

**PROPOSED AMENDMENTS TO
SENATE BILL 833**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the
2 line and delete line 4 and insert “97.953, 125.815, 127.860, 144.102, 144.270,
3 165.107, 166.291, 166.412, 166.427, 166.436, 166.438, 194.515, 247.019, 462.195,
4 471.130, 471.186, 471.242, 471.282, 471.478, 480.235, 609.510, 646A.210, 697.520,
5 723.152, 801.250, 807.021, 807.040, 807.110, 807.130, 807.310 and 807.750 and
6 section 2, chapter 99, Oregon Laws 2012.”.

7 Delete lines 6 through 28 and delete pages 2 through 24 and insert:

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

10 **“SECTION 2. (1) The Department of Transportation shall issue, re-**
11 **new or replace a short term driver license or short term driver permit**
12 **for a person who does not provide proof of legal presence in the United**
13 **States if the person meets the requirements described in subsection**
14 **(5) of this section.**

15 **“(2) A driver license or driver permit issued under this section must**
16 **prominently indicate that it is a ‘driving only privilege card.’**

17 **“(3) Except as provided in subsection (4) of this section, a driver**
18 **license or driver permit issued under this section may be used only as**
19 **evidence of a grant of driving privileges.**

20 **“(4) A driver license or driver permit issued under this section may**
21 **be used for the purpose of:**

22 **“(a) Identifying the person as an anatomical donor.**

1 **“(b) Identifying the person as an emancipated minor.**

2 **“(c) Identifying the person as a veteran.**

3 **“(d) Providing a driver license number as required under ORS**
4 **18.042, 18.170 and 25.020.**

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

7 **“(5) A person is eligible for a driver license or a driver permit under**
8 **this section if the person:**

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

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

13 **“(A) An unexpired valid passport from the person’s country of citi-**
14 **zenship;**

15 **“(B) An unexpired valid consular identification document issued by**
16 **the consulate of the person’s country of citizenship, if the department**
17 **determines that the procedure used in issuing the consular identifica-**
18 **tion document is sufficient to prove the person’s identity; or**

19 **“(C) Such other valid documentation, as defined by the department**
20 **by rule; and**

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

23 **“(6) The department may issue, renew or replace a driver license**
24 **or driver permit for an applicant who has submitted a Social Security**
25 **number only after the department verifies the Social Security number**
26 **with the United States Social Security Administration.**

27 **“SECTION 3. ORS 807.110 is amended to read:**

28 **“807.110. (1) A license issued by the Department of Transportation shall**
29 **contain all of the following:**

30 **“(a) The distinguishing number assigned to the person issued the license**

1 by the department.

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

4 “(c) The full legal name of the person to whom the license is issued, ex-
5 cept that the department may limit the number of characters displayed on
6 the license.

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

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

12 “(f) Upon request of the person to whom the license is issued, the fact
13 that the person is an anatomical donor.

14 “(g) Upon request of the person to whom the license is issued and pres-
15 entation of proof, as determined by the department, the fact that the person
16 is a veteran, as defined in ORS 408.225.

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

19 “(i) **The fact that a license issued under section 2 of this 2013 Act**
20 **is a ‘driving privilege only card.’**

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

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

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

27 “(C) Be taken at the time of application for issuance of the license
28 whether the application is for an original license, replacement of a license
29 under ORS 807.160 or for renewal of a license under ORS 807.150, except that
30 the department, by rule, may allow the applicant to use a photograph already

1 on file with the department.

2 “[*j*] (k) The class of license issued and any endorsements granted. If the
3 license is a commercial driver license, the words ‘commercial driver license’
4 or the letters ‘CDL’ shall appear on the license.

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

6 “(2) The department may issue a valid license without a photograph to
7 an applicant who objects either on religious grounds or because of the
8 applicant’s facial disfigurement.

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

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

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

12 “(4) The department shall use security procedures, processes and materials
13 in the preparation, manufacture and issuance of any license that prohibit as
14 nearly as possible anyone’s ability to alter, counterfeit, duplicate or modify
15 the license without ready detection. The security features used in the pro-
16 duction of the licenses shall provide for:

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

18 “(b) The production of the license only by equipment that requires ver-
19 ification of the identity of the operator of the equipment before a license
20 may be produced.

21 **“SECTION 4.** ORS 807.021 is amended to read:

22 “807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4) **and**
23 **section 2 of this 2013 Act**, prior to issuing, renewing or replacing any driver
24 license, driver permit or identification card, the Department of Transporta-
25 tion shall require a person to provide the Social Security number assigned
26 to the person by the United States Social Security Administration and proof
27 of legal presence in the United States or, if the person is not eligible for a
28 Social Security number, proof of legal presence in the United States and
29 proof that the person is not eligible for a Social Security number.

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

1 “(a) A person provides proof of legal presence in the United States by
2 submitting valid documentation, as defined by the department by rule, that
3 the person is a citizen or permanent legal resident of the United States or
4 is otherwise legally present in the United States in accordance with federal
5 immigration laws.

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

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

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

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

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

26 “807.040. (1) The Department of Transportation shall issue a driver license
27 to any person who complies with all of the following requirements:

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

30 “(b) [*As required by ORS 807.021 and 807.730,*] **Except as provided in**

1 **section 2 of this 2013 Act**, the person must provide the Social Security
2 number assigned to the person by the United States Social Security Admin-
3 istration and proof of legal presence in the United States or, if the person
4 is not eligible for a Social Security number, proof of legal presence in the
5 United States and proof that the person is not eligible for a Social Security
6 number **as described in ORS 807.021**.

7 “(c) The person must submit to collection of biometric data by the de-
8 partment that establish the identity of the person as described in ORS
9 807.024.

10 “(d) The person must not be ineligible for the license under ORS 807.060
11 and must be eligible for the license under ORS 807.062.

12 “(e) The person must successfully pass all examination requirements un-
13 der ORS 807.070 for the class of license sought.

14 “(f) The person must pay the appropriate license fee under ORS 807.370
15 for the class of license sought.

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

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

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

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

29 “(A) Have at least one year’s driving experience, including relevant ex-
30 perience obtained in the military;

1 “(B) Not be disqualified from holding a commercial driver license under
2 ORS 809.404; [and]

3 “(C) Not be otherwise ineligible to hold a commercial driver license[.];
4 **and**

5 **“(D) Not be the holder of a driver license or driver permit issued**
6 **under section 2 of this 2013 Act.**

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

9 **“SECTION 6.** ORS 807.310 is amended to read:

10 “807.310. (1) The Department of Transportation shall provide for the is-
11 suance of applicant temporary driver permits in a manner consistent with
12 this section.

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

18 “(3) The holder of an applicant temporary driver permit must have the
19 temporary driver permit on the holder’s person while operating a motor ve-
20 hicle. The holder of an applicant temporary driver permit must operate
21 within the driving privileges granted under the temporary driver permit.

22 “(4) **Except as provided in subsection (5) of this section,** an applicant
23 temporary driver permit is valid for a period of 30 days from the date issued.
24 The department may extend the term of the permit for sufficient cause. An
25 extension of the term of the permit may not exceed an additional 30 days.

26 “(5) **An applicant temporary driver permit is valid for a period of**
27 **90 days from the date issued** if an applicant:

28 “(a) Has complied with all the requirements for an application for a
29 driver license or driver permit, except that the applicant is unable to produce
30 the documentation required by the department under ORS 807.021 and

1 807.730[, *the department, at the time of application, may issue to the applicant*
2 *an applicant temporary driver permit as provided in this section if the appli-*
3 *cant*]; **and**

4 “(b) Certifies that the applicant is, to the best of the applicant’s knowl-
5 edge, legally present in the United States.

6 “(6) [*An applicant temporary driver permit issued to an applicant under*
7 *subsection (5) of this section is valid for a period of 90 days from the date is-*
8 *sued.*] The department may extend the term of [*the permit*] **an applicant**
9 **temporary driver permit issued to an applicant under subsection (5)**
10 **of this section** up to two times for sufficient cause. Each extension of the
11 term of the permit may not exceed 90 days.

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

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

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

20 “**SECTION 7.** ORS 807.130 is amended to read:

21 “807.130. (1) A license that is issued as an original license and not as a
22 license that is renewed expires on the anniversary of the licensee’s birthday
23 in the eighth calendar year after the year of issuance.

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

26 “(3) Notwithstanding subsections (1) and (2) of this section, a **limited**
27 **term driver** license that is issued **under ORS 807.730** to a person who is
28 not a citizen or permanent legal resident of the United States expires on the
29 date the licensee is no longer authorized to stay in the United States, as
30 indicated by the documentation the person presented to the Department of

1 Transportation to provide proof of legal presence in the United States as
2 required by ORS 807.021 and 807.730, but no longer than eight years from the
3 date of issuance or, if there is no definite end to the authorized stay, after
4 a period of one year.

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

7 **“SECTION 8.** ORS 97.953 is amended to read:

8 “97.953. As used in ORS 97.951 to 97.982:

9 “(1) ‘Adult’ means an individual who is 18 years of age or older.

10 “(2) ‘Agent’ means an:

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

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

14 “(3) ‘Anatomical gift’ means a donation of all or part of a human body
15 to take effect after the donor’s death for the purpose of transplantation,
16 therapy, research or education.

17 “(4) ‘Body part’ means an organ, an eye or tissue of a human being. The
18 term does not include the whole body.

19 “(5) ‘Decedent’ means a deceased individual whose body or body part is
20 or may be the source of an anatomical gift, and includes a stillborn infant
21 or a fetus.

22 “(6)(a) ‘Disinterested witness’ means a witness other than:

23 “(A) A spouse, child, parent, sibling, grandchild, grandparent or guardian
24 of the individual who makes, amends, revokes or refuses to make an ana-
25 tomical gift; or

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

27 “(b) ‘Disinterested witness’ does not include a person to whom an ana-
28 tomical gift could pass under ORS 97.969.

29 “(7) ‘Document of gift’ means a donor card or other record used to make
30 an anatomical gift. The term includes a statement, symbol or designation on

1 a driver license, identification card or donor registry.

