

D R A F T

SUMMARY

Authorizes Department of Transportation to issue driver license, driver permit or identification card to person issued deferred action status by United States Department of Homeland Security.

A BILL FOR AN ACT

Relating to documents issued by the Department of Transportation; amending ORS 807.021, 807.040, 807.130, 807.310, 807.400 and 807.730.

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

SECTION 1. ORS 807.021 is amended to read:

807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4), prior to issuing, renewing or replacing any driver license, driver permit or identification card, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration and proof of legal presence in the United States or[,] **proof of deferred action status granted by the United States Department of Homeland Security through the Deferred Action for Childhood Arrivals Program.** If the person is not eligible for a Social Security number, **the person must provide proof that the person is not eligible for a Social Security number and must provide proof of:**

(a) Legal presence in the United States [*and proof that the person is not eligible for a Social Security number*]; or

(b) **Deferred action status granted by the United States Department of Homeland Security through the Deferred Action for Childhood Arrivals Program.**

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

2 (a) A person provides proof of legal presence in the United States **or**
3 **proof of deferred action status granted by the United States Depart-**
4 **ment of Homeland Security through the Deferred Action for Childhood**
5 **Arrivals Program** by submitting valid documentation, as defined by the
6 department by rule, that the person is a citizen or permanent legal resident
7 of the United States, [or] is otherwise legally present in the United States
8 in accordance with federal immigration laws **or has been granted deferred**
9 **action status by the United States Department of Homeland Security**
10 **through the Deferred Action for Childhood Arrivals Program.**

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

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

19 (3) The department may issue, renew or replace a driver license, driver
20 permit or identification card for an applicant who has submitted a Social
21 Security number only after the department verifies the Social Security num-
22 ber with the United States Social Security Administration. In order to verify
23 the person's Social Security number, the department may require the person
24 to provide proof, as defined by rule, of the person's Social Security number.

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

29 **SECTION 2.** ORS 807.130 is amended to read:

30 807.130. (1) A license that is issued as an original license and not as a
31 license that is renewed expires on the anniversary of the licensee's birthday

1 in the eighth calendar year after the year of issuance.

2 (2) A license that is renewed under ORS 807.150 expires eight years from
3 the specified expiration date of the immediately preceding license.

4 (3) Notwithstanding subsections (1) and (2) of this section, a license that
5 is issued to a person who is not a citizen or permanent legal resident of the
6 United States expires on the date the licensee is no longer authorized to stay
7 in the United States, as indicated by the documentation the person presented
8 to the Department of Transportation to provide proof of legal presence in the
9 United States **or proof of deferred action status granted by the United**
10 **States Department of Homeland Security through the Deferred Action**
11 **for Childhood Arrivals Program**, as required by ORS 807.021 and 807.730,
12 but no longer than eight years from the date of issuance or, if there is no
13 definite end to the authorized stay, after a period of one year.

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

16 **SECTION 3.** ORS 807.730 is amended to read:

17 807.730. (1) The Department of Transportation may issue or replace a
18 limited term driver license, limited term driver permit or limited term iden-
19 tification card only for a person who provides proof, as determined by the
20 department by rule, that the person is legally present in the United States
21 on a temporary basis **or proof of deferred action status granted by the**
22 **United States Department of Homeland Security through the Deferred**
23 **Action for Childhood Arrivals Program.**

24 (2) A limited term driver license or limited term identification card is
25 valid:

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

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

30 (3) A limited term driver permit is valid:

31 (a) During the applicant's authorized stay in the United States, but no

1 longer than the period of time for which a driver permit of the same type is
2 issued by the department.

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

6 (4) A limited term driver license, limited term driver permit or limited
7 term identification card may be renewed only upon presentation of valid
8 documentation, as determined by the department by rule, that the status by
9 which the applicant qualified for the limited term driver license, limited term
10 driver permit or limited term identification card has been extended or is still
11 in effect.

