if any, used to transport the individual who conducts, or the nonferrous metal
 35 property or private metal property that is the subject of, the transaction.

36 (vi) **Subject to subsection (8) of this section,** a photocopy of a current, valid driver license
 37 or other government-issued photo identification belonging to the individual with whom the scrap
 38 metal business conducts the transaction.

39 (vii) A photograph of, or video surveillance recording depicting, a recognizable facial image of
 40 the individual with whom the scrap metal business conducts the transaction.

41 (viii) A general description of the nonferrous metal property or private metal property that
 42 constitutes the predominant part of the transaction. The description must include any identifiable
 43 marks on the property, if readily discernible, and must specify the weight, quantity or volume of the
 44 nonferrous metal property or private metal property.

45 (b) Require the individual with whom the scrap metal business conducts a transaction to sign

1 and date a declaration printed in conspicuous type, either on the record described in this subsection
 2 or on a receipt issued to the individual with whom the scrap metal business conducts the trans-
 3 action, that states:

4 _____
 5
 6 I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM
 7 SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN
 8 PROPERTY.
 9 _____

10
 11 (c) Require the employee of the scrap metal business who conducts the transaction on behalf
 12 of the scrap metal business to witness the individual sign the declaration, and also to sign and date
 13 the declaration in a space provided for that purpose.

14 (d) For one year following the date of the transaction, keep a copy of the record and the signed
 15 and dated declaration described in this subsection. If the scrap metal business uses a video surveil-
 16 lance recording as part of the record kept in accordance with this subsection, the scrap metal
 17 business need not keep the video surveillance recording for one year, but shall retain the video
 18 surveillance recording for a minimum of 30 days following the date of the transaction. The scrap
 19 metal business shall at all times keep the copies at the current place of business for the scrap metal
 20 business.

21 (2) A scrap metal business engaged in business in this state may not do any of the following:

22 (a) Purchase or receive kegs or similar metallic containers used to store or dispense alcoholic
 23 beverages, except from a person that manufactures the kegs or containers or from a person licensed
 24 by the Oregon Liquor Control Commission under ORS 471.155.

25 (b) Conduct a transaction with an individual if the individual does not at the time of the trans-
 26 action consent to the creation of the record described in subsection (1) of this section and produce
 27 for inspection a valid driver license or other government-issued photo identification that belongs to
 28 the individual.

29 (c) Conduct a transaction with an individual in which the scrap metal business pays the indi-
 30 vidual other than by mailing a nontransferable check for the amount of the transaction to the ad-
 31 dress the individual provided under subsection (1)(a)(C)(iv) of this section not earlier than three
 32 business days after the date of the transaction. The check must be drawn on an account that the
 33 scrap metal business maintains with a financial institution, as defined in ORS 706.008.

34 (d) Cash a check issued in payment for a transaction or release a check issued in payment for
 35 a transaction other than as provided in paragraph (c) of this subsection. If a check is returned as
 36 undelivered or undeliverable, the scrap metal business shall retain the check until the individual
 37 with whom the scrap metal business conducted the transaction provides a valid address in accord-
 38 ance with subsection (1)(a)(C)(iv) of this section. If after 30 days following the date of the transaction
 39 the individual fails to provide a valid address, the scrap metal business may cancel the check and
 40 the individual shall forfeit to the scrap metal business the amount due as payment.

41 (3) Before purchasing or receiving metal property from a commercial seller, a scrap metal busi-
 42 ness shall:

43 (a) Create and maintain a commercial account with the commercial seller. As part of the com-
 44 mercial account, the scrap metal business shall enter accurately, clearly and legibly in English onto
 45 a standardized printed form, or an electronic form that is securely stored and is capable of ready

1 retrieval and printing, the following information:

2 (A) The full name of the commercial seller;

3 (B) The business address and telephone number of the commercial seller; and

4 (C) The full name of each employee, agent or other individual the commercial seller authorizes
5 to deliver metal property to the scrap metal business.

6 (b) Record as part of the commercial account at the time the scrap metal business purchases
7 or receives metal property from a commercial seller the following information:

8 (A) The time, date and location at which the commercial seller delivered the metal property for
9 purchase or receipt;

10 (B) The monetary amount or other value of the metal property;

11 (C) A description of the type of metal property that constitutes the predominant part of the
12 purchase or receipt; and

13 (D) The signature of the individual who delivered the metal property to the scrap metal busi-
14 ness.

15 (4) A scrap metal business may require an individual from whom the business obtains metal
16 property to provide the individual's thumbprint to the scrap metal business.

17 (5) A scrap metal business shall make all records and accounts required to be maintained under
18 this section available to any peace officer on demand.

19 (6)(a) A scrap metal business that violates a provision of subsections (1) to (3) of this section
20 shall pay a fine of \$1,000.

21 (b) Notwithstanding paragraph (a) of this subsection, a scrap metal business that violates a
22 provision of subsections (1) to (3) of this section shall pay a fine of \$5,000 if the scrap metal business
23 has at least three previous convictions for violations of a provision of subsections (1) to (3) of this
24 section.

25 (7) The definitions in ORS 165.116 apply to this section.

26 **(8) For the purposes of this section, a driver license or driver permit issued under section**
27 **2 of this 2011 Act may not be used for the purposes of identification.**

28 **SECTION 15.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is
29 amended to read:

30 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
31 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
32 out in this section, shall issue the person a concealed handgun license if the person:

33 (a)(A) Is a citizen of the United States; or

34 (B) Is a legal resident alien who can document continuous residency in the county for at least
35 six months and has declared in writing to the United States Citizenship and Immigration Services
36 the intent to acquire citizenship status and can present proof of the written declaration to the
37 sheriff at the time of application for the license;

38 (b) Is at least 21 years of age;

39 (c) Is a resident of the county;

40 (d) Has no outstanding warrants for arrest;

41 (e) Is not free on any form of pretrial release;

42 (f) Demonstrates competence with a handgun by any one of the following:

43 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
44 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
45 of the course;

1 (B) Completion of any National Rifle Association firearms safety or training course if handgun
2 safety was a component of the course;

3 (C) Completion of any firearms safety or training course or class available to the general public
4 offered by law enforcement, community college, or private or public institution or organization or
5 firearms training school utilizing instructors certified by the National Rifle Association or a law
6 enforcement agency if handgun safety was a component of the course;

7 (D) Completion of any law enforcement firearms safety or training course or class offered for
8 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
9 cers if handgun safety was a component of the course;

10 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
11 ized shooting competition or military service;

12 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
13 revoked; or

14 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
15 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
16 was a component of the course;

17 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
18 of a felony;

19 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
20 161.295, of a misdemeanor within the four years prior to the application;

21 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

22 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
23 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

24 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
25 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
26 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
27 volving violence, as defined in ORS 166.470;

28 (L) Has not been convicted of an offense involving controlled substances or participated in a
29 court-supervised drug diversion program, except this disability does not operate to exclude a person
30 if:

31 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
32 a court-supervised drug diversion program under ORS 135.907; or

33 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
34 has not been convicted of violating ORS 475.864 (3);

35 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
36 107.700 to 107.735 or 163.738;

37 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

38 (o) Is not required to register as a sex offender in any state.

