

Senate Bill 873

Sponsored by COMMITTEE ON JUDICIARY

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 persons 75 years of age or older to renew driver licenses every two years and to take driving test prior to renewal. Prorates fees.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 807.040, 807.130, 807.150 and 807.400.

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

5 **SECTION 1.** ORS 807.130 is amended to read:

6 807.130. (1) A license that is issued as an original license and not as a license that is renewed
7 expires on the anniversary of the licensee's birthday:

8 (a) In the eighth calendar year after the year of issuance[.], **if the licensee is 69 years of age**
9 **or younger when the license is issued.**

10 (b) **On the date the licensee reaches 77 years of age, if the licensee is at least 70 years**
11 **of age but less than 75 years of age when the license is issued.**

12 (c) **In the second calendar year after the year of issuance, if the licensee is 75 years of**
13 **age or older when the license is issued.**

14 (2) A license that is renewed under ORS 807.150 expires:

15 (a) Eight years [*from*] **after** the specified expiration date of the immediately preceding
16 license[.], **if the licensee is 69 years of age or younger on the expiration date of the imme-**
17 **diately preceding license.**

18 (b) **On the date the licensee reaches 77 years of age, if the licensee is at least 70 years**
19 **of age but less than 75 years of age on the expiration date of the immediately preceding li-**
20 **cence.**

21 (c) **Two years after the specified expiration date of the immediately preceding license, if**
22 **the licensee is 75 years of age or older on the expiration date of the immediately preceding**
23 **license.**

24 (3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a person
25 who is not a citizen or permanent legal resident of the United States expires on the date the
26 licensee is no longer authorized to stay in the United States, as indicated by the documentation the
27 person presented to the Department of Transportation to provide proof of legal presence in the
28 United States as required by ORS 807.021 and 807.730, but no [*longer*] **later** than:

29 (a) Eight years [*from*] **after** the date of issuance [*or*], **if the licensee is 69 years of age or**
30 **younger when the license is issued;**

31 (b) **The date the licensee reaches 77 years of age, if the licensee is at least 70 years of**

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 **age but less than 75 years of age when the license is issued;**

2 (c) **Two years after the date of issuance, if the licensee is 75 years of age or older when**
 3 **the license is issued; or**

4 (d) If there is no definite end to the authorized stay, *[after a period of]* one year **after the date**
 5 **of issuance.**

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

8 **SECTION 2.** ORS 807.150 is amended to read:

9 807.150. (1) When a license expires or is about to expire, the Department of Transportation shall
 10 renew the license under this section if the *[holder of]* **person who holds** the license qualifies for
 11 renewal of the license under this section and:

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

14 (b) Applies for issuance of a license within six months after the *[applicant]* **person** is discharged
 15 from the Armed Forces of the United States and was licensed by this state at the time of the
 16 *[applicant's]* **person's** entry into the Armed Forces.

17 (2)(a) To qualify for renewal of a license under this section, a person must meet all of the re-
 18 quirements under ORS 807.040 for the class of license sought to be renewed[, *except that*].

19 (b) **If the person applying for renewal is less than 75 years of age,** the department may
 20 waive the examination under ORS 807.070 of a person applying for renewal of a license unless the
 21 department has reason to believe that the *[applicant]* **person** is not qualified to hold the license or
 22 unless the *[applicant for renewal]* **person** has not previously been examined.

23 (c) **If the person applying for renewal is 75 years of age or older, the department shall**
 24 **test the person's ability to operate a motor vehicle under ORS 807.070 (3). The department**
 25 **may waive any other examination under ORS 807.070 of a person applying for renewal of a**
 26 **license unless the department has reason to believe that the person is not qualified to hold**
 27 **the license or unless the person has not previously been examined.**

28 (3) To receive a renewal under this section, the license renewal fee and the Student Driver
 29 Training Fund eligibility fee under ORS 807.370 must be paid. **For a person who renews a license**
 30 **that expires as described in ORS 807.130 (2)(b) or (c), the department shall prorate the re-**
 31 **newal, examination and Student Driver Training Fund eligibility fees.**

32 (4) If a person who applies for a renewal under this section is not qualified to renew the class
 33 of license sought to be renewed, the department may issue the person any lower class of license for
 34 which the person qualifies in lieu of renewing the person's license for the class of license held by
 35 the person.

36 (5) A license that is renewed under this section may be used on or after the date of issuance.
 37 If the department issues a license renewal to a person under this section before the expiration of
 38 the license being renewed, the older license is invalid. A license that becomes invalid under this
 39 subsection shall be destroyed by the person to whom it was issued.

