

Senate Bill 833

Sponsored by Senators SHIELDS, ROBLAN, THOMSEN, HANSELL, Representatives VEGA PEDERSON, HARKER, JOHNSON, GILLIAM

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**.

Directs Department of Transportation to issue short term driver license or short term driver permit to applicant who does not provide proof of legal presence in United States but otherwise has complied with all requirements for license or permit and has resided in Oregon for more than one year.

Prohibits use of short term driver license or short term driver permit as identification to obtain Oregon concealed handgun license or purchase firearm from gun dealer.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 97.953, 166.291, 166.412, 166.427, 166.436, 166.438, 802.200, 807.021, 807.040,
4 807.110, 807.130, 807.310 and 807.370.

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

6 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of the Oregon Vehicle**
7 **Code.**

8 **SECTION 2. (1) The Department of Transportation shall issue, renew or replace a short**
9 **term driver license or short term driver permit for a person who does not provide proof of**
10 **legal presence in the United States if the person meets the requirements described in sub-**
11 **section (2) of this section.**

12 **(2) A person is eligible for a short term driver license or a short term driver permit un-**
13 **der this section if the person:**

14 **(a) Complies with all of the requirements for the license or permit sought to be issued,**
15 **other than the requirement to provide proof of legal presence in the United States;**

16 **(b) Provides proof of identity and date of birth by submitting:**

17 **(A) An unexpired valid passport from the person's country of citizenship;**

18 **(B) An unexpired valid consular identification document issued by the consulate of the**
19 **person's country of citizenship, if the department determines that the procedure used in is-**
20 **ssuing the consular identification document is sufficient to prove the person's identity; or**

21 **(C) Such other valid documentation, as defined by the department by rule;**

22 **(c) Provides proof of residency in this state in excess of one year as of the date of ap-**
23 **plication; and**

24 **(d) Provides the Social Security number assigned to the person, if any, by the United**
25 **States Social Security Administration.**

26 **(3) The department may issue, renew or replace a short term driver license or short term**
27 **driver permit for an applicant who has submitted a Social Security number only after the**
28 **department verifies the Social Security number with the United States Social Security Ad-**

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 **ministration.**

2 (4) **Factors determining Oregon residency include:**

3 (a) **Evidence that the person owns or leases property in Oregon for use as a personal**
 4 **domicile by the person;**

5 (b) **Filing a full-year resident or part-year resident Oregon tax return for the most recent**
 6 **tax year; and**

7 (c) **Such other factors adopted by the department by rule.**

8 (5) **Notwithstanding ORS 807.130 and 807.150, upon issuance and renewal:**

9 (a) **A short term driver license issued under this section expires on the anniversary of**
 10 **the licensee's birthday in the fourth calendar year after the date of issuance.**

11 (b) **A short term driver permit issued under this section is valid for the period of time**
 12 **for which a driver permit of the same type is issued by the department, but no longer than**
 13 **a period of four years.**

14 (6) **A short term driver license and a short term driver permit are not valid for operation**
 15 **of a commercial motor vehicle.**

16 (7) **The department shall adopt any rules it considers necessary for the administration**
 17 **of this section.**

18 **SECTION 3.** ORS 802.200 is amended to read:

19 802.200. In addition to any other records the Department of Transportation may establish, the
 20 department is subject to the following provisions concerning records:

21 (1) The department shall maintain records concerning the titling of vehicles in this state. The
 22 records under this subsection shall include the following:

23 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
 24 the following:

25 (A) The name of the vehicle owner and any security interest holders in order of priority, except
 26 that a security interest holder need not be identified if the debtor who granted the interest is in the
 27 business of selling vehicles and the vehicles constitute inventory held for sale;

28 (B) The name of any lessor of the vehicle;

29 (C) The vehicle description; and

30 (D) Whether a certificate of title was issued for the vehicle.

31 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
 32 vehicle is reconstructed.

33 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

34 (d) Any other information concerning the titling of vehicles that the department considers con-
 35 venient or appropriate.