39 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,
40 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of
41 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
42 (1)(g) to (L) of this section.

43 (3) Before the sheriff may issue a license:

44 (a) The application must state the applicant's legal name, current address and telephone number,
45 date and place of birth, hair and eye color and height and weight. The application must also list the

1 applicant's residence address or addresses for the previous three years. The application must contain
 2 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
 3 section. The application may include the Social Security number of the applicant if the applicant
 4 voluntarily provides this number. The application must be signed by the applicant.

5 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 6 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 7 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 8 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 9 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 10 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 11 check and may not keep any record of the fingerprints. The Department of State Police shall report
 12 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 13 Police shall also furnish the sheriff with any information about the applicant that the Department
 14 of State Police may have in its possession from its central bureau of criminal identification includ-
 15 ing, but not limited to, manual or computerized criminal offender information.

16 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
 17 quest. The forms shall be uniform throughout the state in substantially the following form:

18
 19
 20 APPLICATION FOR LICENSE TO CARRY
 21 CONCEALED HANDGUN

22 Date _____

23 I hereby declare as follows:

24 I am a citizen of the United States or a legal resident alien who can document continuous resi-
 25 dency in the county for at least six months and have declared in writing to the United States Cit-
 26 izenship and Immigration Services my intention to become a citizen and can present proof of the
 27 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 28 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 29 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 30 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 31 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 32 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 33 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 34 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 35 volving controlled substances or completed a court-supervised drug diversion program. There are
 36 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 37 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
 38 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
 39 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
 40 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
 41 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-
 42 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738.
 43 I have never received a dishonorable discharge from the Armed Forces of the United States. I am
 44 not required to register as a sex offender in any state. I understand I will be fingerprinted and
 45 photographed.

1 Legal name _____
2 Age _____ Date of birth _____
3 Place of birth _____
4 Social Security number _____

5 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
6 thorized under ORS 166.291. It will be used only as a means of identification.)

7
8 Proof of identification (Two pieces of current identification are required, one of which must bear a
9 photograph of the applicant. **A driver license or driver permit issued under section 2 of this**
10 **2011 Act may not be used as identification.** The type of identification and the number on the
11 identification are to be filled in by the sheriff.):

12 1. _____
13 2. _____

14
15 Height _____ Weight _____
16 Hair color _____ Eye color _____

17
18 Current address _____

(List residence addresses for the
past three years on the back.)

19
20
21
22 City _____ County _____ Zip _____
23 Phone _____

24
25 I have read the entire text of this application, and the statements therein are correct and true.
26 (Making false statements on this application is a misdemeanor.)

27 _____
28 (Signature of Applicant)

29
30 Character references.

31 _____
32 Name Address
33 _____
34 Name Address

35
36 Approved _____ Disapproved _____ by _____

37
38 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

39 Date _____ Fee Paid _____

40 License No. _____
41 _____

42
43 (5)(a) Fees for concealed handgun licenses are:
44 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
45 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

1 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

2 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
3 the concealed handgun license.

4 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
5 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
6 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
7 performance of duties under those sections.

8 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
9 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
10 is an applicant for a concealed handgun license or is a license holder.

11 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
12 for a resident of a contiguous state who has a compelling business interest or other legitimate
13 demonstrated need.

14 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
15 person:

16 (a) Has a current Oregon driver license issued to the person showing a residence address in the
17 county, **except that a driver license or driver permit issued under section 2 of this 2011 Act**
18 **may not be used to establish residency;**

19 (b) Is registered to vote in the county and has a memorandum card issued to the person under
20 ORS 247.181 showing a residence address in the county;

21 (c) Has documentation showing that the person currently leases or owns real property in the
22 county; or

23 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
24 tax year showing a residence address in the county.

25 **SECTION 16.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009,
26 is amended to read:

27 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
28 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
29 out in this section, shall issue the person a concealed handgun license if the person:

30 (a)(A) Is a citizen of the United States; or

31 (B) Is a legal resident alien who can document continuous residency in the county for at least
32 six months and has declared in writing to the United States Citizenship and Immigration Services
33 the intent to acquire citizenship status and can present proof of the written declaration to the
34 sheriff at the time of application for the license;

35 (b) Is at least 21 years of age;

36 (c) Is a resident of the county;

37 (d) Has no outstanding warrants for arrest;

38 (e) Is not free on any form of pretrial release;

39 (f) Demonstrates competence with a handgun by any one of the following:

40 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
41 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
42 of the course;

43 (B) Completion of any National Rifle Association firearms safety or training course if handgun
44 safety was a component of the course;

45 (C) Completion of any firearms safety or training course or class available to the general public

1 offered by law enforcement, community college, or private or public institution or organization or
2 firearms training school utilizing instructors certified by the National Rifle Association or a law
3 enforcement agency if handgun safety was a component of the course;

4 (D) Completion of any law enforcement firearms safety or training course or class offered for
5 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
6 cers if handgun safety was a component of the course;

7 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
8 ized shooting competition or military service;

9 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
10 revoked; or

11 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
12 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
13 was a component of the course;

14 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
15 of a felony;

16 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
17 161.295, of a misdemeanor within the four years prior to the application;

18 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

19 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
20 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

21 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
22 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
23 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
24 volving violence, as defined in ORS 166.470;

25 (L) Has not been convicted of an offense involving controlled substances or participated in a
26 court-supervised drug diversion program, except this disability does not operate to exclude a person
27 if:

28 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
29 a court-supervised drug diversion program under ORS 135.907; or

30 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
31 has not been convicted of violating ORS 475.864 (3);

32 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
33 107.700 to 107.735 or 163.738;

34 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

35 (o) Is not required to register as a sex offender in any state.

36 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
37 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
38 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

39 (3) Before the sheriff may issue a license:

40 (a) The application must state the applicant's legal name, current address and telephone number,
41 date and place of birth, hair and eye color and height and weight. The application must also list the
42 applicant's residence address or addresses for the previous three years. The application must contain
43 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
44 section. The application may include the Social Security number of the applicant if the applicant
45 voluntarily provides this number. The application must be signed by the applicant.

1 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
2 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
3 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
4 records check is necessary, the sheriff shall request the Department of State Police to conduct the
5 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
6 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
7 check and may not keep any record of the fingerprints. The Department of State Police shall report
8 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
9 Police shall also furnish the sheriff with any information about the applicant that the Department
10 of State Police may have in its possession from its central bureau of criminal identification includ-
11 ing, but not limited to, manual or computerized criminal offender information.

12 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
13 quest. The forms shall be uniform throughout the state in substantially the following form:

14

15

16

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

17

18

Date _____

19

I hereby declare as follows:

20

21

22

23

24

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27

28

29

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40

41

Legal name _____

42

43

Age _____ Date of birth _____

44

Place of birth _____

45

Social Security number _____

1 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
2 thorized under ORS 166.291. It will be used only as a means of identification.)