2 “(8) ‘Donor’ means an individual whose body or body part is the subject
3 of an anatomical gift.

4 “(9) ‘Donor registry’ means a centralized database that contains records
5 of anatomical gifts and amendments to or revocations of anatomical gifts.

6 “(10) ‘Driver license’ means a license or permit issued under ORS 807.021,
7 807.040, 807.200, 807.280 or 807.730 **or section 2 of this 2013 Act**, regardless
8 of whether conditions are attached to the license or permit.

9 “(11) ‘Eye bank’ means an organization licensed, accredited or regulated
10 under federal or state law to engage in the recovery, screening, testing,
11 processing, storage or distribution of human eyes or portions of human eyes.

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

15 “(13) ‘Hospital’ means a facility licensed as a hospital under the law of
16 any state or a facility operated as a hospital by the United States, a state
17 or a subdivision of a state.

18 “(14) ‘Identification card’ means the card issued under ORS 807.021,
19 807.400 or 807.730, or a comparable provision of the motor vehicle laws of
20 another state.

21 “(15) ‘Know’ means to have actual knowledge.

22 “(16) ‘Minor’ means an individual who is under 18 years of age.

23 “(17) ‘Organ procurement organization’ means an organization designated
24 by the Secretary of the United States Department of Health and Human
25 Services as an organ procurement organization.

26 “(18) ‘Parent’ means a parent whose parental rights have not been termi-
27 nated.

28 “(19) ‘Physician’ means an individual authorized to practice medicine or
29 osteopathy under the law of any state.

30 “(20) ‘Procurement organization’ means an eye bank, organ procurement

1 organization or tissue bank.

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

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

10 “(23) ‘Recipient’ means an individual into whose body a decedent’s body
11 part has been or is intended to be transplanted.

12 “(24) ‘Record’ means information that is inscribed on a tangible medium
13 or that is stored in an electronic or other medium and is retrievable in
14 perceivable form.

15 “(25) ‘Refusal’ means a record that expressly states an intent to prohibit
16 other persons from making an anatomical gift of an individual’s body or body
17 part.

18 “(26) ‘Sign’ means, with the present intent to authenticate or adopt a re-
19 cord:

20 “(a) To execute or adopt a tangible symbol; or

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

23 “(27) ‘State’ means a state of the United States, the District of Columbia,
24 Puerto Rico, the United States Virgin Islands or any territory or insular
25 possession subject to the jurisdiction of the United States.

26 “(28) ‘Technician’ means an individual determined to be qualified to re-
27 move or process body parts by an appropriate organization that is licensed,
28 accredited or regulated under federal or state law. The term includes an
29 enucleator.

30 “(29) ‘Tissue’ means a portion of the human body other than an organ or

1 an eye. The term does not include blood unless the blood is donated for the
2 purpose of research or education.

3 “(30) ‘Tissue bank’ means a person that is licensed, accredited or regu-
4 lated under federal or state law to engage in the recovery, screening, testing,
5 processing, storage or distribution of tissue.

6 “(31) ‘Transplant hospital’ means a hospital that furnishes organ trans-
7 plants and other medical and surgical specialty services required for the care
8 of transplant patients.

9 **“SECTION 9.** ORS 125.815 is amended to read:

10 “125.815. (1) As used in ORS 125.815 to 125.835:

11 “(a) ‘Emergency’ means a circumstance described in ORS 125.600 (1), and
12 for which the appointment of a guardian is necessary because no other per-
13 son has authority and is willing to act on the respondent’s behalf.

14 “(b) ‘Home state’ means the state in which the respondent was physically
15 present, including any period of temporary absence, for at least six consec-
16 utive months immediately before the filing of a petition for a conservatorship
17 order or the appointment of a guardian, or if none, the state in which the
18 respondent was physically present, including any period of temporary ab-
19 sence, for at least six consecutive months ending within the six months prior
20 to the filing of the petition.

21 “(c) ‘Significant-connection state’ means a state, other than the home
22 state, with which a respondent has a significant connection other than mere
23 physical presence and in which substantial evidence concerning the re-
24 spondent is available.

25 “(2) In determining under ORS 125.820 and 125.837 (5) whether a re-
26 spondent has a significant connection with a particular state, the court shall
27 consider:

28 “(a) The location of the respondent’s family and other persons required
29 to be notified of the guardianship or conservatorship proceeding;

30 “(b) The length of time the respondent at any time was physically present

1 in the state and the duration of any absence;

2 “(c) The location of the respondent’s property; and

3 “(d) The extent to which the respondent has ties to the state such as
4 voting registration, state or local tax return filing, vehicle registration,
5 driver license, social relationship and receipt of services. **A driver license
6 issued under section 2 of this 2013 Act may not be used to establish ties
7 to this state.**

8 **“SECTION 10.** ORS 127.860 is amended to read:

9 “127.860. §3.10. Residency requirement. Only requests made by Oregon
10 residents under ORS 127.800 to 127.897 shall be granted. Factors demon-
11 strating Oregon residency include but are not limited to:

12 “(1) Possession of an Oregon driver license, **except that a driver license
13 issued under section 2 of this 2013 Act may not be used to establish
14 residency;**

15 “(2) Registration to vote in Oregon;

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

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

18 **“SECTION 11.** ORS 144.102 is amended to read:

19 “144.102. (1) The State Board of Parole and Post-Prison Supervision or
20 local supervisory authority responsible for correctional services for a person
21 shall specify in writing the conditions of post-prison supervision imposed
22 under ORS 144.096. A copy of the conditions must be given to the person
23 upon release from prison or jail.

24 “(2) The board or the supervisory authority shall determine, and may at
25 any time modify, the conditions of post-prison supervision, which may in-
26 clude, among other conditions, that the person shall:

27 “(a) Comply with the conditions of post-prison supervision as specified by
28 the board or supervisory authority.

29 “(b) Be under the supervision of the Department of Corrections and its
30 representatives or other supervisory authority and abide by their direction

1 and counsel.

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

4 “(d) Report to the parole officer as directed by the board, the department
5 or the supervisory authority.

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

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

8 “(g) Understand that the board or supervisory authority may, at its dis-
9 cretion, punish violations of post-prison supervision.

10 “(h) Attend a victim impact treatment session in a county that has a
11 victim impact program. If the board or supervisory authority requires at-
12 tendance under this paragraph, the board or supervisory authority may re-
13 quire the person, as an additional condition of post-prison supervision, to pay
14 a reasonable fee to the victim impact program to offset the cost of the
15 person’s participation. The board or supervisory authority may not order a
16 person to pay a fee in excess of \$5 under this paragraph.

17 “(3) If the person is required to report as a sex offender under ORS
18 181.595, the board or supervisory authority shall include as a condition of
19 post-prison supervision that the person report with the Department of State
20 Police, a city police department, a county sheriff’s office or the supervising
21 agency:

22 “(a) When supervision begins;

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

24 “(c) Once each year within 10 days of the person’s date of birth;

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

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

29 “(4)(a) The board or supervisory authority may establish special condi-
30 tions that the board or supervisory authority considers necessary because

1 of the individual circumstances of the person on post-prison supervision.

2 “(b) If the person is on post-prison supervision following conviction of a
3 sex crime, as defined in ORS 181.594, the board or supervisory authority shall
4 include all of the following as special conditions of the person’s post-prison
5 supervision:

6 “(A) Agreement to comply with a curfew set by the board, the supervisory
7 authority or the supervising officer.

8 “(B) A prohibition against contacting a person under 18 years of age
9 without the prior written approval of the board, supervisory authority or
10 supervising officer.

11 “(C) A prohibition against being present more than one time, without the
12 prior written approval of the board, supervisory authority or supervising of-
13 ficer, at a place where persons under 18 years of age regularly congregate.

14 “(D) In addition to the prohibition under subparagraph (C) of this para-
15 graph, a prohibition against being present, without the prior written ap-
16 proval of the board, supervisory authority or supervising officer, at, or on
17 property adjacent to, a school, child care center, playground or other place
18 intended for use primarily by persons under 18 years of age.

19 “(E) A prohibition against working or volunteering at a school, child care
20 center, park, playground or other place where persons under 18 years of age
21 regularly congregate.

22 “(F) Entry into and completion of or successful discharge from a sex
23 offender treatment program approved by the board, supervisory authority or
24 supervising officer. The program may include polygraph and plethysmograph
25 testing. The person is responsible for paying for the treatment program.

26 “(G) A prohibition against direct or indirect contact with the victim, un-
27 less approved by the victim, the person’s treatment provider and the board,
28 supervisory authority or supervising officer.

29 “(H) Unless otherwise indicated for the treatment required under subpar-
30 agraph (F) of this paragraph, a prohibition against viewing, listening to,

1 owning or possessing sexually stimulating visual or auditory materials that
2 are relevant to the person's deviant behavior.

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

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

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

16 "(L) A prohibition against using a post-office box unless approved by the
17 board, supervisory authority or supervising officer.

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

28 "(c)(A) If the person is on post-prison supervision following conviction of
29 a sex crime, as defined in ORS 181.594, or an assault, as defined in ORS
30 163.175 or 163.185, and the victim was under 18 years of age, the board or

1 supervisory authority, if requested by the victim, shall include as a special
2 condition of the person's post-prison supervision that the person not reside
3 within three miles of the victim unless:

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

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

10 "(iii) The person demonstrates to the board or supervisory authority by
11 a preponderance of the evidence that imposition of the condition will deprive
12 the person of a residence that would be materially significant in aiding in
13 the rehabilitation of the person or in the success of the post-prison super-
14 vision; or

15 "(iv) The person resides in a halfway house.

16 "(B) A victim may request imposition of the special condition of post-
17 prison supervision described in this paragraph at the time of sentencing in
18 person or through the prosecuting attorney. A victim's request may be in-
19 cluded in the judgment document.