36 (e) All odometer readings for a vehicle that are reported to the department under provisions of
 37 the vehicle code.

38 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
 39 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
 40 reason for the report was theft and the vehicle has been recovered.

41 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
 42 in this state, the department shall retain a record of any odometer readings shown on the title or
 43 registration documents submitted to the department at the time of registration or title.

44 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
 45 cerning the registration of vehicles required to be registered by the department. The records con-

cerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

(a) For vehicles registered by the department, the records shall identify the vehicle and contain the following:

(A) The registration plate number assigned by the department to the vehicle;

(B) The name of the vehicle owner;

(C) The vehicle description and vehicle identification number; and

(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the vehicle has been recovered.

(b) Any other information concerning the registration of vehicles that the department considers convenient or appropriate.

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

(5) The department shall maintain a file on vehicles for which the title record is canceled under ORS 819.030. The records required under this subsection shall disclose the last registered owner of each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the canceled title record for each vehicle and the make and year model for each vehicle.

(6) The department shall maintain a record of each agreement or declaration under ORS 802.500 and 802.520.

(7) The department shall maintain separate and comprehensive records of all transactions affecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

(8) The department shall maintain suitable records of driver licenses, driver permits and identification cards. The records required under this subsection shall include all of the following:

(a) An index by name and number.

(b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

(c) Every application for a driver license, driver permit or identification card.

(d) All driver licenses or driver permits that have been suspended or revoked.

(e) **Except as provided in paragraph (f) of this subsection**, for each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or proof that the person is not eligible for a Social Security number.

(f) For each short term driver license or short term driver permit, the Social Security number, if any, of the person to whom the short term driver license or short term driver permit is issued.

[(f)] (g) For each commercial driver license, the Social Security number of the person to whom the license is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

(9) The Department of Transportation shall maintain a two-part driving record consisting of an employment driving record and a nonemployment driving record for each person as required under this subsection. All of the following apply to the records required under this subsection:

1 (a) The department shall maintain driving records on:

2 (A) Every person who is granted driving privileges under a driver license, driver permit or a
 3 statutory grant of driving privileges under ORS 807.020;

4 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
 5 vehicle code;

6 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

7 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
 8 806.220, 806.230 or 806.240.

9 (b) In addition to other information required by this paragraph, the employment driving record
 10 shall include all reports of drug test results that are made to the department under ORS 825.410.
 11 Notwithstanding any other provision of law, release of the portion of the employment driving record
 12 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
 13 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
 14 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
 15 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license
 16 that result from operation or use of a commercial motor vehicle and all convictions of the person
 17 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
 18 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
 19 only such accidents, suspensions and convictions that occur while the person is driving a motor
 20 vehicle:

21 (A) In the course of the person's employment when the person is employed by another for the
 22 principal purpose of driving a motor vehicle;

23 (B) Carrying persons or property for compensation;

24 (C) In the course of the person's employment in the collection, transportation or delivery of mail
 25 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
 26 in accordance with government rules;

27 (D) That is an authorized emergency vehicle;

28 (E) That is a commercial motor vehicle; or

29 (F) In the course of the person's employment with a federal, state or local government in a
 30 public works project involving repair or maintenance of water, sewer or road systems.

31 (c) The nonemployment driving record shall include the person's:

32 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than
 33 the motor vehicle accidents that are included on the person's employment driving record;

34 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

35 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
 36 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
 37 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
 38 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

39 (D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

40 (d) The department may record other entries to indicate correspondence, interviews, partic-
 41 ipation in driver improvement programs or other matters concerning the status of the driving priv-
 42 ileges of the person.

43 (e) When a person from another jurisdiction applies for a driver license or driver permit issued
 44 by this state, the department shall request a copy of the person's driving record from the other ju-
 45 risdiction. At the time the person is issued a license in Oregon, the record from the other jurisdic-

1 tion shall become part of the driver's record in this state with the same force and effect as though
2 entered on the driver's record in this state in the original instance. The department by rule may
3 specify methods for converting entries from out-of-state records for use in Oregon.