3
4 Proof of identification (Two pieces of current identification are required, one of which must bear a
5 photograph of the applicant. **A driver license or driver permit issued under section 2 of this**
6 **2011 Act may not be used as identification.** The type of identification and the number on the
7 identification are to be filled in by the sheriff.):

8 1. _____

9 2. _____

10
11 Height _____ Weight _____

12 Hair color _____ Eye color _____

13
14 Current address _____

(List residence addresses for the
past three years on the back.)

15
16
17
18 City _____ County _____ Zip _____

19 Phone _____

20
21 I have read the entire text of this application, and the statements therein are correct and true.
22 (Making false statements on this application is a misdemeanor.)

23 _____
24 (Signature of Applicant)

25
26 Character references.

27 _____	
28 Name	28 Address
29 _____	29 _____
30 Name	30 Address

31
32 Approved _____ Disapproved _____ by _____

33
34 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

35 Date _____ Fee Paid _____

36 License No. _____
37 _____

38
39 (5)(a) Fees for concealed handgun licenses are:

40 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

41 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

42 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

43 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
44 the concealed handgun license.

45 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-

1 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
2 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
3 performance of duties under those sections.

4 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
5 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
6 is an applicant for a concealed handgun license or is a license holder.

7 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
8 for a resident of a contiguous state who has a compelling business interest or other legitimate
9 demonstrated need.

10 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
11 person:

12 (a) Has a current Oregon driver license issued to the person showing a residence address in the
13 county, **except that a driver license or driver permit issued under section 2 of this 2011 Act**
14 **may not be used to establish residency;**

15 (b) Is registered to vote in the county and has a memorandum card issued to the person under
16 ORS 247.181 showing a residence address in the county;

17 (c) Has documentation showing that the person currently leases or owns real property in the
18 county; or

19 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
20 tax year showing a residence address in the county.

21 **SECTION 17.** ORS 166.412 is amended to read:

22 166.412. (1) As used in this section:

23 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

24 (b) "Department" means the Department of State Police;

25 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
26 an antique firearm;

27 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
28 921 to 929;

29 (e) "Firearms transaction thumbprint form" means a form provided by the department under
30 subsection (11) of this section;

31 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
32 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
33 otherwise;

34 (g) "Handgun" has the meaning given that term in ORS 166.210; and

35 (h) "Purchaser" means a person who buys, leases or otherwise receives a firearm from a gun
36 dealer.

37 (2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply
38 with the following before a handgun is delivered to a purchaser:

39 (a) The purchaser shall present to the dealer current identification meeting the requirements
40 of subsection (4) of this section.

41 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
42 the purchaser on the record.

43 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction
44 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
45 be filed with that copy.

1 (d) The gun dealer shall request by telephone that the department conduct a criminal history
2 record check on the purchaser and shall provide the following information to the department:

3 (A) The federal firearms license number of the gun dealer;

4 (B) The business name of the gun dealer;

5 (C) The place of transfer;

6 (D) The name of the person making the transfer;

7 (E) The make, model, caliber and manufacturer's number of the handgun being transferred;

8 (F) The name and date of birth of the purchaser;

9 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
10 number to the gun dealer; and

11 (H) The type, issuer and identification number of the identification presented by the purchaser.

12 (e) The gun dealer shall receive a unique approval number for the transfer from the department
13 and record the approval number on the firearms transaction record and on the firearms transaction
14 thumbprint form.

15 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
16 completion of the firearms transaction thumbprint form.

17 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
18 partment shall immediately, during the gun dealer's telephone call or by return call:

19 (A) Determine, from criminal records and other information available to it, whether the pur-
20 chaser is disqualified under ORS 166.470 from completing the purchase; and

21 (B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide
22 the dealer with a unique approval number indicating that the purchaser is qualified to complete the
23 transfer.

24 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
25 completing the transfer within 30 minutes, the department shall notify the dealer and provide the
26 dealer with an estimate of the time when the department will provide the requested information.

27 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
28 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close
29 of the gun dealer's next business day following the request by the dealer for a criminal history re-
30 cord check, the dealer may deliver the handgun to the purchaser.

31 (4)(a) **Except as provided in paragraph (d) of this subsection**, identification required of the
32 purchaser under subsection (2) of this section shall include one piece of current identification
33 bearing a photograph and the date of birth of the purchaser that:

34 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
35 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
36 tional governmental organization or an international quasi-governmental organization; and

37 (B) Is intended to be used for identification of an individual or is commonly accepted for the
38 purpose of identification of an individual.

39 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
40 not include the current address of the purchaser, the purchaser shall present a second piece of
41 current identification that contains the current address of the purchaser. The Superintendent of
42 State Police may specify by rule the type of identification that may be presented under this para-
43 graph.

44 (c) The department may require that the dealer verify the identification of the purchaser if that
45 identity is in question by sending the thumbprints of the purchaser to the department.

1 **(d) A gun dealer may not accept a driver license or driver permit issued under section 2**
 2 **of this 2011 Act as identification.**

3 (5) The department shall establish a telephone number that shall be operational seven days a
 4 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from
 5 dealers for a criminal history record check under this section.

6 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
 7 the investigations required by this section provided the employee, official or agency acts in good
 8 faith and without malice.

9 (7)(a) The department may retain a record of the information obtained during a request for a
 10 criminal records check for no more than five years.

11 (b) The record of the information obtained during a request for a criminal records check by a
 12 gun dealer is exempt from disclosure under public records law.

13 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of
 14 handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal
 15 investigation or under the authority of a properly authorized subpoena or search warrant.

16 (9) When a handgun is delivered, it shall be unloaded.

17 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State
 18 Police may adopt rules necessary for:

19 (a) The design of the firearms transaction thumbprint form;

20 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

21 (c) The provision of a security system to identify dealers who request a criminal history record
 22 check under subsection (2) of this section; and

23 (d) The creation and maintenance of a database of the business hours of gun dealers.

24 (11) The department shall publish the firearms transaction thumbprint form and shall furnish the
 25 form to gun dealers on application at cost.

26 (12) This section does not apply to transactions between persons licensed as dealers under 18
 27 U.S.C. 923.

28 **SECTION 18.** ORS 194.515 is amended to read:

29 194.515. (1) In taking an acknowledgment, the notarial officer must determine, either from per-
 30 sonal knowledge or from satisfactory evidence, that the person appearing before the officer and
 31 making the acknowledgment is the person whose true signature is on the instrument.

32 (2) In taking a verification upon oath or affirmation, the notarial officer must determine, either
 33 from personal knowledge or from satisfactory evidence, that the person appearing before the officer
 34 and making the verification is the person whose true signature is on the statement verified.

35 (3) In witnessing or attesting a signature the notarial officer must determine, either from per-
 36 sonal knowledge or from satisfactory evidence, that the signature is that of the person appearing
 37 before the officer and named therein.

38 (4) In certifying or attesting a copy of a document or other item, the notarial officer must de-
 39 termine that the proffered copy is a full, true and accurate transcription or reproduction of that
 40 which was copied.