12 (5) A limited term driver license or limited term driver permit grants the
13 same privileges as a driver license or driver permit.

14 (6) A limited term identification card shall bear a statement to the effect
15 that the limited term identification card is not a license or any other grant
16 of driving privileges to operate a motor vehicle and is to be used for iden-
17 tification purposes only.

18 **SECTION 4.** ORS 807.400 is amended to read:

19 807.400. (1) The Department of Transportation shall issue an identification
20 card to any person who:

21 (a) Is domiciled in or is a resident of this state, as described in ORS
22 807.062;

23 (b) As required by ORS 807.021 and 807.730, provides the Social Security
24 number assigned to the person by the United States Social Security Admin-
25 istration and proof of legal presence in the United States or[,] **proof of de-**
26 **ferred action status granted by the United States Department of**
27 **Homeland Security through the Deferred Action for Childhood Ar-**
28 **rivals Program.** If the person is not eligible for a Social Security number,
29 **the person must provide proof that the person is not eligible for a So-**
30 **cial Security number and proof of:**

31 (A) Legal presence in the United States [*and proof that the person is not*

1 *eligible for a Social Security number*]; **or**

2 **(B) Deferred action status granted by the United States Department**
3 **of Homeland Security through the Deferred Action for Childhood Ar-**
4 **rivals Program;**

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

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

8 (e) Submits to collection of biometric data by the department that estab-
9 lish the identity of the person as provided in ORS 807.024.

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

12 (3) Every original application for an identification card must be signed
13 by the applicant. The department shall require at least one document to
14 verify the address of an applicant for issuance of an identification card in
15 addition to other documents the department may require of the applicant. If
16 the address of an applicant has changed since the last time an identification
17 card was issued to or renewed for the applicant, the department shall require
18 proof to verify the address of the applicant for renewal of an identification
19 card, in addition to anything else the department may require.

20 (4) Every identification card shall be issued upon the standard license
21 form described under ORS 807.110 and shall bear a statement to the effect
22 that the identification card is not a license or any other grant of driving
23 privileges to operate a motor vehicle and is to be used for identification
24 purposes only. The department shall use the same security procedures, pro-
25 cesses, materials and features for an identification card as are required for
26 a license under ORS 807.110. The identification card is not required to con-
27 tain the residence address of persons listed in ORS 807.110 (1)(e).

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

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

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

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

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

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

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

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

14 (11) An identification card becomes invalid if the holder of the card
15 changes the holder's residence address from that shown on the identification
16 card and does not provide the department with notice of the change as re-
17 quired under ORS 807.420.

18 (12) If a person to whom an identification card was issued and who
19 changes the person's residence address appears in person at a department
20 office that issues identification cards, the department may do any of the
21 following:

22 (a) Issue a replacement identification card containing the new address
23 upon receipt of the old identification card and payment of the fee established
24 for issuing a replacement identification card with a changed address under
25 ORS 807.410. Except as otherwise provided in subsection (14) of this section,
26 the replacement identification card shall bear the same distinguishing num-
27 ber as the card being replaced.

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

30 (13) An identification card becomes invalid if the holder of the card
31 changes the holder's name from that shown on the card, including a change

1 of name by marriage, without providing the department with notice of the
2 change as required under ORS 807.420. Upon receiving such notice and the
3 old identification card, the department shall issue a replacement identifica-
4 tion card upon payment of the fee required under ORS 807.410.

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

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

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

19 (17) Upon cancellation of an identification card, the card is terminated
20 and must be surrendered to the department. An identification card may be
21 canceled for any of the reasons that driving privileges or a driver license
22 may be canceled under ORS 809.310. The department may reissue an iden-
23 tification card canceled under this subsection when the applicant has satis-
24 fied all requirements for the identification card.