4 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
5 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
6 ment shall note on the record that the suspension was for failure to appear in court and shall also
7 note the offense charged against the person on which the person failed to appear.

8 (g) The Department of Transportation, in consultation with the Department of State Police, shall
9 devise and implement a method of noting suspensions and revocations of driving privileges on the
10 record in such a way that police agencies can determine directly from the record what class of of-
11 fense, as provided by law, is committed by a person who drives in violation of the suspension or
12 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
13 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
14 vocation and the consequences of its violation, the implementation of that method shall satisfy the
15 duty of the Department of Transportation under this paragraph.

16 (10) The Department of Transportation shall maintain records of judgments or convictions sent
17 to the department under ORS 810.375.

18 (11) The department shall maintain accident reports filed with the department under ORS
19 810.460 and 811.725 to 811.735.

20 (12) The department shall maintain records of bank checks or money orders returned under ORS
21 802.110.

22 (13) The department shall maintain records of trip permits issued by the department under ORS
23 803.600, as provided under this subsection. The records required by this subsection shall include the
24 following:

25 (a) A description of the vehicle sufficient to identify the vehicle.

26 (b) The person to whom the permit was issued.

27 (c) When the permit was issued.

28 (d) The type of permit issued.

29 (e) For registration weight trip permits, the maximum allowable registration weight permitted
30 for operation under the permit.

31 (f) Any other information the department determines appropriate or convenient.

32 **SECTION 4.** ORS 807.021 is amended to read:

33 807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4) **and section 2 of this 2013**
34 **Act**, prior to issuing, renewing or replacing any driver license, driver permit or identification card,
35 the Department of Transportation shall require a person to provide the Social Security number as-
36 signed to the person by the United States Social Security Administration and proof of legal presence
37 in the United States or, if the person is not eligible for a Social Security number, proof of legal
38 presence in the United States and proof that the person is not eligible for a Social Security number.

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

40 (a) A person provides proof of legal presence in the United States by submitting valid docu-
41 mentation, as defined by the department by rule, that the person is a citizen or permanent legal
42 resident of the United States or is otherwise legally present in the United States in accordance with
43 federal immigration laws.

44 (b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation
45 may submit a tribal identification card as proof of legal presence in the United States if the de-

1 partment determines that the procedures used in issuing the card are sufficient to prove that a
2 member is legally present in the United States.

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

5 (3) The department may issue, renew or replace a driver license, driver permit or identification
6 card for an applicant who has submitted a Social Security number only after the department verifies
7 the Social Security number with the United States Social Security Administration. In order to verify
8 the person's Social Security number, the department may require the person to provide proof, as
9 defined by rule, of the person's Social Security number.

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

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

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

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

18 (b) [As required by ORS 807.021 and 807.730,] **Except as provided in section 2 of this 2013**
19 **Act**, the person must provide the Social Security number assigned to the person by the United
20 States Social Security Administration and proof of legal presence in the United States or, if the
21 person is not eligible for a Social Security number, proof of legal presence in the United States and
22 proof that the person is not eligible for a Social Security number **as described in ORS 807.021.**

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

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

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

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

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

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

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

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

42 (A) Have at least one year's driving experience, including relevant experience obtained in the
43 military;

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

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

1 **(D) Not be the holder of a short term driver license or short term driver permit.**

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

4 **SECTION 6.** ORS 807.110 is amended to read:

5 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
6 lowing:

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

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

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

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

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

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

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

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

22 (i) Except as otherwise provided in subsection (2) of this section, a photograph described in this
23 paragraph. A photograph required under this paragraph shall:

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

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

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

30 (j) The class of license issued and any endorsements granted. If the license is a commercial
31 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
32 cense.

33 (k) The signature of the person to whom the license is issued.