41 (5) In making or noting a protest of a negotiable instrument a notarial officer must determine
 42 the matters set forth in ORS 73.0505.

43 (6) A notarial officer has satisfactory evidence that a person is the person whose true signature
 44 is on a document if that person:

45 (a) Is personally known to the notarial officer;

1 (b) Is identified upon the oath or affirmation of a credible witness personally known to the
2 notarial officer; or

3 (c) Is identified on the basis of identification documents.

4 (7) For purposes of this section, “personally known” means familiarity with a person resulting
5 from interactions with that person over a period of time sufficient to eliminate every reasonable
6 doubt that the person has the identity claimed.

7 (8) For purposes of subsection (6)(c) of this section, a notarial officer has satisfactory evidence
8 upon which to identify a person if the person:

9 (a) Produces a current driver license or current identity card issued by any state, **except that**
10 **a driver license or driver permit issued under section 2 of this 2011 Act may not be used to**
11 **establish identity;**

12 (b) Produces a current United States passport or a current officially recognized passport of a
13 foreign country;

14 (c) Produces a current United States military identification card;

15 (d) Produces a current identity card issued by a federally recognized Indian tribe;

16 (e) Produces at least one current document, other than a document described in paragraphs (a)
17 to (d) of this subsection, issued by the federal government or a state, county, municipal or other
18 local government and containing the person’s photograph, signature and physical description; or

19 (f) Is confined in a correctional facility and has been positively identified through examination
20 or comparison of official government documents or records.

21 **SECTION 19.** ORS 247.019 is amended to read:

22 247.019. (1) **Except as provided in subsection (5) of this section,** the Secretary of State by
23 rule shall adopt an electronic voter registration system to be used by qualified persons who have a
24 valid:

25 (a) Oregon driver license, as defined in ORS 801.245;

26 (b) Oregon driver permit, as defined in ORS 801.250; or

27 (c) State identification card, issued under ORS 807.400.

28 (2) The electronic voter registration system shall allow a qualified person to complete and de-
29 liver a registration card electronically. A registration card delivered under this section is considered
30 delivered to the Secretary of State for purposes of this chapter.

31 (3) A person who completes a registration card electronically under this section consents to the
32 use of the person’s driver license, driver permit or state identification card signature for voter reg-
33 istration purposes.

34 (4) The Department of Transportation shall provide to the Secretary of State a digital copy of
35 the driver license, driver permit or state identification card signature of each person who completes
36 a registration card under this section.

37 **(5) The Secretary of State may not accept a driver license or driver permit issued under**
38 **section 2 of this 2011 Act for the purpose of electronic voter registration.**

39 **SECTION 20.** ORS 462.195 is amended to read:

40 462.195. (1) **Except as provided in subsection (4) of this section,** a licensee conducting a race
41 meet, before selling a mutuel wagering ticket or receipt to any person about whom there is any
42 reasonable doubt of the person having reached the age of 18 years, shall require such person to
43 make a written statement of age and furnish evidence of the true age and identity of the person.
44 The written statement of age shall be on a form furnished by the Oregon Racing Commission, sub-
45 stantially as follows:

1
2
3
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45

Date _____

I am 18 years of age or over.

Signature

Evidence in support of age and identity:

Driver's License No. _____ (_____)

State

Military Record No. _____

Liquor Permit No. _____

Other _____

(Fill in license or card number of any one or more of above)

(2) A licensee who, in good faith and with reasonable cause to believe in its truth, accepts a written statement of age, as provided in subsection (1) of this section, may rely on the truth of the statement as conclusive evidence of the age of the person by whom it is signed.

(3) *[No person shall]* **A person may not** make a statement of age, as provided in subsections (1) and (2) of this section, that is false in whole or in part, or produce any evidence that would falsely indicate his or her age.

(4) A licensee may not accept a driver license or driver permit issued under section 2 of this 2011 Act as evidence of a person's true age and identity.

SECTION 21. ORS 471.130 is amended to read:

471.130. (1) **Except as provided in subsection (4) of this section,** all licensees and permittees of the Oregon Liquor Control Commission, before selling or serving alcoholic liquor to any person about whom there is any reasonable doubt of the person's having reached 21 years of age, shall require such person to produce one of the following pieces of identification:

- (a) The person's passport.
- (b) The person's *[motor vehicle operator's]* **driver** license, whether issued in this state or by any other state, so long as the license has a picture of the person.
- (c) An identification card issued under ORS 807.400.
- (d) A United States military identification card.
- (e) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

(2) If a person does not have identification as described in subsection (1) of this section, the permittee or licensee shall require such person to make a written statement of age and furnish evidence of the person's true age and identity. The written statement of age shall be on a form furnished or approved by the commission, including but not limited to the following information:

Date _____

I am 21 years of age or over.

_____ Signature

1 Description of evidence in support of age and identity:

2 _____ Identification No. (if any) _____

3 _____ Identification No. (if any) _____

4 (Fill in information pertaining to any two or more pieces of evidence submitted by the person.)

5 I hereby certify that I have accurately recorded identification of the evidence submitted to
6 complete this form.

7 _____
8 Signature of permittee or licensee

9 ORS 165.805 provides as follows:

10 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

11 (a) Being less than a certain, specified age, the person knowingly purports to be of any age other
12 than the person’s true age with the intent of securing a right, benefit or privilege which by law is
13 denied to persons under that certain, specified age; or

14 (b) (Not applicable.)

15 (2) Misrepresentation of age by a minor is a Class C misdemeanor.

16 _____
17
18 **(4) A licensee or permittee may not accept a driver license or driver permit issued under
19 section 2 of this 2011 Act as evidence that a person has reached 21 years of age.**

20 **SECTION 22.** ORS 471.186 is amended to read:

21 471.186. (1) The holder of an off-premises sales license may sell factory-sealed containers of wine,
22 malt beverages and cider. Containers of malt beverages sold under the license may not hold more
23 than two and one-quarter gallons.

24 (2) The holder of an off-premises sales license may provide sample tasting of alcoholic beverages
25 on the licensed premises if the licensee makes written application to the Oregon Liquor Control
26 Commission and receives approval from the commission to conduct tastings on the premises.
27 Tastings must be limited to the alcoholic beverages that may be sold under the privileges of the li-
28 cense.

29 (3) An off-premises sales license may not be issued for use at a premises that is mobile.

30 (4) Except as provided in ORS 471.402, a manufacturer or wholesaler may not provide or pay for
31 sample tastings of alcoholic beverages for the public on premises licensed under an off-premises
32 sales license.

33 (5) The holder of an off-premises sales license may deliver wine or cider that is sold under the
34 privileges of the license to retail customers in this state without a direct shipper permit issued un-
35 der ORS 471.282. Any deliveries by the holder of an off-premises sales license are subject to any
36 rules adopted by the commission relating to deliveries made under this subsection. Deliveries under
37 this subsection:

38 (a) May be made only to a person who is at least 21 years of age;

39 (b) May be made only for personal use and not for the purpose of resale; and

40 (c) Must be made in containers that are conspicuously labeled with the words: “CONTAINS
41 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
42 DELIVERY.”