20 "(C) If the board or supervisory authority imposes the special condition
21 of post-prison supervision described in this paragraph and if at any time
22 during the period of post-prison supervision the victim moves to within three
23 miles of the person's residence, the board or supervisory authority may not
24 require the person to change the person's residence in order to comply with
25 the special condition of post-prison supervision.

26 "(5)(a) The board or supervisory authority may require the person to pay,
27 as a condition of post-prison supervision, compensatory fines, restitution or
28 attorney fees:

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

30 "(B) When previously required as a condition of any type of supervision

1 that is later revoked.

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

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

6 “(B) Has not fully paid the restitution by the time the person has com-
7 pleted the period of post-prison supervision imposed for the offense for which
8 the restitution was ordered.

9 “(6) A person’s failure to apply for or accept employment at a workplace
10 where there is a labor dispute in progress does not constitute a violation of
11 the conditions of post-prison supervision.

12 “(7)(a) When a person is released from imprisonment on post-prison
13 supervision, the board shall order as a condition of post-prison supervision
14 that the person reside for the first six months after release in the county
15 that last supervised the person, if the person was on active supervision as
16 an adult for a felony at the time of the offense that resulted in the
17 imprisonment.

18 “(b) If the person was not on active supervision as an adult for a felony
19 at the time of the offense that resulted in the imprisonment, the board shall
20 order as a condition of post-prison supervision that the person reside for the
21 first six months after release in the county where the person resided at the
22 time of the offense that resulted in the imprisonment.

23 “(c) For purposes of paragraph (b) of this subsection:

24 “(A) The board shall determine the county where the person resided at
25 the time of the offense by examining records such as:

26 “(i) An Oregon driver license, regardless of its validity, **except that a**
27 **driver license issued under section 2 of this 2013 Act may not be used;**

28 “(ii) Records maintained by the Department of Revenue;

29 “(iii) Records maintained by the Department of State Police;

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

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

2 “(vi) Records maintained by the Oregon Health Authority.

3 “(B) If the person did not have an identifiable address at the time of the
4 offense, or the address cannot be determined, the person is considered to
5 have resided in the county where the offense occurred.

6 “(C) If the person is serving multiple sentences, the county of residence
7 is determined according to the date of the last arrest resulting in a con-
8 viction.

9 “(D) In determining the person’s county of residence, the board may not
10 consider offenses committed by the person while the person was incarcerated
11 in a Department of Corrections facility.

12 “(d) Upon motion of the board, the supervisory authority, the person, a
13 victim or a district attorney, the board may waive the residency condition
14 under paragraph (b) of this subsection only after making a finding that one
15 of the following conditions has been met:

16 “(A) The person provides proof of employment with no set ending date in
17 a county other than the county of residence determined under paragraph (c)
18 of this section;

19 “(B) The person is found to pose a significant danger to a victim of the
20 person’s crime residing in the county of residence, or a victim or victim’s
21 family residing in the county of residence is found to pose a significant
22 danger to the person;

23 “(C) The person has a spouse or biological or adoptive family residing in
24 a county other than the county of residence who will be materially signif-
25 icant in aiding in the rehabilitation of the person and in the success of the
26 post-prison supervision;

27 “(D) As another condition of post-prison supervision, the person is re-
28 quired to participate in a treatment program that is not available in the
29 county of residence;

30 “(E) The person requests release to another state; or

1 “(F) The board finds other good cause for the waiver.

2 “(8) As used in this section:

3 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and
4 ‘works’ have the meanings given those terms in ORS 181.594.

5 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

6 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-
7 way house.

8 “(c) ‘Halfway house’ means a residential facility that provides
9 rehabilitative care and treatment for sex offenders.

10 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

11 **“SECTION 12.** ORS 144.270 is amended to read:

12 “144.270. (1) The State Board of Parole and Post-Prison Supervision, in
13 releasing a person on parole, shall specify in writing the conditions of the
14 parole. A copy of the conditions must be given to the person paroled.

15 “(2) The board shall determine, and may at any time modify, the condi-
16 tions of parole, which may include, among other conditions, that the person
17 paroled must:

18 “(a) Accept the parole granted subject to all terms and conditions speci-
19 fied by the board.

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

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

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

24 “(e) Not own, possess or be in control of a weapon.

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

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

29 “(3) If the person paroled is required to report as a sex offender under
30 ORS 181.595, the board shall include as a condition of parole that the person

1 report with the Department of State Police, a city police department, a
2 county sheriff's office or the supervising agency:

3 “(a) When supervision begins;

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

5 “(c) Once each year within 10 days of the person's date of birth;

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

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

10 “(4)(a) The board may establish special conditions that it considers nec-
11 essary because of the individual circumstances of the person paroled.

12 “(b) If the person is on parole following conviction of a sex crime, as de-
13 fined in ORS 181.594, the board shall include all of the following as special
14 conditions of the person's parole:

15 “(A) Agreement to comply with a curfew set by the board or the super-
16 vising officer.

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

19 “(C) A prohibition against being present more than one time, without the
20 prior written approval of the board or supervising officer, at a place where
21 persons under 18 years of age regularly congregate.

22 “(D) In addition to the prohibition under subparagraph (C) of this para-
23 graph, a prohibition against being present, without the prior written ap-
24 proval of the board or supervising officer, at, or on property adjacent to, a
25 school, child care center, playground or other place intended for use prima-
26 rily by persons under 18 years of age.

27 “(E) A prohibition against working or volunteering at a school, child care
28 center, park, playground or other place where persons under 18 years of age
29 regularly congregate.

30 “(F) Entry into and completion of or successful discharge from a sex

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

4 “(G) A prohibition against direct or indirect contact with the victim, un-
5 less approved by the victim, the person’s treatment provider and the board
6 or supervising officer.

7 “(H) Unless otherwise indicated for the treatment required under subpar-
8 agraph (F) of this paragraph, a prohibition against viewing, listening to,
9 owning or possessing sexually stimulating visual or auditory materials that
10 are relevant to the person’s deviant behavior.

11 “(I) Agreement to consent to a search of the person or the vehicle or
12 residence of the person upon the request of a representative of the board if
13 the representative has reasonable grounds to believe that evidence of a vio-
14 lation of a condition of parole will be found.

15 “(J) Participation in random polygraph examinations to obtain informa-
16 tion for risk management and treatment. The person is responsible for paying
17 the expenses of the examinations. The results of a polygraph examination
18 under this subparagraph may not be used in evidence in a hearing to prove
19 a violation of parole.

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

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

24 “(M) A prohibition against residing in a dwelling in which another sex
25 offender who is on probation, parole or post-prison supervision resides unless
26 approved by the board or supervising officer, or in which more than one
27 other sex offender who is on probation, parole or post-prison supervision re-
28 sides unless approved by the board or a designee of the board. As soon as
29 practicable, the supervising officer of a person subject to the requirements
30 of this subparagraph shall review the person’s living arrangement with the

1 person's sex offender treatment provider to ensure that the arrangement
2 supports the goals of offender rehabilitation and community safety.

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

8 "(i) The victim resides in a county having a population of less than
9 130,000 and the person is required to reside in that county under subsection
10 (6) of this section;

11 "(ii) The person demonstrates to the board by a preponderance of the ev-
12 idence that no mental intimidation or pressure was brought to bear during
13 the commission of the crime;

14 "(iii) The person demonstrates to the board by a preponderance of the
15 evidence that imposition of the condition will deprive the person of a resi-
16 dence that would be materially significant in aiding in the rehabilitation of
17 the person or in the success of the parole; or

18 "(iv) The person resides in a halfway house.

19 "(B) A victim may request imposition of the special condition of parole
20 described in this paragraph at the time of sentencing in person or through
21 the prosecuting attorney. A victim's request may be included in the judgment
22 document.

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

28 "(5) It is not a cause for revocation of parole that the person paroled
29 failed to apply for or accept employment at a workplace where there is a
30 labor dispute in progress.

1 “(6)(a) When the board grants a person parole from the custody of the
2 Department of Corrections, the board shall order, as a condition of parole,
3 that the person reside for the first six months in the county that last
4 supervised the person, if the person was on active supervision as an adult
5 for a felony at the time of the offense that resulted in the imprisonment.

6 “(b) If the person paroled was not on active supervision as an adult for
7 a felony at the time of the offense that resulted in the imprisonment, the
8 board shall order as a condition of parole that the person reside for the first
9 six months in the county where the person resided at the time of the offense
10 that resulted in the imprisonment.

11 “(c) For purposes of paragraph (b) of this subsection:

12 “(A) The board shall determine the county where the person resided at
13 the time of the offense by examining records such as:

14 “(i) An Oregon driver license, regardless of its validity, **except that a**
15 **driver license issued under section 2 of this 2013 Act may not be used;**

16 “(ii) Records maintained by the Department of Revenue;

17 “(iii) Records maintained by the Department of State Police;

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

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

20 “(vi) Records maintained by the Oregon Health Authority.

21 “(B) If the person did not have an identifiable address at the time of the
22 offense, or the address cannot be determined, the person is considered to
23 have resided in the county where the offense occurred.

24 “(C) If the person is serving multiple sentences, the county of residence
25 is determined according to the date of the last arrest resulting in a con-
26 viction.

27 “(D) If the person is being rereleased after revocation of parole, the
28 county of residence shall be determined according to the date of the arrest
29 resulting in a conviction of the underlying offense.

30 “(E) In determining the person’s county of residence, a conviction for an

1 offense that the inmate committed while incarcerated in a state correctional
2 institution may not be considered.

3 “(d) Upon motion of the board, the supervisory authority, the person
4 paroled, a victim or a district attorney, the board may waive the residency
5 condition under paragraph (b) of this subsection only after making a finding
6 that one of the following conditions has been met:

7 “(A) The person provides proof of employment with no set ending date in
8 a county other than the county of residence determined under paragraph (c)
9 of this section;

10 “(B) The person is found to pose a significant danger to a victim of the
11 person’s crime residing in the county of residence, or a victim or victim’s
12 family residing in the county of residence is found to pose a significant
13 danger to the person;

14 “(C) The person has a spouse or biological or adoptive family residing in
15 a county other than the county of residence who will be materially signif-
16 icant in aiding in the rehabilitation of the person and in the success of the
17 parole;

18 “(D) As another condition of parole, the person is required to participate
19 in a treatment program that is not available or located in the county of
20 residence;

21 “(E) The person requests to be paroled to another state; or

22 “(F) The board finds other good cause for the waiver.