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

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

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

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

39 **(4) A short term driver license issued under section 2 of this 2013 Act shall contain a**
40 **distinguishing feature, as determined by the department by rule.**

41 [(4)] (5) The department shall use security procedures, processes and materials in the prepara-
42 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to
43 alter, counterfeit, duplicate or modify the license without ready detection. The security features
44 used in the production of the licenses shall provide for:

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

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

SECTION 7. 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) **Except as provided in subsection (5) of this section**, 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) An applicant temporary driver permit is valid for a period of 90 days from the date issued if an applicant:

(a) 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*; **and**

(b) 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*] **an applicant temporary driver permit issued to an applicant under subsection (5) of this section** up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.

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

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

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

SECTION 8. ORS 807.370 is amended to read:

807.370. The following are the fees relating to the issuance and renewal of licenses, driver permits and endorsements:

(1) Disability golf cart driver permit fees under ORS 807.210, as follows:

(a) For issuance, \$44.

(b) For renewal fee under ORS 807.210, \$32.

(2) Emergency driver permit fee under ORS 807.220, \$23.50.

(3) Instruction driver permit fees under ORS 807.280, as follows:

(a) For issuance, \$23.50.

- 1 (b) For renewal, \$23.50.
- 2 (4)(a) License issuance fee for a Class C license, \$54.
- 3 (b) Fee to take the knowledge test for a Class C license, \$5.
- 4 (c) Fee to take the skills test for a Class C license, \$9.
- 5 (5) License issuance fee for a restricted Class C license, \$54.
- 6 (6) License issuance fee for a commercial driver license, whether or not the license contains
- 7 endorsements, \$75.50.
- 8 (7) Test fees for a commercial driver license or permit:
- 9 (a) To take the knowledge test for a Class A commercial license or permit, \$10.
- 10 (b) To take the skills test for a Class A commercial license, \$70.
- 11 (c) To take the knowledge test for a Class B commercial license or permit, \$10.
- 12 (d) To take the skills test for a Class B commercial license, \$70.
- 13 (e) To take the knowledge test for a Class C commercial license or permit, \$10.
- 14 (f) To take the skills test for a Class C commercial license, \$70.
- 15 (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license
- 16 of any class when the Department of Transportation accepts a certificate of competency issued un-
- 17 der ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.
- 18 (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus
- 19 endorsement to a person who has a commercial driver license with a passenger endorsement:
- 20 (a) \$21; or
- 21 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- 22 (10) For a farm endorsement, \$26.
- 23 (11) Test fees for the knowledge test for endorsements other than motorcycle and farm
- 24 endorsements:
- 25 (a) For a hazardous materials endorsement, \$10.
- 26 (b) For a tank vehicle endorsement, \$10.
- 27 (c) For a passenger endorsement, \$10.
- 28 (d) For a double and triple trailer endorsement, \$10.
- 29 (e) For a school bus endorsement, \$10.
- 30 (12) Fee to take an airbrake knowledge test, \$10.
- 31 (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- 32 (14) License renewal fee for a commercial driver license, \$55.50.
- 33 (15) License renewal fee for a Class C license, \$34.
- 34 (16) License or driver permit replacement fee under ORS 807.160, \$26.50.
- 35 (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46,
- 36 in addition to any fees for the endorsed license.
- 37 (18) Special student driver permit fee under ORS 807.230, \$23.50.
- 38 (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- 39 (20) Motorcycle Safety Subaccount fee as follows:
- 40 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$38.
- 41 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- 42 (21) Probationary driver permit application fee under ORS 807.270, \$50.
- 43 (22) Hardship driver permit application fee under ORS 807.240, \$50.
- 44 (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- 45 (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.

1 (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS
2 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

3 (26) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.

4 (27)(a) License issuance fee for a Class C limited term license, \$23.

5 (b) Fee to take the knowledge test for a Class C limited term license, \$5.

6 (c) Fee to take the skills test for a Class C limited term license, \$9.

7 (28) License issuance fee for a restricted Class C limited term license, \$23.