40 (6) If the address of the applicant has changed since the last time a license was issued to or
 41 renewed for the applicant, the department shall require proof to verify the address of an applicant
 42 for renewal of a license in addition to anything else the department may require of the applicant.

43 **SECTION 3.** ORS 807.040 is amended to read:

44 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 45 complies with all of the following requirements:

- 1 (a) The person must complete an application for a license under ORS 807.050.
- 2 (b) As required by ORS 807.021 and 807.730, the person must present proof of both legal presence
3 in the United States and a Social Security number or, if the person is not eligible for a Social Se-
4 curity number, proof of legal presence in the United States and proof that the person is not eligible
5 for a Social Security number.
- 6 (c) The person must submit to collection of biometric data by the department that establish the
7 identity of the person as described in ORS 807.024.
- 8 (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
9 the license under ORS 807.062.
- 10 (e) The person must successfully pass all examination requirements under ORS 807.070 for the
11 class of license sought.
- 12 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license
13 sought.
- 14 (g) The person must pay the Student Driver Training Fund eligibility fee.
- 15 (h) If the application is for a commercial driver license, the person must be the holder of a Class
16 C license or any higher class of license.
- 17 (i) If the application is for a commercial driver license, the person must submit to the depart-
18 ment, in a form approved by the department, the report of a medical examination that establishes
19 that the person meets the medical requirements for the particular class of license. The department,
20 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
21 ments established under this paragraph may include any requirements the department determines
22 are necessary for the safe operation of vehicles permitted to be operated under the class of license
23 for which the requirements are established.
- 24 (j) If the application is for a commercial driver license, the person must:
25 (A) Have at least one year's driving experience;
26 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and
27 (C) Not be otherwise ineligible to hold a commercial driver license.
- 28 **(2) If the department issues an original license that expires as described in ORS 807.130**
29 **(1)(b) or (c), the department shall prorate the issuance, examination and Student Driver**
30 **Training Fund eligibility fees.**
- 31 [(2)] (3) The department shall work with other agencies and organizations to attempt to improve
32 the issuance system for driver licenses.
- 33 **SECTION 4.** ORS 807.400, as amended by section 3, chapter 61, Oregon Laws 2010, is amended
34 to read:
- 35 807.400. (1) The Department of Transportation shall issue an identification card to any person
36 who:
- 37 (a) Is domiciled in or is a resident of this state, as described in ORS 807.062;
- 38 (b) As required by ORS 807.021 and 807.730, furnishes proof of both legal presence in the United
39 States and a Social Security number, or, if the person is not eligible for a Social Security number,
40 proof of legal presence in the United States and proof that the person is not eligible for a Social
41 Security number;
- 42 (c) Does not have a current, valid driver license;
- 43 (d) Furnishes evidence of the person's full legal name, age and identity as the department may
44 require; and
- 45 (e) Submits to collection of biometric data by the department that establish the identity of the

1 person as provided in ORS 807.024.

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

4 (3) Every original application for an identification card must be signed by the applicant. The
5 department shall require at least one document to verify the address of an applicant for issuance
6 of an identification card in addition to other documents the department may require of the applicant.
7 If the address of an applicant has changed since the last time an identification card was issued to
8 or renewed for the applicant, the department shall require proof to verify the address of the appli-
9 cant for renewal of an identification card, in addition to anything else the department may require.

10 (4) Every identification card shall be issued upon the standard license form described under ORS
11 807.110 and shall bear a statement to the effect that the identification card is not a license or any
12 other grant of driving privileges to operate a motor vehicle and is to be used for identification
13 purposes only. The department shall use the same security procedures, processes, materials and
14 features for an identification card as are required for a license under ORS 807.110. The identification
15 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

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

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

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

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

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

25 (8) Each *[original]* identification card shall expire on a date consistent with the expiration dates
26 of licenses as set forth in ORS 807.130 (1)(a), (2)(a) **and (3)(a) and (d), regardless of the age of**
27 **the person who holds the card.**

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

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

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

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

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

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

45 (13) An identification card becomes invalid if the holder of the card changes the holder's name

1 from that shown on the card, including a change of name by marriage, without providing the de-
2 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
3 the old identification card, the department shall issue a replacement identification card upon pay-
4 ment of the fee required under ORS 807.410.

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

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

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

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

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

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

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

34 **SECTION 5. The amendments to ORS 807.130 and 807.150 by sections 1 and 2 of this 2011**
35 **Act apply to licenses that expire on or after the effective date of this 2011 Act.**

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