23 “(7) As used in this section:

24 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and
25 ‘works’ have the meanings given those terms in ORS 181.594.

26 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

27 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-
28 way house.

29 “(c) ‘Halfway house’ means a residential facility that provides
30 rehabilitative care and treatment for sex offenders.

1 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

2 **“SECTION 13.** ORS 165.107 is amended to read:

3 “165.107. (1) Before completing a transaction, a scrap metal business en-
4 gaged in business in this state shall:

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

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

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

10 “(C) Contain all of the following information:

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

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

15 “(iii) The name of the employee who conducts the transaction on behalf
16 of the scrap metal business.

17 “(iv) **Subject to subsection (8) of this section,** the name and telephone
18 number of the individual with whom the scrap metal business conducts the
19 transaction and a street address to which the scrap metal business will mail
20 payment to the individual. The metal property record may contain an address
21 other than a street address if the address is listed on the government-issued
22 photo identification described in sub-subparagraph (vi) of this subparagraph.

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

27 “(vi) **Subject to subsection (8) of this section,** a photocopy of a cur-
28 rent, valid driver license or other government-issued photo identification
29 belonging to the individual with whom the scrap metal business conducts the
30 transaction.

1 “(vii) A photograph of, or video surveillance recording depicting, a re-
2 cognizable facial image of the individual with whom the scrap metal business
3 conducts the transaction.

4 “(viii) A general description of the nonferrous metal property or private
5 metal property that constitutes the predominant part of the transaction. The
6 description must include any identifiable marks on the property, if readily
7 discernible, and must specify the weight, quantity or volume of the
8 nonferrous metal property or private metal property.

9 “(b) Require the individual with whom the scrap metal business conducts
10 a transaction to sign and date a declaration printed in conspicuous type, ei-
11 ther on the record described in this subsection or on a receipt issued to the
12 individual with whom the scrap metal business conducts the transaction,
13 that states:

14 “ _____
15 I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE
16 PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE
17 BEST OF MY KNOWLEDGE, STOLEN PROPERTY.

18 “ _____
19 “(c) Require the employee of the scrap metal business who conducts the
20 transaction on behalf of the scrap metal business to witness the individual
21 sign the declaration, and also to sign and date the declaration in a space
22 provided for that purpose.

23 “(d) For one year following the date of the transaction, keep a copy of the
24 record and the signed and dated declaration described in this subsection. If
25 the scrap metal business uses a video surveillance recording as part of the
26 record kept in accordance with this subsection, the scrap metal business need
27 not keep the video surveillance recording for one year, but shall retain the
28 video surveillance recording for a minimum of 30 days following the date of
29 the transaction. The scrap metal business shall at all times keep the copies
30 at the current place of business for the scrap metal business.

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

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

7 “(b) **Subject to subsection (8) of this section,** conduct a transaction
8 with an individual if the individual does not at the time of the transaction
9 consent to the creation of the record described in subsection (1) of this sec-
10 tion and produce for inspection a valid driver license or other government-
11 issued photo identification that belongs to the individual.

12 “(c) Conduct a transaction with an individual in which the scrap metal
13 business pays the individual other than by mailing a nontransferable check,
14 made payable to the individual, for the amount of the transaction to the
15 address the individual provided under subsection (1)(a)(C)(iv) of this section
16 not earlier than three business days after the date of the transaction. The
17 check must be drawn on an account that the scrap metal business maintains
18 with a financial institution, as defined in ORS 706.008.

19 “(d) Purchase metal property from a nonprofit corporation other than by
20 mailing a nontransferable check, made payable to the nonprofit corporation,
21 for the amount of the purchase price to the business address provided under
22 subsection (3)(a)(B) of this section not earlier than three business days after
23 the date of the purchase. The check must be drawn on an account that the
24 scrap metal business maintains with a financial institution, as defined in
25 ORS 706.008.

26 “(e) Cash or release a check issued in payment for a transaction or for
27 a purchase described in paragraph (d) of this subsection other than as pro-
28 vided in this paragraph or paragraph (c) or (d) of this subsection. If a check
29 is returned as undelivered or undeliverable, the scrap metal business:

30 “(A) Shall retain the check until the individual or nonprofit corporation

1 to which the check was mailed provides a valid address in accordance with
2 subsection (1)(a)(C)(iv) or (3)(a)(B) of this section. If after 30 days following
3 the date of the transaction or the purchase described in paragraph (d) of this
4 subsection the individual or nonprofit corporation fails to provide a valid
5 address, the scrap metal business may cancel the check and the individual
6 or nonprofit corporation shall forfeit to the scrap metal business the amount
7 due as payment; or

8 “(B) May release the check directly to the individual or nonprofit corpo-
9 ration with the written approval of a law enforcement agency having juris-
10 diction over the scrap metal business. The scrap metal business shall retain
11 the written approval for one year following the date the approval is received.

12 “(3) Before purchasing or receiving metal property from a commercial
13 seller, a scrap metal business shall:

14 “(a) Create and maintain a commercial account with the commercial
15 seller. As part of the commercial account, the scrap metal business shall
16 enter accurately, clearly and legibly in English onto a standardized printed
17 form, or an electronic form that is securely stored and is capable of ready
18 retrieval and printing, the following information:

19 “(A) The full name of the commercial seller;

20 “(B) The business address and telephone number of the commercial seller;
21 and

22 “(C) The full name of each employee, agent or other individual the com-
23 mercial seller authorizes to deliver metal property to the scrap metal busi-
24 ness.

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

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

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

1 “(C) A description of the type of metal property that constitutes the pre-
2 dominant part of the purchase or receipt; and

3 “(D) The signature of the individual who delivered the metal property to
4 the scrap metal business.

5 “(4) A scrap metal business may require an individual from whom the
6 business obtains metal property to provide the individual’s thumbprint to the
7 scrap metal business.

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

10 “(6)(a) Violation of subsections (1) to (3) of this section is a specific fine
11 violation, and the presumptive fine for the violation is \$1,000.

12 “(b) Notwithstanding paragraph (a) of this subsection, the presumptive
13 fine for a violation of a provision of subsections (1) to (3) of this section is
14 \$5,000 if the scrap metal business has at least three previous convictions for
15 violations of a provision of subsections (1) to (3) of this section.

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

17 “(8) **For the purposes of this section, a driver license or driver per-
18 mit issued under section 2 of this 2013 Act may not be used for the
19 purposes of identification.**

20 “**SECTION 14.** ORS 166.291 is amended to read:

21 “166.291. (1) The sheriff of a county, upon a person’s application for an
22 Oregon concealed handgun license, upon receipt of the appropriate fees and
23 after compliance with the procedures set out in this section, shall issue the
24 person a concealed handgun license if the person:

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

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

- 1 “(b) Is at least 21 years of age;
- 2 “(c) Is a resident of the county;
- 3 “(d) Has no outstanding warrants for arrest;
- 4 “(e) Is not free on any form of pretrial release;
- 5 “(f) Demonstrates competence with a handgun by any one of the follow-
- 6 ing:
- 7 “(A) Completion of any hunter education or hunter safety course approved
- 8 by the State Department of Fish and Wildlife or a similar agency of another
- 9 state if handgun safety was a component of the course;
- 10 “(B) Completion of any National Rifle Association firearms safety or
- 11 training course if handgun safety was a component of the course;
- 12 “(C) Completion of any firearms safety or training course or class avail-
- 13 able to the general public offered by law enforcement, community college,
- 14 or private or public institution or organization or firearms training school
- 15 utilizing instructors certified by the National Rifle Association or a law
- 16 enforcement agency if handgun safety was a component of the course;
- 17 “(D) Completion of any law enforcement firearms safety or training
- 18 course or class offered for security guards, investigators, reserve law
- 19 enforcement officers or any other law enforcement officers if handgun safety
- 20 was a component of the course;
- 21 “(E) Presents evidence of equivalent experience with a handgun through
- 22 participation in organized shooting competition or military service;
- 23 “(F) Is licensed or has been licensed to carry a firearm in this state, un-
- 24 less the license has been revoked; or
- 25 “(G) Completion of any firearms training or safety course or class con-
- 26 ducted by a firearms instructor certified by a law enforcement agency or the
- 27 National Rifle Association if handgun safety was a component of the course;
- 28 “(g) Has never been convicted of a felony or found guilty, except for in-
- 29 sanity under ORS 161.295, of a felony;
- 30 “(h) Has not been convicted of a misdemeanor or found guilty, except for

1 insanity under ORS 161.295, of a misdemeanor within the four years prior to
2 the application;

3 “(i) Has not been committed to the Oregon Health Authority under ORS
4 426.130;

5 “(j) Has not been found to be mentally ill and is not subject to an order
6 under ORS 426.130 that the person be prohibited from purchasing or pos-
7 sessing a firearm as a result of that mental illness;

8 “(k) Has been discharged from the jurisdiction of the juvenile court for
9 more than four years if, while a minor, the person was found to be within
10 the jurisdiction of the juvenile court for having committed an act that, if
11 committed by an adult, would constitute a felony or a misdemeanor involving
12 violence, as defined in ORS 166.470;

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

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

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

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

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

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

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

1 “(3) Before the sheriff may issue a license:

2 “(a) The application must state the applicant’s legal name, current ad-
3 dress and telephone number, date and place of birth, hair and eye color and
4 height and weight. The application must also list the applicant’s residence
5 address or addresses for the previous three years. The application must con-
6 tain a statement by the applicant that the applicant meets the requirements
7 of subsection (1) of this section. The application may include the Social Se-
8 curity number of the applicant if the applicant voluntarily provides this
9 number. The application must be signed by the applicant.