8 (29) License issuance fee for a limited term commercial driver license, whether or not the li-
9 cense contains endorsements, \$45.

10 (30) License renewal fee for a limited term commercial driver license, \$14.

11 (31) License renewal fee for a Class C limited term license, \$8.

12 (32) Limited term license or limited term driver permit replacement fee under ORS 807.160,
13 \$26.50.

14 (33) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150,
15 \$2.

16 **(34)(a) License issuance fee for a Class C short term license issued under section 2 of this**
17 **2013 Act, \$74.**

18 **(b) Fee to take the knowledge test for a Class C short term license issued under section**
19 **2 of 2013 Act, \$5.**

20 **(c) Fee to take the skills test for a Class C short term license issued under section 2 of**
21 **2013 Act, \$9.**

22 **(35) License issuance fee for a restricted Class C short term license issued under section**
23 **2 of 2013 Act, \$74.**

24 **(36) License renewal fee for a Class C short term license issued under section 2 of 2013**
25 **Act, \$54.**

26 **(37) Replacement fee for a driver license or driver permit issued under section 2 of this**
27 **2013 Act, \$40.**

28 **(38) Student Driver Training Fund eligibility fee for a short term driver license or a short**
29 **term driver permit issued under section 2 of this 2013 Act, \$6.**

30 **SECTION 9.** ORS 807.130 is amended to read:

31 807.130. (1) A license that is issued as an original license and not as a license that is renewed
32 expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of
33 issuance.

34 (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-
35 tion date of the immediately preceding license.

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

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

45 **SECTION 10.** ORS 97.953 is amended to read:

- 1 97.953. As used in ORS 97.951 to 97.982:
- 2 (1) “Adult” means an individual who is 18 years of age or older.
- 3 (2) “Agent” means an:
- 4 (a) Attorney-in-fact as that term is defined in ORS 127.505; or
- 5 (b) Individual expressly authorized to make an anatomical gift on the principal’s behalf by any
- 6 record signed by the principal.
- 7 (3) “Anatomical gift” means a donation of all or part of a human body to take effect after the
- 8 donor’s death for the purpose of transplantation, therapy, research or education.
- 9 (4) “Body part” means an organ, an eye or tissue of a human being. The term does not include
- 10 the whole body.
- 11 (5) “Decedent” means a deceased individual whose body or body part is or may be the source
- 12 of an anatomical gift, and includes a stillborn infant or a fetus.
- 13 (6)(a) “Disinterested witness” means a witness other than:
- 14 (A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who
- 15 makes, amends, revokes or refuses to make an anatomical gift; or
- 16 (B) An adult who exhibited special care and concern for the individual.
- 17 (b) “Disinterested witness” does not include a person to whom an anatomical gift could pass
- 18 under ORS 97.969.
- 19 (7) “Document of gift” means a donor card or other record used to make an anatomical gift. The
- 20 term includes a statement, symbol or designation on a driver license, identification card or donor
- 21 registry.
- 22 (8) “Donor” means an individual whose body or body part is the subject of an anatomical gift.
- 23 (9) “Donor registry” means a centralized database that contains records of anatomical gifts and
- 24 amendments to or revocations of anatomical gifts.
- 25 (10) “Driver license” means a license or permit issued under ORS 807.021, 807.040, 807.200,
- 26 807.280 or 807.730 **or section 2 of this 2013 Act**, regardless of whether conditions are attached to
- 27 the license or permit.
- 28 (11) “Eye bank” means an organization licensed, accredited or regulated under federal or state
- 29 law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes
- 30 or portions of human eyes.
- 31 (12) “Guardian” means a person appointed by a court to make decisions regarding the support,
- 32 care, education, health or welfare of an individual. “Guardian” does not include a guardian ad litem.
- 33 (13) “Hospital” means a facility licensed as a hospital under the law of any state or a facility
- 34 operated as a hospital by the United States, a state or a subdivision of a state.
- 35 (14) “Identification card” means the card issued under ORS 807.021, 807.400 or 807.730, or a
- 36 comparable provision of the motor vehicle laws of another state.
- 37 (15) “Know” means to have actual knowledge.
- 38 (16) “Minor” means an individual who is under 18 years of age.
- 39 (17) “Organ procurement organization” means an organization designated by the Secretary of
- 40 the United States Department of Health and Human Services as an organ procurement organization.
- 41 (18) “Parent” means a parent whose parental rights have not been terminated.
- 42 (19) “Physician” means an individual authorized to practice medicine or osteopathy under the
- 43 law of any state.
- 44 (20) “Procurement organization” means an eye bank, organ procurement organization or tissue
- 45 bank.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **SECTION 11.** ORS 166.291 is 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 including, but not limited to, manual or computerized
 15 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 this 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 short term driver license or a short term driver permit issued**
10 **under section 2 of this 2013 Act may not be used as identification.** The type of identification
11 and the number on the 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 short term driver license or a short term driver permit issued under**
18 **section 2 of this 2013 Act 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 12.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and
26 section 34, chapter 547, Oregon Laws 2011, 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.