43 (6) The holder of an off-premises sales license that makes deliveries of wine or cider under
44 subsection (5) of this section must take all actions necessary to ensure that a carrier used by the
45 licensee does not deliver any wine or cider unless the carrier:

- 1 (a) Obtains the signature of the recipient of the wine or cider upon delivery;
- 2 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
3 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
4 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and
- 5 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.
- 6 (7) Any person who knowingly or negligently delivers wine or cider under the provisions of this
7 section to a person under 21 years of age, or who knowingly or negligently delivers wine or cider
8 under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.
- 9 (8) If a court determines that deliveries of wine or cider under subsection (5) of this section
10 cannot be restricted to holders of off-premises sales licenses, and the decision is a final judgment
11 that is no longer subject to appeal, the holder of an off-premises sales license may not make deliv-
12 eries of wine or cider under the provisions of subsection (5) of this section after entry of the final
13 judgment.
- 14 **SECTION 23.** ORS 471.242 is amended to read:
- 15 471.242. (1) A warehouse license shall allow the licensee to store, import, bottle, produce, blend,
16 transport and export nontax paid, bonded wine or wine on which the tax is paid and to store, import
17 and export nontax paid malt beverages and cider, or malt beverages and cider on which the tax is
18 paid. Wine, cider and malt beverages may be removed from the licensed premises only for:
- 19 (a) Sale for export;
- 20 (b) Sale or shipment to a wholesale malt beverage and wine licensee;
- 21 (c) Sale or shipment to another warehouse licensee;
- 22 (d) Sale or shipment to a winery licensee;
- 23 (e) Shipment of wine or cider produced by a winery licensee to a licensee of the Oregon Liquor
24 Control Commission authorized to sell wine or cider at retail if the shipment is made pursuant to
25 a sale to the retail licensee by the holder of a winery license issued under ORS 471.223, a grower
26 sales privilege license issued under ORS 471.227 or a wholesale malt beverage and wine license is-
27 sued under ORS 471.235; or
- 28 (f) Shipment of wine or cider to a person for personal use, as described in subsection (7) of this
29 section.
- 30 (2) A license applicant must hold an approved registration for a bonded wine cellar or winery
31 under federal law.
- 32 (3) For the purposes of tax reporting, payment and record keeping, the provisions that shall
33 apply to a manufacturer under ORS chapter 473 shall apply to a warehouse licensee.
- 34 (4) A warehouse must be physically secure in an area zoned for the intended use and be phys-
35 ically separated from any other use.
- 36 (5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall be considered a man-
37 ufacturer.
- 38 (6) For purposes of ORS 473.045, a warehouse licensee shall be considered a winery licensee.
- 39 (7) Wine or cider may be removed from the premises licensed under this section for shipment
40 pursuant to a sale under ORS 471.282. The warehouse licensee shall take reasonable steps to ensure
41 that shipments are made in containers that are conspicuously labeled with the words: "CONTAINS
42 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
43 DELIVERY." In addition, the warehouse licensee shall take reasonable steps to ensure that any
44 carrier used by the licensee does not deliver any wine or cider unless the carrier:
- 45 (a) Obtains the signature of the recipient of the wine or cider upon delivery;

1 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
 2 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
 3 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and

4 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

5 **SECTION 24.** ORS 471.282 is amended to read:

6 471.282. (1) Notwithstanding any other provision of this chapter and except as provided by ORS
 7 471.186 (5), a person may sell and ship wine or cider directly to a resident of Oregon only if the
 8 person holds a direct shipper permit. The Oregon Liquor Control Commission shall issue a direct
 9 shipper permit only to:

10 (a) A person that holds a license issued by this state or another state that authorizes the man-
 11 ufacture of wine or cider;

12 (b) A person that holds a license issued by this state or another state that authorizes the sale
 13 of wine or cider produced only from grapes or other fruit grown under the control of the person;

14 (c) A person that holds a license authorizing the sale of wine or cider at retail; or

15 (d) A nonprofit trade association that holds a temporary sales license under ORS 471.190 and
 16 that has a membership primarily composed of persons holding winery licenses issued under ORS
 17 471.223 or grower sales privilege licenses issued under ORS 471.227.

18 (2) A person may apply for a direct shipper permit by filing an application with the commission.
 19 The application must be made in such form as may be prescribed by the commission. The person
 20 must include in the application the number of the license issued to the person by the commission,
 21 or a true copy of the license issued to the person by another state. If the application is based on a
 22 license issued by another state, or the application is by a nonprofit trade association described in
 23 subsection (1)(d) of this section, the person or association must pay a \$50 registration fee and
 24 maintain a bond or other security described in ORS 471.155 in the minimum amount of \$1,000.

25 (3) Sales and shipments under a direct shipper permit:

26 (a) May be made only to a person who is at least 21 years of age;

27 (b) May be made only for personal use and not for the purpose of resale; and

28 (c) May not exceed two cases, containing not more than nine liters per case, to any resident per
 29 month.

30 (4) Sales and shipments under a direct shipper permit must be made directly to a resident of this
 31 state in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIG-
 32 NATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

33 (5) A person holding a direct shipper permit must take all actions necessary to ensure that a
 34 carrier used by the permit holder does not deliver any wine or cider unless the carrier:

35 (a) Obtains the signature of the recipient of the wine or cider upon delivery;

36 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
 37 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
 38 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and

39 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

40 (6)(a) A person holding a direct shipper permit must report to the commission all shipments of
 41 wine or cider made to Oregon residents under the permit as required by ORS chapter 473. The re-
 42 port must be made in a form prescribed by the commission.

43 (b) A person holding a direct shipper permit must allow the commission to audit the permit
 44 holder's records upon request and shall make those records available to the commission in this state.

45 (c) A person holding a direct shipper permit consents to the jurisdiction of the commission and

1 the courts of this state for the purpose of enforcing the provisions of this section and any related
2 laws or rules.

3 (7)(a) A person holding a direct shipper permit must timely pay to the commission all taxes im-
4 posed under ORS chapter 473 on wine and cider sold and shipped under the permit. For the purpose
5 of the privilege tax imposed under ORS chapter 473, all wine or cider sold and shipped pursuant to
6 a direct shipper permit is sold in this state.

7 (b) A person holding a direct shipper permit based on a license issued by another state must
8 timely pay to the commission all taxes imposed under ORS chapter 473 on all wine or cider sold and
9 shipped directly to Oregon residents under the permit. The permit holder, not the purchaser, is re-
10 sponsible for the tax.

11 (8) A direct shipper permit must be renewed annually. If the person holds the permit based on
12 an annual license issued by another state, the permit may be renewed by paying a \$50 renewal fee
13 and providing the commission with a true copy of a current license issued to the person by the other
14 state. If the person holds the permit based on an annual license issued by this state, the permit may
15 be renewed at the same time that the license is renewed.

16 (9) The commission may refuse to issue or may suspend or revoke a direct shipper permit if the
17 permit holder fails to comply with the provisions of this section. A person may sell and ship wine
18 or cider under a direct shipper permit only for as long as the person has the license issued by this
19 state or another state that authorizes the person to hold a direct shipper permit.