10 “(b) The applicant must submit to fingerprinting and photographing by
11 the sheriff. The sheriff shall fingerprint and photograph the applicant and
12 shall conduct any investigation necessary to corroborate the requirements
13 listed under subsection (1) of this section. If a nationwide criminal records
14 check is necessary, the sheriff shall request the Department of State Police
15 to conduct the check, including fingerprint identification, through the Fed-
16 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
17 turn the fingerprint cards used to conduct the criminal records check and
18 may not keep any record of the fingerprints. The Department of State Police
19 shall report the results of the fingerprint-based criminal records check to the
20 sheriff. The Department of State Police shall also furnish the sheriff with
21 any information about the applicant that the Department of State Police may
22 have in its possession including, but not limited to, manual or computerized
23 criminal offender information.

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

27 “ _____
28 APPLICATION FOR LICENSE TO CARRY
29 CONCEALED HANDGUN
30 Date_____

1 I hereby declare as follows:

2 I am a citizen of the United States or a legal resident alien who can
3 document continuous residency in the county for at least six months and
4 have declared in writing to the United States Citizenship and Immigration
5 Services my intention to become a citizen and can present proof of the
6 written declaration to the sheriff at the time of this application. I am at least
7 21 years of age. I have been discharged from the jurisdiction of the juvenile
8 court for more than four years if, while a minor, I was found to be within
9 the jurisdiction of the juvenile court for having committed an act that, if
10 committed by an adult, would constitute a felony or a misdemeanor involving
11 violence, as defined in ORS 166.470. I have never been convicted of a felony
12 or found guilty, except for insanity under ORS 161.295, of a felony in the
13 State of Oregon or elsewhere. I have not, within the last four years, been
14 convicted of a misdemeanor or found guilty, except for insanity under ORS
15 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
16 not been convicted of an offense involving controlled substances or com-
17 pleted a court-supervised drug diversion program. There are no outstanding
18 warrants for my arrest and I am not free on any form of pretrial release. I
19 have not been committed to the Oregon Health Authority under ORS 426.130,
20 nor have I been found mentally ill and presently subject to an order pro-
21 hibiting me from purchasing or possessing a firearm because of mental ill-
22 ness. If any of the previous conditions do apply to me, I have been granted
23 relief or wish to petition for relief from the disability under ORS 166.274 or
24 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or
25 have had the records expunged. I am not subject to a citation issued under
26 ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or
27 163.738. I have never received a dishonorable discharge from the Armed
28 Forces of the United States. I am not required to register as a sex offender
29 in any state. I understand I will be fingerprinted and photographed.

30

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. Solicita-
6 tion of the number is authorized under ORS 166.291. It will be used only as
7 a means of identification.)

8
9 Proof of identification (Two pieces of current identification are required, one
10 of which must bear a photograph of the applicant. **A driver license or a**
11 **driver permit issued under section 2 of this 2013 Act may not be used**
12 **as identification.** The type of identification and the number on the iden-
13 tification are to be filled in by the sheriff.):

14 1. _____
15 2. _____

16
17 Height _____ Weight _____
18 Hair color _____ Eye color _____

19
20 Current address _____

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

21
22
23
24 City _____ County _____ Zip _____
25 Phone _____

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

30 _____

(Signature of Applicant)

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Character references.

Name Address

Name Address

Approved _____ Disapproved _____ by _____

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

Date _____ Fee Paid _____

License No. _____

“ _____

“(5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

“(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law

1 Enforcement Data System indicating that the person is an applicant for a
2 concealed handgun license or is a license holder.

3 “(8) The county sheriff may waive the residency requirement in subsection
4 (1)(c) of this section for a resident of a contiguous state who has a compel-
5 ling business interest or other legitimate demonstrated need.

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

8 “(a) Has a current Oregon driver license issued to the person showing a
9 residence address in the county, **except that a driver license or a driver**
10 **permit issued under section 2 of this 2013 Act may not be used to es-**
11 **tablish residency;**

12 “(b) Is registered to vote in the county and has a memorandum card is-
13 sued to the person under ORS 247.181 showing a residence address in the
14 county;

15 “(c) Has documentation showing that the person currently leases or owns
16 real property in the county; or

17 “(d) Has documentation showing that the person filed an Oregon tax re-
18 turn for the most recent tax year showing a residence address in the county.

19 **“SECTION 15.** ORS 166.291, as amended by section 10, chapter 826,
20 Oregon Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is
21 amended to read:

22 “166.291. (1) The sheriff of a county, upon a person’s application for an
23 Oregon concealed handgun license, upon receipt of the appropriate fees and
24 after compliance with the procedures set out in this section, shall issue the
25 person a concealed handgun license if the person:

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

27 “(B) Is a legal resident alien who can document continuous residency in
28 the county for at least six months and has declared in writing to the United
29 States Citizenship and Immigration Services the intent to acquire citizenship
30 status and can present proof of the written declaration to the sheriff at the

1 time of application for the license;

2 “(b) Is at least 21 years of age;

3 “(c) Is a resident of the county;

4 “(d) Has no outstanding warrants for arrest;

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

6 “(f) Demonstrates competence with a handgun by any one of the follow-

7 ing:

8 “(A) Completion of any hunter education or hunter safety course approved

9 by the State Department of Fish and Wildlife or a similar agency of another

10 state if handgun safety was a component of the course;

11 “(B) Completion of any National Rifle Association firearms safety or

12 training course if handgun safety was a component of the course;

13 “(C) Completion of any firearms safety or training course or class avail-

14 able to the general public offered by law enforcement, community college,

15 or private or public institution or organization or firearms training school

16 utilizing instructors certified by the National Rifle Association or a law

17 enforcement agency if handgun safety was a component of the course;

18 “(D) Completion of any law enforcement firearms safety or training

19 course or class offered for security guards, investigators, reserve law

20 enforcement officers or any other law enforcement officers if handgun safety

21 was a component of the course;

22 “(E) Presents evidence of equivalent experience with a handgun through

23 participation in organized shooting competition or military service;

24 “(F) Is licensed or has been licensed to carry a firearm in this state, un-

25 less the license has been revoked; or

26 “(G) Completion of any firearms training or safety course or class con-

27 ducted by a firearms instructor certified by a law enforcement agency or the

28 National Rifle Association if handgun safety was a component of the course;

29 “(g) Has never been convicted of a felony or found guilty, except for in-

30 sanity under ORS 161.295, of a felony;

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

4 “(i) Has not been committed to the Oregon Health Authority under ORS
5 426.130;

6 “(j) Has not been found to be mentally ill and is not subject to an order
7 under ORS 426.130 that the person be prohibited from purchasing or pos-
8 sessing a firearm as a result of that mental illness;

9 “(k) Has been discharged from the jurisdiction of the juvenile court for
10 more than four years if, while a minor, the person was found to be within
11 the jurisdiction of the juvenile court for having committed an act that, if
12 committed by an adult, would constitute a felony or a misdemeanor involving
13 violence, as defined in ORS 166.470;

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

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

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

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

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

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

27 “(2) A person who has been granted relief under ORS 166.274 or 166.293
28 or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws
29 of this state or equivalent laws of other jurisdictions is not subject to the
30 disabilities in subsection (1)(g) to (L) of this section.

1 “(3) Before the sheriff may issue a license:

2 “(a) The application must state the applicant’s legal name, current ad-
3 dress and telephone number, date and place of birth, hair and eye color and
4 height and weight. The application must also list the applicant’s residence
5 address or addresses for the previous three years. The application must con-
6 tain a statement by the applicant that the applicant meets the requirements
7 of subsection (1) of this section. The application may include the Social Se-
8 curity number of the applicant if the applicant voluntarily provides this
9 number. The application must be signed by the applicant.

10 “(b) The applicant must submit to fingerprinting and photographing by
11 the sheriff. The sheriff shall fingerprint and photograph the applicant and
12 shall conduct any investigation necessary to corroborate the requirements
13 listed under subsection (1) of this section. If a nationwide criminal records
14 check is necessary, the sheriff shall request the Department of State Police
15 to conduct the check, including fingerprint identification, through the Fed-
16 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
17 turn the fingerprint cards used to conduct the criminal records check and
18 may not keep any record of the fingerprints. The Department of State Police
19 shall report the results of the fingerprint-based criminal records check to the
20 sheriff. The Department of State Police shall also furnish the sheriff with
21 any information about the applicant that the Department of State Police may
22 have in its possession including, but not limited to, manual or computerized
23 criminal offender information.

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

27 “ _____
28 APPLICATION FOR LICENSE TO CARRY
29 CONCEALED HANDGUN
30 Date_____

1 I hereby declare as follows:

2 I am a citizen of the United States or a legal resident alien who can
3 document continuous residency in the county for at least six months and
4 have declared in writing to the United States Citizenship and Immigration
5 Services my intention to become a citizen and can present proof of the
6 written declaration to the sheriff at the time of this application. I am at least
7 21 years of age. I have been discharged from the jurisdiction of the juvenile
8 court for more than four years if, while a minor, I was found to be within
9 the jurisdiction of the juvenile court for having committed an act that, if
10 committed by an adult, would constitute a felony or a misdemeanor involving
11 violence, as defined in ORS 166.470. I have never been convicted of a felony
12 or found guilty, except for insanity under ORS 161.295, of a felony in the
13 State of Oregon or elsewhere. I have not, within the last four years, been
14 convicted of a misdemeanor or found guilty, except for insanity under ORS
15 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
16 not been convicted of an offense involving controlled substances or com-
17 pleted a court-supervised drug diversion program. There are no outstanding
18 warrants for my arrest and I am not free on any form of pretrial release. I
19 have not been committed to the Oregon Health Authority under ORS 426.130,
20 nor have I been found mentally ill and presently subject to an order pro-
21 hibiting me from purchasing or possessing a firearm because of mental ill-
22 ness. If any of the previous conditions do apply to me, I have been granted
23 relief or wish to petition for relief from the disability under ORS 166.274 or
24 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not sub-
25 ject to a citation issued under ORS 163.735 or an order issued under ORS
26 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable
27 discharge from the Armed Forces of the United States. I am not required
28 to register as a sex offender in any state. I understand I will be fingerprinted
29 and photographed.