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

(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon request. The forms shall be uniform throughout this state in substantially the following form:

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

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

Legal name _____
Age _____ Date of birth _____
Place of birth _____
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 short term driver license or a short term driver permit issued**
6 **under section 2 of this 2013 Act may not be used as identification.** The type of identification
7 and the number on the 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: Address

29 _____

30 Name: 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 short term driver license or a short term driver permit issued under**
14 **section 2 of this 2013 Act 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 13.** 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 short term driver license or a short term driver per-**
 2 **mit issued under section 2 of this 2013 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 14.** ORS 166.427 is amended to read:

29 166.427. (1) Whenever a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
 30 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
 31 otherwise, buys or accepts in trade, a used firearm, the person shall enter in a register the time,
 32 date and place of purchase or trade, the name of the person selling or trading the firearm, the
 33 number of the identification documentation presented by the person and the make, model and
 34 manufacturer's number of the firearm. The register shall be obtained from and furnished by the
 35 Department of State Police to the dealer on application at cost.

36 **(2) A person may not accept a short term driver license or a short term driver permit**
 37 **issued under section 2 of this 2013 Act as identification.**

38 [(2)] (3) The duplicate sheet of the register shall, on the day of purchase or trade, be hand de-
 39 livered or mailed to the local law enforcement authority.

40 [(3)] (4) Violation of this section by any person engaged in the business of selling, leasing or
 41 otherwise transferring a firearm is a Class C misdemeanor.

42 **SECTION 15.** ORS 166.436 is amended to read:

43 166.436. (1) The Department of State Police shall make the telephone number established under
 44 ORS 166.412 (5) available for requests from persons other than gun dealers for criminal background
 45 checks under this section.

1 (2) Prior to transferring a firearm, a transferor other than a gun dealer may request by tele-
 2 phone that the department conduct a criminal background check on the recipient and shall provide
 3 the following information to the department:

4 (a) The name, address and telephone number of the transferor;

5 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;

6 (c) The name, date of birth, race, sex and address of the recipient;

7 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;

8 (e) The address of the place where the transfer is occurring; and

9 (f) The type, issuer and identification number of a current piece of identification bearing a re-
 10 cent photograph of the recipient presented by the recipient. The identification presented by the re-
 11 cipient must meet the requirements of ORS 166.412 (4)(a).

12 **(3) A transferor may not accept a short term driver license or a short term driver permit**
 13 **issued under section 2 of this 2013 Act as proof of the recipient's identity, including the**
 14 **recipient's name, date of birth or address.**

15 [(3)(a)] **(4)(a)** Upon receipt of a request for a criminal background check under this section, the
 16 department shall immediately, during the telephone call or by return call:

17 (A) Determine from criminal records and other information available to it whether the recipient
 18 is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state
 19 or federal law from possessing a firearm; and

20 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide
 21 the transferor with a unique approval number indicating that the recipient is qualified to complete
 22 the transfer. The unique approval number is a permit valid for 24 hours for the requested transfer.
 23 If the firearm is not transferred from the transferor to the recipient within 24 hours after receipt
 24 of the unique approval number, a new request must be made by the transferor.