20 (10) Any person who knowingly or negligently delivers wine or cider under the provisions of this
21 section to a person under 21 years of age, or who knowingly or negligently delivers wine or cider
22 under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.

23 (11) A person may not make sales and shipments of wine or cider directly to Oregon residents
24 unless the person holds a direct shipper permit issued under this section. Any person who knowingly
25 makes, participates in, transports, imports or receives a shipment of wine or cider that is in vio-
26 lation of this section commits a misdemeanor as provided in ORS 471.990 (1).

27 **SECTION 25.** ORS 471.478 is amended to read:

28 471.478. On and after January 1, 1978:

29 (1) The Oregon Liquor Control Commission by rule shall require the identification of kegs of
30 malt beverages sold directly to consumers who are not licensees of the commission and the signing
31 of a receipt therefor by the purchaser in order to allow the kegs to be traced if the contents are
32 consumed in violation of the Liquor Control Act. The keg identification shall be in the form of a
33 numbered label prescribed and supplied by the commission which identifies the seller and which is
34 removable or obliterated when the keg is processed for refilling. The receipt shall be on a form
35 prescribed and supplied by the commission and shall include the name and address of the purchaser;
36 [*motor vehicle operator's*] **the driver** license number, if any, **except for the number of a driver**
37 **license or driver permit issued under section 2 of this 2011 Act**; the automobile registration of
38 the motor vehicle in which the keg was removed from the seller's premises, if any; and such other
39 identification as the commission by rule may require. The receipt shall contain a statement that
40 must be signed by the purchaser that, under penalty of false swearing, the purchaser will not allow
41 consumption of any malt beverage in the keg in violation of ORS 471.410. A copy of the receipt shall
42 be given to the purchaser and the seller shall retain the original receipt for such period as the
43 commission by rule may require.

44 (2) Possession of a keg containing malt beverages which is not identified as required by sub-
45 section (1) of this section is a Class A misdemeanor.

1 (3) A person who signs a receipt described in subsection (1) of this section in order to obtain a
2 keg, knowing the receipt to be false, or who falsifies any information required on the receipt, is
3 guilty of false swearing as prescribed by ORS 162.075.

4 (4) As used in this section, “keg” means any brewery-sealed, individual container of malt
5 beverage having a liquid capacity of more than seven gallons.

6 **SECTION 26.** ORS 480.235 is amended to read:

7 480.235. (1) A certificate of possession shall be issued or denied within 45 days after the date
8 of the application or the conclusion of the investigation conducted by the issuing authority pursuant
9 to subsection (2) of this section.

10 (2) The issuing authority shall conduct an investigation to ensure that the applicant meets the
11 requirements listed in ORS 480.225 and 480.230. The issuing authority shall include fingerprinting
12 and photographic identification in the investigation. **The issuing authority may not accept a**
13 **driver license or driver permit issued under section 2 of this 2011 Act.** The issuing authority
14 may use fingerprints obtained under this subsection for the purpose of requesting a state or na-
15 tionwide criminal records check under ORS 181.534. Unless the issuing authority finds that the ap-
16 plicant is ineligible under ORS 480.225 or 480.230, the authority shall issue a certificate of
17 possession to the applicant. If the issuing authority finds that the applicant is ineligible under ORS
18 480.225 or 480.230, the authority shall issue a notification of denial. The denial is subject to the
19 provisions of ORS 480.275.

20 (3) A certificate of possession is valid for three years from the date of issuance unless suspended
21 or revoked pursuant to ORS 480.270.

22 (4) A certificate of possession may not be assigned or transferred.

23 (5) The holder of a certificate of possession shall maintain a record of the type and quantity of
24 all explosives possessed during the certificate period. The record shall be made available upon de-
25 mand of the issuing authority, a magistrate or a law enforcement agency, public fire department or
26 fire protection agency of this state.

27 (6) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain in
28 the department’s files fingerprint cards submitted to it for purposes of conducting a state or na-
29 tionwide criminal records check under ORS 181.534 on applicants for a certificate of possession.

30 **SECTION 27.** ORS 609.510 is amended to read:

31 609.510. (1) Every animal dealer shall establish and maintain records on each dog or cat and the
32 dog’s or cat’s offspring in the dealer’s possession or control, including:

33 (a) The species, gender, approximate age, color and distinctive markings and breed of the dog
34 or cat;

35 (b) A photograph of the dog or cat made within 24 hours of acquisition or birth;

36 (c) The name, address and driver license number, **except for the number of a driver license**
37 **or driver permit issued under section 2 of this 2011 Act,** or other official state identification
38 number of the person providing the dog or cat;

39 (d) The date of acquisition or birth of the dog or cat;

40 (e) The date and nature of disposition of the dog or cat; and

41 (f) The intended destination of the dog or cat at release.

42 (2) Within 24 hours of the acquisition or birth of a dog or cat in the possession of any animal
43 dealer, the dealer shall forward, by first class mail or any more expeditious method, the information
44 required by subsection (1) of this section to the State Department of Agriculture and a fee of \$1 for
45 each dog or cat reported.

1 (3) The department shall maintain the reports and provide for public inspection of, and telephone
2 inquiries concerning, the reports during normal business hours.

3 **SECTION 28.** ORS 646A.210 is amended to read:

4 646A.210. (1) A person [*shall*] **may** not require as a condition of acceptance of a check or share
5 draft, or as a means of identification, that the person presenting the check or share draft provide
6 a credit card number or expiration date, or both, unless the credit is issued by the person requiring
7 the information.

8 (2) Subsection (1) of this section shall not prohibit a person from:

9 (a) Requesting a person presenting a check or share draft to display a credit card as indicia of
10 creditworthiness and financial responsibility or as a source of additional identification;

11 (b) Recording the type of credit card and the issuer of the credit card displayed by the person
12 under paragraph (a) of this subsection;

13 (c) Requesting or receiving a credit card number or expiration date, or both, and recording the
14 number or date, or both, in lieu of a security deposit to assure payment in event of default, loss,
15 damage or other occurrence;

16 (d) Recording a credit card number or expiration date, or both, as a condition for acceptance
17 of a check or share draft where the card issuer guarantees checks or share drafts presented by the
18 cardholder upon the condition that the person to whom the check is presented records the card
19 number or expiration date, or both, on the check or share draft;

20 (e) Requesting and recording the name, address, [*motor vehicle operator*] **driver** license number,
21 **except for the number of a driver license or driver permit issued under section 2 of this 2011**
22 **Act**, or state identification card number and telephone number of a person offering payment by
23 check; or

24 (f) Verifying the signature, name and expiration date on a credit card.

25 (3) This section does not require acceptance of a check or share draft whether or not a credit
26 card is presented.

27 (4) For purposes of this section, "person" means any individual, corporation, partnership or as-
28 sociation.