30

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. Solicita-
6 tion of the number is authorized under ORS 166.291. It will be used only as
7 a means of identification.)

8
9 Proof of identification (Two pieces of current identification are required, one
10 of which must bear a photograph of the applicant. **A driver license or a**
11 **driver permit issued under section 2 of this 2013 Act may not be used**
12 **as identification.** The type of identification and the number on the iden-
13 tification are to be filled in by the sheriff.):

14 1. _____
15 2. _____

16
17 Height _____ Weight _____
18 Hair color _____ Eye color _____

19
20 Current address _____

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

21
22
23
24 City _____ County _____ Zip _____
25 Phone _____

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

30 _____

(Signature of Applicant)

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Character references.

Name: Address

Name: Address

Approved _____ Disapproved _____ by _____

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

Date _____ Fee Paid _____

License No. _____

“ _____

“(5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

“(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law

1 Enforcement Data System indicating that the person is an applicant for a
2 concealed handgun license or is a license holder.

3 “(8) The county sheriff may waive the residency requirement in subsection
4 (1)(c) of this section for a resident of a contiguous state who has a compel-
5 ling business interest or other legitimate demonstrated need.

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

8 “(a) Has a current Oregon driver license issued to the person showing a
9 residence address in the county, **except that a driver license or a driver**
10 **permit issued under section 2 of this 2013 Act may not be used to es-**
11 **tablish residency;**

12 “(b) Is registered to vote in the county and has a memorandum card is-
13 sued to the person under ORS 247.181 showing a residence address in the
14 county;

15 “(c) Has documentation showing that the person currently leases or owns
16 real property in the county; or

17 “(d) Has documentation showing that the person filed an Oregon tax re-
18 turn for the most recent tax year showing a residence address in the county.

19 **“SECTION 16.** ORS 166.412 is amended to read:

20 “166.412. (1) As used in this section:

21 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;

22 “(b) ‘Department’ means the Department of State Police;

23 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except
24 that it does not include an antique firearm;

25 “(d) ‘Firearms transaction record’ means the firearms transaction record
26 required by 18 U.S.C. 921 to 929;

27 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the
28 department under subsection (11) of this section;

29 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
30 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether

1 the person is a retail dealer, pawnbroker or otherwise;

2 “(g) ‘Handgun’ has the meaning given that term in ORS 166.210; and

3 “(h) ‘Purchaser’ means a person who buys, leases or otherwise receives a
4 firearm from a gun dealer.

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

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

10 “(b) The gun dealer shall complete the firearms transaction record and
11 obtain the signature of the purchaser on the record.

12 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the
13 firearms transaction thumbprint form and attach the form to the gun dealer’s
14 copy of the firearms transaction record to be filed with that copy.

15 “(d) The gun dealer shall request by telephone that the department con-
16 duct a criminal history record check on the purchaser and shall provide the
17 following information to the department:

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

19 “(B) The business name of the gun dealer;

20 “(C) The place of transfer;

21 “(D) The name of the person making the transfer;

22 “(E) The make, model, caliber and manufacturer’s number of the handgun
23 being transferred;

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

25 “(G) The Social Security number of the purchaser if the purchaser vol-
26 untarily provides this number to the gun dealer; and

27 “(H) The type, issuer and identification number of the identification pre-
28 sented by the purchaser.

29 “(e) The gun dealer shall receive a unique approval number for the
30 transfer from the department and record the approval number on the firearms

1 transaction record and on the firearms transaction thumbprint form.

2 “(f) The gun dealer may destroy the firearms transaction thumbprint form
3 five years after the completion of the firearms transaction thumbprint form.

4 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
5 record check, the department shall immediately, during the gun dealer’s
6 telephone call or by return call:

7 “(A) Determine, from criminal records and other information available to
8 it, whether the purchaser is disqualified under ORS 166.470 from completing
9 the purchase; and

10 “(B) Notify the dealer when a purchaser is disqualified from completing
11 the transfer or provide the dealer with a unique approval number indicating
12 that the purchaser is qualified to complete the transfer.

13 “(b) If the department is unable to determine if the purchaser is qualified
14 or disqualified from completing the transfer within 30 minutes, the depart-
15 ment shall notify the dealer and provide the dealer with an estimate of the
16 time when the department will provide the requested information.

17 “(c) If the department fails to provide a unique approval number to a gun
18 dealer or to notify the gun dealer that the purchaser is disqualified under
19 paragraph (a) of this subsection before the close of the gun dealer’s next
20 business day following the request by the dealer for a criminal history record
21 check, the dealer may deliver the handgun to the purchaser.

22 “(4)(a) **Except as provided in paragraph (d) of this subsection**, iden-
23 tification required of the purchaser under subsection (2) of this section shall
24 include one piece of current identification bearing a photograph and the date
25 of birth of the purchaser that:

26 “(A) Is issued under the authority of the United States Government, a
27 state, a political subdivision of a state, a foreign government, a political
28 subdivision of a foreign government, an international governmental organ-
29 ization or an international quasi-governmental organization; and

30 “(B) Is intended to be used for identification of an individual or is com-

1 monly accepted for the purpose of identification of an individual.

2 “(b) If the identification presented by the purchaser under paragraph (a)
3 of this subsection does not include the current address of the purchaser, the
4 purchaser shall present a second piece of current identification that contains
5 the current address of the purchaser. The Superintendent of State Police may
6 specify by rule the type of identification that may be presented under this
7 paragraph.

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

11 **“(d) A gun dealer may not accept a driver license or a driver permit**
12 **issued under section 2 of this 2013 Act as identification.**

13 “(5) The department shall establish a telephone number that shall be op-
14 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
15 purpose of responding to inquiries from dealers for a criminal history record
16 check under this section.

17 “(6) No public employee, official or agency shall be held criminally or
18 civilly liable for performing the investigations required by this section pro-
19 vided the employee, official or agency acts in good faith and without malice.

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

22 “(b) The record of the information obtained during a request for a crimi-
23 nal records check by a gun dealer is exempt from disclosure under public
24 records law.

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

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

30 “(10) In accordance with applicable provisions of ORS chapter 183, the

1 Superintendent of State Police may adopt rules necessary for:

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

3 “(b) The maintenance of a procedure to correct errors in the criminal re-
4 cords of the department;

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

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

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

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

13 **“SECTION 17.** ORS 166.427 is amended to read:

14 “166.427. (1) Whenever a person engaged in the business, as defined in 18
15 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
16 the person is a retail dealer, pawnbroker or otherwise, buys or accepts in
17 trade, a used firearm, the person shall enter in a register the time, date and
18 place of purchase or trade, the name of the person selling or trading the
19 firearm, the number of the identification documentation presented by the
20 person and the make, model and manufacturer’s number of the firearm. The
21 register shall be obtained from and furnished by the Department of State
22 Police to the dealer on application at cost.

23 **“(2) A person may not accept a driver license or a driver permit
24 issued under section 2 of this 2013 Act as identification.**

25 “[2] (3) The duplicate sheet of the register shall, on the day of purchase
26 or trade, be hand delivered or mailed to the local law enforcement authority.

27 “[3] (4) Violation of this section by any person engaged in the business
28 of selling, leasing or otherwise transferring a firearm is a Class C
29 misdemeanor.

30 **“SECTION 18.** ORS 166.436 is amended to read:

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

4 “(2) Prior to transferring a firearm, a transferor other than a gun dealer
5 may request by telephone that the department conduct a criminal back-
6 ground check on the recipient and shall provide the following information
7 to the department:

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

9 “(b) The make, model, caliber and manufacturer’s number of the firearm
10 being transferred;

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

12 “(d) The Social Security number of the recipient if the recipient volun-
13 tarily provides that number;

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

15 “(f) The type, issuer and identification number of a current piece of
16 identification bearing a recent photograph of the recipient presented by the
17 recipient. The identification presented by the recipient must meet the re-
18 quirements of ORS 166.412 (4)(a).

19 “(3) **A transferor may not accept a driver license or a driver permit**
20 **issued under section 2 of this 2013 Act as proof of the recipient’s**
21 **identity, including the recipient’s name, date of birth or address.**

22 “[~~(3)(a)~~] (4)(a) Upon receipt of a request for a criminal background check
23 under this section, the department shall immediately, during the telephone
24 call or by return call:

25 “(A) Determine from criminal records and other information available to
26 it whether the recipient is disqualified under ORS 166.470 from completing
27 the transfer or is otherwise prohibited by state or federal law from possess-
28 ing a firearm; and

29 “(B) Notify the transferor when a recipient is disqualified from complet-
30 ing the transfer or provide the transferor with a unique approval number

1 indicating that the recipient is qualified to complete the transfer. The unique
2 approval number is a permit valid for 24 hours for the requested transfer. If
3 the firearm is not transferred from the transferor to the recipient within 24
4 hours after receipt of the unique approval number, a new request must be
5 made by the transferor.

6 “(b) If the department is unable to determine whether the recipient is
7 qualified for or disqualified from completing the transfer within 30 minutes
8 of receiving the request, the department shall notify the transferor and pro-
9 vide the transferor with an estimate of the time when the department will
10 provide the requested information.

11 “[~~(4)~~] **(5)** A public employee or public agency incurs no criminal or civil
12 liability for performing the criminal background checks required by this
13 section, provided the employee or agency acts in good faith and without
14 malice.

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

18 “(b) The record of the information obtained during a request for a crimi-
19 nal background check under this section is exempt from disclosure under
20 public records law.

21 “[~~(6)~~] **(7)** The recipient of the firearm must be present when the transferor
22 requests a criminal background check under this section.

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

29 “(b) If the transferor is required to request a criminal background check
30 under ORS 166.438, the immunity provided by paragraph (a) of this sub-

1 section applies only if, in addition to receiving the notification required by
2 this section, the transferor has the recipient fill out the form required by
3 ORS 166.438 (1)(a) and retains the form as required by ORS 166.438 [(2)] (3).