25 (18) Notwithstanding any other provision of this section, the department
26 may issue an identification card to a person under this subsection without
27 charge when the person surrenders the person's driver license or driver per-
28 mit to the department for reasons described in this subsection. If the de-
29 partment issues an identification card under this subsection, the
30 identification card shall expire at the same time as the surrendered driver
31 license or driver permit would have expired. An identification card issued

1 under this subsection is subject to the same requirements and fees for re-
2 newal or upon expiration as any other identification card issued under this
3 section. The department may issue identification cards under this subsection
4 for any of the following reasons:

5 (a) The person voluntarily surrenders the person's driver license or driver
6 permit to the department based upon the person's recognition that the person
7 is no longer competent to drive.

8 (b) The person's driving privileges are suspended under ORS 809.419 (1).
9 This paragraph only applies if the person voluntarily surrenders the person's
10 driver license or driver permit to the department as provided under ORS
11 809.500.

12 **SECTION 5.** ORS 807.040, as amended by section 30, chapter 43, Oregon
13 Laws 2012, is amended to read:

14 807.040. (1) The Department of Transportation shall issue a driver license
15 to any person who complies with all of the following requirements:

16 (a) The person must complete an application for a license under ORS
17 807.050.

18 (b) As required by ORS 807.021 and 807.730, the person must provide the
19 Social Security number assigned to the person by the United States Social
20 Security Administration and proof of legal presence in the United States
21 or[, *if the person is not eligible for a Social Security number, proof of legal*
22 *presence in the United States and proof that the person is not eligible for a*
23 *Social Security number.*] **proof of deferred action status granted by the**
24 **United States Department of Homeland Security through the Deferred**
25 **Action for Childhood Arrivals Program. If the person is not eligible for**
26 **a Social Security number, the person must provide proof that the**
27 **person is not eligible for a Social Security number and must provide**
28 **proof of:**

29 (A) **Legal presence in the United States; or**

30 (B) **Deferred action status granted by the United States Department**
31 **of Homeland Security through the Deferred Action for Childhood Ar-**

1 **rivals Program.**

2 (c) The person must submit to collection of biometric data by the de-
3 partment that establish the identity of the person as described in ORS
4 807.024.

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

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

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

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

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

14 (i) If the application is for a commercial driver license, the person must
15 submit to the department, in a form approved by the department, the report
16 of a medical examination that establishes that the person meets the medical
17 requirements for the particular class of license. The department, by rule,
18 shall establish medical requirements for purposes of this paragraph. The
19 medical requirements established under this paragraph may include any re-
20 quirements the department determines are necessary for the safe operation
21 of vehicles permitted to be operated under the class of license for which the
22 requirements are established.

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

24 (A) Have at least one year's driving experience, including relevant experi-
25 ence obtained in the military;

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

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

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

31 **SECTION 6.** ORS 807.310 is amended to read:

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

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

9 (3) The holder of an applicant temporary driver permit must have the
10 temporary driver permit on the holder's person while operating a motor ve-
11 hicle. The holder of an applicant temporary driver permit must operate
12 within the driving privileges granted under the temporary driver permit.

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

17 (5) If an applicant has complied with all the requirements for an appli-
18 cation for a driver license or driver permit, except that the applicant is un-
19 able to produce the documentation required by the department under ORS
20 807.021 and 807.730, the department, at the time of application, may issue to
21 the applicant an applicant temporary driver permit as provided in this sec-
22 tion if the applicant certifies that the applicant is, to the best of the
23 applicant's knowledge, legally present in the United States **or has been**
24 **granted deferred action status by the United States Department of**
25 **Homeland Security through the Deferred Action for Childhood Ar-**
26 **rivals Program.**

27 (6) An applicant temporary driver permit issued to an applicant under
28 subsection (5) of this section is valid for a period of 90 days from the date
29 issued. The department may extend the term of the permit up to two times
30 for sufficient cause. Each extension of the term of the permit may not exceed
31 90 days.

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

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

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

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