29 **SECTION 29.** ORS 697.520 is amended to read:

30 697.520. (1) A check-cashing business may not charge or collect, directly or indirectly, an ex-
31 cessive fee, service charge or other consideration for cashing a payment instrument. A fee, service
32 charge or other consideration is excessive if the total amount charged is more than the following
33 amounts:

34 (a) For a payment instrument issued by the federal government or an agency of the federal
35 government, by this state or an agency of this state or by the government of the municipality in
36 which a person is cashing the payment instrument:

37 (A) \$5 or two percent of the face value of the payment instrument, whichever is greater, if the
38 person cashing the payment instrument provides valid and current government-issued photo iden-
39 tification; or

40 (B) \$5 or 2-1/2 percent of the face value of the payment instrument, whichever is greater, if the
41 person cashing the payment instrument does not provide valid and current government-issued photo
42 identification.

43 (b) For a payment instrument issued by any other state or political subdivision thereof or for a
44 payment instrument that is a payroll check:

45 (A) \$5 or three percent of the face value of the payment instrument, whichever is greater, if the

1 person cashing the payment instrument provides valid and current government-issued photo iden-
2 tification; or

3 (B) \$5 or 3-1/2 percent of the face value of the payment instrument, whichever is greater, if the
4 person cashing the payment instrument does not provide valid and current government-issued photo
5 identification.

6 (c) For any other payment instrument, \$5 or 10 percent of the face value of the payment in-
7 strument, whichever is greater.

8 (2) Notwithstanding the provisions of subsection (1) of this section, a fee, service charge or other
9 consideration is excessive if the total amount charged is more than \$100.

10 (3) This section does not affect fees, statutory damages or other charges a person may collect
11 under ORS 30.701 in connection with dishonored payment instruments.

12 **(4) For the purposes of this section, a driver license or driver permit issued under section**
13 **2 of this 2011 Act may not be used for the purposes of identification.**

14 **SECTION 30.** ORS 723.152 is amended to read:

15 723.152. In addition to the powers conferred by the general corporation law a credit union may,
16 subject to the restrictions and limitations contained in this chapter and the credit union's bylaws:

17 (1) Make contracts.

18 (2) Sue and be sued.

19 (3) Adopt, use and alter a common seal.

20 (4) Acquire, lease, hold and dispose of property, either in whole or in part, necessary or inci-
21 dental to the credit union's operations.

22 (5) At the discretion of the board of directors, require any person admitted to membership to
23 pay an entrance fee or annual membership fee, or both.

24 (6) Receive savings from members of the credit union in the form of various classes of shares,
25 deposits or deposit certificates, deposit accounts or special-purpose thrift accounts.

26 (7) Receive from members of the credit union or from another credit union deposits or deposit
27 certificates, deposit accounts or various classes of shares payable on nonnegotiable request.

28 (8) Lend the credit union's funds to members of the credit union and to other credit unions as
29 provided in this chapter.

30 (9) Acquire and lease personal property at the request of a member of the credit union who
31 wishes to lease the property on terms requiring payment, during the term of the lease, of rents that
32 exceed the total expenditures made by the credit union for the acquisition, ownership, financing and
33 protection of the property. Rents may include residual value payments that are the obligation of a
34 responsible third party.

35 (10) Borrow from any source in accordance with policy established by the board of directors and
36 issue debentures pursuant to a plan approved by the Director of the Department of Consumer and
37 Business Services. The debentures shall be subordinate to the shares and deposits of the credit un-
38 ion.

39 (11) Discount and sell any eligible obligations, subject to rules adopted by the Director of the
40 Department of Consumer and Business Services.

41 (12) Sell all or substantially all of the credit union's assets or purchase all or substantially all
42 of the assets of another credit union, subject to the approval of the Director of the Department of
43 Consumer and Business Services.

44 (13) Invest surplus funds as provided in this chapter.

45 (14) Make deposits in legally chartered banks, savings banks, savings and loan associations,

1 trust companies and credit unions.

2 (15) Assess charges to a member of the credit union in accordance with the credit union's by-
3 laws for the member's failure to meet the member's obligations to the credit union promptly.

4 (16) Hold membership in other credit unions organized under this chapter or other state or
5 federal laws, and in other associations and organizations composed of credit unions.

6 (17) Declare dividends, pay interest on deposit and deposit certificate accounts and pay interest
7 refunds to borrowers as provided in this chapter.

8 (18) Offer products and services reasonably related to the purposes of a credit union as set forth
9 in ORS 723.006.

10 (19) Receive deposits from the federal government or this state, or any agency or political sub-
11 division thereof.

12 (20) Make donations or contributions to any civic, charitable, political or community organiza-
13 tion as authorized by the board of directors.

14 (21) Act as a custodian of qualified pension funds of members of the credit union if permitted
15 by federal law.

16 (22) Purchase or make available insurance for the credit union's directors, officers, agents, em-
17 ployees and members.

18 (23) Allow members of the credit union to use share accounts, deposit accounts or deposit cer-
19 tificate accounts as share draft accounts as provided in ORS 723.434.

20 (24) Provide digital signature verification or other electronic authentication services to members
21 of the credit union.

22 (25) Act as trustee or custodian for members of the credit union under any written trust in-
23 strument or custodial agreement in connection with a tax-advantaged savings plan authorized under
24 the Internal Revenue Code, including but not limited to individual retirement, deferred compen-
25 sation, education savings and health savings accounts, provided that the trust instrument or custo-
26 dial agreement requires all funds subject to the instrument or agreement to be invested exclusively
27 in share or deposit accounts in the credit union. The State of Oregon, or the applicable
28 instrumentality or municipality, is considered to be a member of the credit union with respect to
29 such deposits, except that the state or other instrumentality or municipality is not entitled to vote,
30 hold office or otherwise participate in the management or operation of the credit union.

31 (26) Indemnify the directors, officers, employees and committee members or other volunteers of
32 the credit union in accordance with the provisions of the credit union's articles, bylaws and the
33 indemnification provisions of ORS chapter 60.

34 (27) Sell negotiable checks, including traveler's checks, money orders and other money transfer
35 instruments, including domestic and international electronic funds transfers, to persons eligible for
36 credit union membership under ORS 723.172, whether or not such persons are members of the credit
37 union.

38 (28) For a fee, cash checks and money orders and send or receive domestic and international
39 electronic funds transfers for persons eligible for credit union membership under ORS 723.172,
40 whether or not such persons are members of the credit union. The fee a credit union may charge
41 for cashing checks or money orders in accordance with this subsection may not exceed the following
42 amounts, as appropriate:

43 (a) For a check or money order issued by the federal government or an agency of the federal
44 government, by this state or an agency of this state, by any other state or political subdivision
45 thereof or by the government of the municipality in which a person is cashing the check or money

1 order, or for a check that is a payroll check drawn against an account held in a financial institution
2 in this state:

3 (A) \$5 or two percent of the face value of the check or money order, whichever is greater, if the
4 person cashing the check or money order provides valid and current government-issued photo iden-
5 tification; or

6 (B) \$5 or 2-1/2 percent of the face value of the check or money order, whichever is greater, if
7 the person cashing the check or money order does not provide valid and current government-issued
8 photo identification.