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

6 “(A) If the transferor knows, or reasonably should know, that the recipi-
7 ent of the firearm intends to deliver the firearm to a third person who the
8 transferor knows, or reasonably should know, may not lawfully possess the
9 firearm; or

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

11 **“SECTION 19.** ORS 166.438 is amended to read:

12 “166.438. (1) A transferor other than a gun dealer may not transfer a
13 firearm at a gun show unless the transferor:

14 “(a)(A) Requests a criminal background check under ORS 166.436 prior to
15 completing the transfer;

16 “(B) Receives notification that the recipient is qualified to complete the
17 transfer; and

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

19 “(b) Completes the transfer through a gun dealer.

20 **“(2) A transferor may not accept a driver license or a driver permit**
21 **issued under section 2 of this 2013 Act as proof of the recipient’s**
22 **identity, including the recipient’s name, date of birth or address.**

23 “[2)] (3) The transferor shall retain the completed form referred to in
24 subsection (1) of this section for at least five years and shall make the
25 completed form available to law enforcement agencies for the purpose of
26 criminal investigations.

27 “[3)] (4) A person who organizes a gun show shall post in a prominent
28 place at the gun show a notice explaining the requirements of subsections
29 (1) and [(2)] (3) of this section. The person shall provide the form required
30 by subsection (1) of this section to any person transferring a firearm at the

1 gun show.

2 “[4] (5) Subsection (1) of this section does not apply if the transferee is
3 licensed as a dealer under 18 U.S.C. 923.

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

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

10 “[6] (7) It is an affirmative defense to a charge of violating subsection
11 (1) or [(3)] (4) of this section that the person did not know, or reasonably
12 could not know, that more than 25 firearms were at the site and available
13 for transfer.

14 **“SECTION 20.** ORS 194.515 is amended to read:

15 “194.515. (1) In taking an acknowledgment, the notarial officer must de-
16 termine, either from personal knowledge or from satisfactory evidence, that
17 the person appearing before the officer and making the acknowledgment is
18 the person whose true signature is on the instrument.

19 “(2) In taking a verification upon oath or affirmation, the notarial officer
20 must determine, either from personal knowledge or from satisfactory evi-
21 dence, that the person appearing before the officer and making the verifica-
22 tion is the person whose true signature is on the statement verified.

23 “(3) In witnessing or attesting a signature the notarial officer must de-
24 termine, either from personal knowledge or from satisfactory evidence, that
25 the signature is that of the person appearing before the officer and named
26 therein.

27 “(4) In certifying or attesting a copy of a document or other item, the
28 notarial officer must determine that the proffered copy is a full, true and
29 accurate transcription or reproduction of that which was copied.

30 “(5) In making or noting a protest of a negotiable instrument a notarial

1 officer must determine the matters set forth in ORS 73.0505.

2 “(6) A notarial officer has satisfactory evidence that a person is the per-
3 son whose true signature is on a document if that person:

4 “(a) Is personally known to the notarial officer;

5 “(b) Is identified upon the oath or affirmation of a credible witness per-
6 sonally known to the notarial officer; or

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

8 “(7) For purposes of this section, ‘personally known’ means familiarity
9 with a person resulting from interactions with that person over a period of
10 time sufficient to eliminate every reasonable doubt that the person has the
11 identity claimed.

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

14 “(a) Produces a current driver license or current identity card issued by
15 any state, **except that a driver license or driver permit issued under**
16 **section 2 of this 2013 Act may not be used to establish identity;**

17 “(b) Produces a current United States passport or a current officially re-
18 cognized passport of a foreign country;

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

20 “(d) Produces a current identity card issued by a federally recognized In-
21 dian tribe;

22 “(e) Produces at least one current document, other than a document de-
23 scribed in paragraphs (a) to (d) of this subsection, issued by the federal
24 government or a state, county, municipal or other local government and
25 containing the person’s photograph, signature and physical description; or

26 “(f) Is confined in a correctional facility and has been positively identified
27 through examination or comparison of official government documents or re-
28 cords.

29 **“SECTION 21.** ORS 247.019 is amended to read:

30 **“247.019. (1) Except as provided in subsection (5) of this section, the**

1 Secretary of State by rule shall adopt an electronic voter registration system
2 to be used by qualified persons who have a valid:

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

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

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

6 “(2) The electronic voter registration system shall allow a qualified per-
7 son to complete and deliver a registration card electronically. A registration
8 card delivered under this section is considered delivered to the Secretary of
9 State for purposes of this chapter.

10 “(3) A person who completes a registration card electronically under this
11 section consents to the use of the person’s driver license, driver permit or
12 state identification card signature for voter registration purposes.

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

17 “(5) **The Secretary of State may not accept a driver license or driver**
18 **permit issued under section 2 of this 2013 Act for the purpose of elec-**
19 **tronic voter registration.**

20 “**SECTION 22.** ORS 462.195 is amended to read:

21 “462.195. (1) **Except as provided in subsection (4) of this section,** a
22 licensee conducting a race meet, before selling a mutuel wagering ticket or
23 receipt to any person about whom there is any reasonable doubt of the per-
24 son having reached the age of 18 years, shall require such person to make
25 a written statement of age and furnish evidence of the true age and identity
26 of the person. The written statement of age shall be on a form furnished by
27 the Oregon Racing Commission, substantially as follows:

28 “ _____
29 Date _____

30 I am 18 years of age or over.

1 _____
2 Signature

3 Evidence in support of age and identity:

4 Driver's License No. _____ (_____)

5 State

6 Military Record No. _____

7 Liquor Permit No. _____

8 Other _____

9 (Fill in license or card number of any one or

10 more of above)

11 " _____

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

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

19 "**(4) A licensee may not accept a driver license or driver permit is-**
20 **sued under section 2 of this 2013 Act as evidence of a person's true age**
21 **and identity.**

22 "**SECTION 23.** ORS 471.130 is amended to read:

23 "471.130. (1) **Except as provided in subsection (3) of this section,** all
24 licensees and permittees of the Oregon Liquor Control Commission, before
25 selling or serving alcoholic liquor to any person about whom there is any
26 reasonable doubt of the person's having reached 21 years of age, shall require
27 such person to produce one of the following pieces of identification:

28 "(a) The person's passport.

29 "(b) The person's [*motor vehicle operator's*] **driver** license, whether issued
30 in this state or by any other state, so long as the license has a picture of

1 the person.

2 “(c) An identification card issued under ORS 807.400.

3 “(d) A United States military identification card.

4 “(e) Any other identification card issued by a state that bears a picture
5 of the person, the name of the person, the person’s date of birth and a
6 physical description of the person.

7 “(2) If a person does not have identification as described in subsection (1)
8 of this section, the permittee or licensee shall require such person to make
9 a written statement of age and furnish evidence of the person’s true age and
10 identity. The written statement of age shall be on a form furnished or ap-
11 proved by the commission, including but not limited to the following infor-
12 mation:

13 “ _____

14 Date _____

15 I am 21 years of age or over. _____

16 Signature _____

17 Description of evidence in support of age and identity:

18 _____ Identification No. (if any) _____

19 _____ Identification No. (if any) _____

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

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

23 _____

24 Signature of permittee or licensee

25 ORS 165.805 provides as follows:

26 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

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

30 (b) (Not applicable.)

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

2 “

3 **“(3) A licensee or permittee may not accept a driver license or**
4 **driver permit issued under section 2 of this 2013 Act as evidence that**
5 **a person has reached 21 years of age.**

6 **“SECTION 24.** ORS 471.186 is amended to read:

7 “471.186. (1) The holder of an off-premises sales license may sell factory-
8 sealed containers of wine, malt beverages and cider. Containers of malt
9 beverages sold under the license may not hold more than two and one-quarter
10 gallons.

11 “(2) The holder of an off-premises sales license may provide sample tasting
12 of alcoholic beverages on the licensed premises if the licensee makes written
13 application to the Oregon Liquor Control Commission and receives approval
14 from the commission to conduct tastings on the premises. Tastings must be
15 limited to the alcoholic beverages that may be sold under the privileges of
16 the license.

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

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

22 “(5) The holder of an off-premises sales license may deliver wine or cider
23 that is sold under the privileges of the license to retail customers in this
24 state without a direct shipper permit issued under ORS 471.282. Any deliv-
25 eries by the holder of an off-premises sales license are subject to any rules
26 adopted by the commission relating to deliveries made under this subsection.
27 Deliveries under this subsection:

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

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

30 and

1 “(c) Must be made in containers that are conspicuously labeled with the
2 words: ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS
3 OR OLDER REQUIRED FOR DELIVERY.’

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

8 “(a) Obtains the signature of the recipient of the wine or cider upon de-
9 livery;

10 “(b) Verifies by inspecting government-issued photo identification that the
11 recipient is at least 21 years of age, **except that a carrier may not use a**
12 **driver license or driver permit issued under section 2 of this 2013 Act**
13 **to verify that the recipient is at least 21 years of age;** and

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

16 “(7) Any person who knowingly or negligently delivers wine or cider un-
17 der the provisions of this section to a person under 21 years of age, or who
18 knowingly or negligently delivers wine or cider under the provisions of this
19 section to a visibly intoxicated person, violates ORS 471.410.

20 “(8) If a court determines that deliveries of wine or cider under subsection
21 (5) of this section cannot be restricted to holders of off-premises sales li-
22 censes, and the decision is a final judgment that is no longer subject to ap-
23 peal, the holder of an off-premises sales license may not make deliveries of
24 wine or cider under the provisions of subsection (5) of this section after
25 entry of the final judgment.