25 (b) If the department is unable to determine whether the recipient is qualified for or disqualified
 26 from completing the transfer within 30 minutes of receiving the request, the department shall notify
 27 the transferor and provide the transferor with an estimate of the time when the department will
 28 provide the requested information.

29 [(4)] **(5)** A public employee or public agency incurs no criminal or civil liability for performing
 30 the criminal background checks required by this section, provided the employee or agency acts in
 31 good faith and without malice.

32 [(5)(a)] **(6)(a)** The department may retain a record of the information obtained during a request
 33 for a criminal background check under this section for the period of time provided in ORS 166.412
 34 (7).

35 (b) The record of the information obtained during a request for a criminal background check
 36 under this section is exempt from disclosure under public records law.

37 [(6)] **(7)** The recipient of the firearm must be present when the transferor requests a criminal
 38 background check under this section.

39 [(7)(a)] **(8)(a)** Except as otherwise provided in paragraphs (b) and (c) of this subsection, a
 40 transferor who receives notification under this section that the recipient is qualified to complete the
 41 transfer of a firearm is immune from civil liability for any use of the firearm from the time of the
 42 transfer unless the transferor knows, or reasonably should know, that the recipient is likely to
 43 commit an unlawful act involving the firearm.

44 (b) If the transferor is required to request a criminal background check under ORS 166.438, the
 45 immunity provided by paragraph (a) of this subsection applies only if, in addition to receiving the

1 notification required by this section, the transferor has the recipient fill out the form required by
 2 ORS 166.438 (1)(a) and retains the form as required by ORS 166.438 [(2)] (3).

3 (c) The immunity provided by paragraph (a) of this subsection does not apply:

4 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends
 5 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may
 6 not lawfully possess the firearm; or

7 (B) In any product liability civil action under ORS 30.900 to 30.920.

8 **SECTION 16.** ORS 166.438 is amended to read:

9 166.438. (1) A transferor other than a gun dealer may not transfer a firearm at a gun show un-
 10 less the transferor:

11 (a)(A) Requests a criminal background check under ORS 166.436 prior to completing the trans-
 12 fer;

13 (B) Receives notification that the recipient is qualified to complete the transfer; and

14 (C) Has the recipient complete the form described in ORS 166.441; or

15 (b) Completes the transfer through a gun dealer.

16 **(2) A transferor may not accept a short term driver license or a short term driver permit**
 17 **issued under section 2 of this 2013 Act as proof of the recipient's identity, including the**
 18 **recipient's name, date of birth or address.**

19 [(2)] (3) The transferor shall retain the completed form referred to in subsection (1) of this sec-
 20 tion for at least five years and shall make the completed form available to law enforcement agencies
 21 for the purpose of criminal investigations.

22 [(3)] (4) A person who organizes a gun show shall post in a prominent place at the gun show a
 23 notice explaining the requirements of subsections (1) and [(2)] (3) of this section. The person shall
 24 provide the form required by subsection (1) of this section to any person transferring a firearm at
 25 the gun show.

26 [(4)] (5) Subsection (1) of this section does not apply if the transferee is licensed as a dealer
 27 under 18 U.S.C. 923.

28 [(5)(a)] (6)(a) Failure to comply with the requirements of subsection (1), [(2) or (3)] (3) or (4) of
 29 this section is a Class A misdemeanor.

30 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements
 31 of subsection (1), [(2) or (3)] (3) or (4) of this section is a Class C felony if the person has two or
 32 more previous convictions under this section.

33 [(6)] (7) It is an affirmative defense to a charge of violating subsection (1) or [(3)] (4) of this
 34 section that the person did not know, or reasonably could not know, that more than 25 firearms
 35 were at the site and available for transfer.

36