9 (b) For a check or money order not described in paragraph (a) of this subsection:

10 (A) \$5 or three percent of the face value of the check or money order, whichever is greater, if
11 the person cashing the check or money order provides valid and current government-issued photo
12 identification; or

13 (B) \$5 or 3-1/2 percent of the face value of the check or money order, whichever is greater, if
14 the person cashing the check or money order does not provide valid and current government-issued
15 photo identification.

16 (29) Exercise other powers that are necessary to carry out the credit union's purpose.

17 **(30) For the purposes of this section, a driver license or driver permit issued under sec-**
18 **tion 2 of this 2011 Act may not be used for the purposes of identification.**

19 **SECTION 31.** ORS 801.250 is amended to read:

20 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction
21 that is more limited than those available under a license or that is only available under special or
22 limited circumstances. The term may also refer to a document issued as evidence of a grant of
23 driving privileges under a driver permit. Driver permits issued by this state include the following:

24 (1) Applicant temporary driver permit described under ORS 807.310.

25 (2) Court issued temporary driver permit described under ORS 807.320.

26 (3) Disability golf cart driver permit described under ORS 807.210.

27 (4) Emergency driver permit described under ORS 807.220.

28 (5) Instruction driver permit described under ORS 807.280.

29 (6) Hardship driver permit described under ORS 807.240.

30 (7) Probationary driver permit described under ORS 807.270.

31 (8) Special student driver permit described under ORS 807.230.

32 (9) Special temporary instruction driver permit described under ORS 807.290.

33 (10) Court bail driver permit described under ORS 807.330.

34 (11) Temporary driver permit described under ORS 813.110.

35 **(12) A driver permit described under section 2 of this 2011 Act.**

36 **SECTION 32.** ORS 807.750 is amended to read:

37 807.750. (1) As used in this section:

38 (a) "Driver license" means a license or permit issued by this state or any other jurisdiction as
39 evidence of a grant of driving privileges, **except for a license or permit issued under section 2**
40 **of this 2011 Act.**

41 (b) "Identification card" means the card issued under ORS 807.400 or a comparable provision in
42 another state.

43 (c) "Personal information" means an individual's name, address, date of birth, photograph, fin-
44 gerprint, biometric data, driver license number, identification card number or any other unique
45 personal identifier or number.

1 (d) "Private entity" means any nongovernmental entity, such as a corporation, partnership,
2 company or nonprofit organization, any other legal entity or any natural person.

3 (e) "Swipe" means the act of passing a driver license or identification card through a device that
4 is capable of deciphering, in an electronically readable format, the information electronically en-
5 coded in a magnetic strip or bar code on the driver license or identification card.

6 (2) Except as provided in subsection (6) of this section, a private entity may not swipe an
7 individual's driver license or identification card, except for the following purposes:

8 (a) To verify the authenticity of a driver license or identification card or to verify the identity
9 of the individual if the individual pays for a good or service with a method other than cash, returns
10 an item or requests a refund.

11 (b) To verify the individual's age when providing an age-restricted good or service to any person
12 about whom there is any reasonable doubt of the person's having reached 21 years of age.

13 (c) To prevent fraud or other criminal activity if an individual returns an item or requests a
14 refund and the private entity uses a fraud prevention service company or system.

15 (d) To transmit information to a check services company for the purpose of approving negotiable
16 instruments, electronic funds transfers or similar methods of payment.

17 (3) A private entity that swipes an individual's driver license or identification card under sub-
18 section (2)(a) or (b) of this section may not store, sell or share personal information collected from
19 swiping the driver license or identification card.

20 (4) A private entity that swipes an individual's driver license or identification card under sub-
21 section (2)(c) or (d) of this section may store or share the following information collected from
22 swiping an individual's driver license or identification card for the purpose of preventing fraud or
23 other criminal activity against the private entity:

24 (a) Name;

25 (b) Address;

26 (c) Date of birth; and

27 (d) Driver license number or identification card number.

28 (5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15
29 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) of
30 this section may use the personal information received only to prevent fraud or other criminal ac-
31 tivity against the private entity that provided the personal information.

32 (b) A person who is regulated by the federal Fair Credit Reporting Act and who receives per-
33 sonal information from a private entity under subsection (4) of this section may use or provide the
34 personal information received only to effect, administer or enforce a transaction or prevent fraud
35 or other criminal activity, if the person provides or receives personal information under contract
36 from the private entity.

37 (6)(a) Subject to the provisions of this subsection, a private entity that is a commercial radio
38 service provider that provides service nationally and that is subject to the Telephone Records and
39 Privacy Protection Act of 2006 (18 U.S.C. 1039) may swipe an individual's driver license or identifi-
40 cation card if the entity obtains permission from the individual to swipe the individual's driver li-
41 cense or identification card.

42 (b) The private entity may swipe the individual's driver license or identification card only for
43 the purpose of establishing or maintaining a contract between the private entity and the individual.
44 Information collected by swiping an individual's driver license or identification card for the estab-
45 lishment or maintenance of a contract shall be limited to the following information from the indi-

1 individual:

2 (A) Name;

3 (B) Address;

4 (C) Date of birth; and

5 (D) Driver license number or identification card number.

6 (c) If the individual does not want the private entity to swipe the individual's driver license or
7 identification card, the private entity may manually collect the following information from the indi-
8 vidual:

9 (A) Name;

10 (B) Address;

11 (C) Date of birth; and

12 (D) Driver license number or identification card number.

13 (d) The private entity may not withhold the provision of goods or services solely as a result of
14 the individual requesting the collection of the following information from the individual through
15 manual means:

16 (A) Name;

17 (B) Address;

18 (C) Date of birth; and

19 (D) Driver license number or identification card number.

20 (7) A governmental entity may swipe an individual's driver license or identification card only
21 if:

22 (a) The individual knowingly makes the driver license or identification card available to the
23 governmental entity;

24 (b) The governmental entity lawfully confiscates the driver license or identification card;

25 (c) The governmental entity is providing emergency assistance to the individual who is uncon-
26 scious or otherwise unable to make the driver license or identification card available; or

27 (d) A court rule requires swiping of the driver license or identification card to facilitate accu-
28 rate linking of court records pertaining to the individual.

29 (8) In addition to any other remedy provided by law, an individual may bring an action to re-
30 cover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if equitable
31 relief is available, against an entity that swipes, stores, shares, sells or otherwise uses the
32 individual's personal information in violation of this section. A court shall award a prevailing
33 plaintiff reasonable costs and attorney fees. If a court finds that a violation of this section was
34 willful or knowing, the court may increase the amount of the award to no more than three times the
35 amount otherwise available.

36 (9) Any waiver of a provision of this section is contrary to public policy and is void and
37 unenforceable.

38 **SECTION 33. Sections 2 and 3 of this 2011 Act and the amendments to ORS 807.021,**
39 **807.040, 807.050, 807.110, 807.130 and 807.310 by sections 4 to 9 of this 2011 Act apply to appli-**
40 **cations for driver licenses and driver permits submitted to the Department of Transportation**
41 **on or after the effective date of this 2011 Act.**

42