26 “**SECTION 25.** ORS 471.242 is amended to read:

27 “471.242. (1) A warehouse license shall allow the licensee to store, import,
28 bottle, produce, blend, transport and export nontax paid, bonded wine or
29 wine on which the tax is paid and to store, import and export nontax paid
30 malt beverages and cider, or malt beverages and cider on which the tax is

1 paid. Wine, cider and malt beverages may be removed from the licensed
2 premises only for:

3 “(a) Sale for export;

4 “(b) Sale or shipment to a wholesale malt beverage and wine licensee;

5 “(c) Sale or shipment to another warehouse licensee;

6 “(d) Sale or shipment to a winery licensee;

7 “(e) Shipment of wine or cider produced by a winery licensee to a licensee
8 of the Oregon Liquor Control Commission authorized to sell wine or cider
9 at retail if the shipment is made pursuant to a sale to the retail licensee by
10 the holder of a winery license issued under ORS 471.223, a grower sales
11 privilege license issued under ORS 471.227 or a wholesale malt beverage and
12 wine license issued under ORS 471.235; or

13 “(f) Shipment of wine or cider to a person for personal use, as described
14 in subsection (7) of this section.

15 “(2) A license applicant must hold an approved registration for a bonded
16 wine cellar or winery under federal law.

17 “(3) For the purposes of tax reporting, payment and record keeping, the
18 provisions that shall apply to a manufacturer under ORS chapter 473 shall
19 apply to a warehouse licensee.

20 “(4) A warehouse must be physically secure in an area zoned for the in-
21 tended use and be physically separated from any other use.

22 “(5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall
23 be considered a manufacturer.

24 “(6) For purposes of ORS 473.045, a warehouse licensee shall be considered
25 a winery licensee.

26 “(7) Wine or cider may be removed from the premises licensed under this
27 section for shipment pursuant to a sale under ORS 471.282. The warehouse
28 licensee shall take reasonable steps to ensure that shipments are made in
29 containers that are conspicuously labeled with the words: ‘CONTAINS AL-
30 COHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER RE-

1 QUIRED FOR DELIVERY.’ In addition, the warehouse licensee shall take
2 reasonable steps to ensure that any carrier used by the licensee does not
3 deliver any wine or cider unless the carrier:

4 “(a) Obtains the signature of the recipient of the wine or cider upon de-
5 livery;

6 “(b) Verifies by inspecting government-issued photo identification that the
7 recipient is at least 21 years of age, **except that a carrier may not use a**
8 **driver license or driver permit issued under section 2 of this 2013 Act**
9 **to verify that the recipient is at least 21 years of age;** and

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

12 **“SECTION 26.** ORS 471.282 is amended to read:

13 “471.282. (1) Notwithstanding any other provision of this chapter and ex-
14 cept as provided by ORS 471.186 (5), a person may sell and ship wine or cider
15 directly to a resident of Oregon only if the person holds a direct shipper
16 permit. The Oregon Liquor Control Commission shall issue a direct shipper
17 permit only to:

18 “(a) A person that holds a license issued by this state or another state
19 that authorizes the manufacture of wine or cider;

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

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

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

29 “(2)(a) A person may apply for a direct shipper permit by filing an appli-
30 cation with the commission. The application must be made in such form as

1 may be prescribed by the commission.

2 “(b) If the application is based on a license issued by this state, the per-
3 son must include in the application the number of the license issued to the
4 person.

5 “(c) If the application is based on a license issued by another state, the
6 person must include in the application a true copy of the license issued to
7 the person by the other state or include sufficient information to allow ver-
8 ification of the license by electronic means or other means acceptable to the
9 commission.

10 “(d) If the application is based on a license issued by another state, or the
11 application is by a nonprofit trade association described in subsection (1)(d)
12 of this section, the person or association must pay a \$50 registration fee and
13 maintain a bond or other security described in ORS 471.155 in the minimum
14 amount of \$1,000.

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

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

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

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

21 “(4) Sales and shipments under a direct shipper permit must be made di-
22 rectly to a resident of this state in containers that are conspicuously labeled
23 with the words: ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
24 21 YEARS OR OLDER REQUIRED FOR DELIVERY.’

25 “(5) A person holding a direct shipper permit must take all actions nec-
26 essary to ensure that a carrier used by the permit holder does not deliver
27 any wine or cider unless the carrier:

28 “(a) Obtains the signature of the recipient of the wine or cider upon de-
29 livery;

30 “(b) Verifies by inspecting government-issued photo identification that the

1 recipient is at least 21 years of age, **except that a carrier may not use a**
2 **driver license or driver permit issued under section 2 of this 2013 Act**
3 **to verify that the recipient is at least 21 years of age;** and

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

6 “(6)(a) A person holding a direct shipper permit must report to the com-
7 mission all shipments of wine or cider made to Oregon residents under the
8 permit as required by ORS chapter 473. The report must be made in a form
9 prescribed by the commission.

10 “(b) A person holding a direct shipper permit must allow the commission
11 to audit the permit holder’s records upon request and shall make those re-
12 cords available to the commission in this state.

13 “(c) A person holding a direct shipper permit consents to the jurisdiction
14 of the commission and the courts of this state for the purpose of enforcing
15 the provisions of this section and any related laws or rules.

16 “(7)(a) A person holding a direct shipper permit must timely pay to the
17 commission all taxes imposed under ORS chapter 473 on wine and cider sold
18 and shipped under the permit. For the purpose of the privilege tax imposed
19 under ORS chapter 473, all wine or cider sold and shipped pursuant to a di-
20 rect shipper permit is sold in this state.

21 “(b) A person holding a direct shipper permit based on a license issued
22 by another state must timely pay to the commission all taxes imposed under
23 ORS chapter 473 on all wine or cider sold and shipped directly to Oregon
24 residents under the permit. The permit holder, not the purchaser, is respon-
25 sible for the tax.

26 “(8) A direct shipper permit must be renewed annually. If the person holds
27 the permit based on an annual license issued by another state, the person
28 may renew the permit by paying a \$50 renewal fee and providing the com-
29 mission with a true copy of a current license issued to the person by the
30 other state or with sufficient information to allow verification of the license

1 by electronic means or other means acceptable to the commission. If the
2 person holds the permit based on an annual license issued by this state, the
3 person may renew the permit at the same time that the person renews the
4 license.

5 “(9) The commission may refuse to issue or may suspend or revoke a di-
6 rect shipper permit if the permit holder fails to comply with the provisions
7 of this section. A person may sell and ship wine or cider under a direct
8 shipper permit only for as long as the person has the license issued by this
9 state or another state that authorizes the person to hold a direct shipper
10 permit.

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

15 “(11) A person may not make sales and shipments of wine or cider directly
16 to Oregon residents unless the person holds a direct shipper permit issued
17 under this section. Any person who knowingly makes, participates in, trans-
18 ports, imports or receives a shipment of wine or cider that is in violation
19 of this section commits a misdemeanor as provided in ORS 471.990 (1).

20 **“SECTION 27.** ORS 471.478 is amended to read:

21 “471.478. On and after January 1, 1978:

22 “(1) The Oregon Liquor Control Commission by rule shall require the
23 identification of kegs of malt beverages sold directly to consumers who are
24 not licensees of the commission and the signing of a receipt therefor by the
25 purchaser in order to allow the kegs to be traced if the contents are con-
26 sumed in violation of the Liquor Control Act. The keg identification shall
27 be in the form of a numbered label prescribed and supplied by the commis-
28 sion which identifies the seller and which is removable or obliterated when
29 the keg is processed for refilling. The receipt shall be on a form prescribed
30 and supplied by the commission and shall include the name and address of

1 the purchaser; [*motor vehicle operator's*] **the driver** license number, if any,
2 **except that the number of a driver license or driver permit issued**
3 **under section 2 of this 2013 Act may not be used**; the automobile regis-
4 tration of the motor vehicle in which the keg was removed from the seller's
5 premises, if any; and such other identification as the commission by rule may
6 require. The receipt shall contain a statement that must be signed by the
7 purchaser that, under penalty of false swearing, the purchaser will not allow
8 consumption of any malt beverage in the keg in violation of ORS 471.410. A
9 copy of the receipt shall be given to the purchaser and the seller shall retain
10 the original receipt for such period as the commission by rule may require.

11 “(2) Possession of a keg containing malt beverages which is not identified
12 as required by subsection (1) of this section is a Class A misdemeanor.

13 “(3) A person who signs a receipt described in subsection (1) of this sec-
14 tion in order to obtain a keg, knowing the receipt to be false, or who falsifies
15 any information required on the receipt, is guilty of false swearing as pre-
16 scribed by ORS 162.075.

17 “(4) As used in this section, ‘keg’ means any brewery-sealed, individual
18 container of malt beverage having a liquid capacity of more than seven gal-
19 lons.

20 **“SECTION 28.** ORS 480.235 is amended to read:

21 “480.235. (1) A certificate of possession shall be issued or denied within
22 45 days after the date of the application or the conclusion of the investi-
23 gation conducted by the issuing authority pursuant to subsection (2) of this
24 section.

25 “(2) The issuing authority shall conduct an investigation to ensure that
26 the applicant meets the requirements listed in ORS 480.225 and 480.230. The
27 issuing authority shall include fingerprinting and photographic identification
28 in the investigation. **The issuing authority may not accept a driver li-**
29 **cence or driver permit issued under section 2 of this 2013 Act.** The is-
30 suing authority may use fingerprints obtained under this subsection for the

1 purpose of requesting a state or nationwide criminal records check under
2 ORS 181.534. Unless the issuing authority finds that the applicant is ineli-
3 gible under ORS 480.225 or 480.230, the authority shall issue a certificate of
4 possession to the applicant. If the issuing authority finds that the applicant
5 is ineligible under ORS 480.225 or 480.230, the authority shall issue a notifi-
6 cation of denial. The denial is subject to the provisions of ORS 480.275.

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

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

10 “(5) The holder of a certificate of possession shall maintain a record of
11 the type and quantity of all explosives possessed during the certificate pe-
12 riod. The record shall be made available upon demand of the issuing au-
13 thority, a magistrate or a law enforcement agency, public fire department
14 or fire protection agency of this state.

15 “(6) Notwithstanding ORS 181.534 (5) and (6), the Department of State
16 Police shall maintain in the department’s files fingerprint cards submitted
17 to it for purposes of conducting a state or nationwide criminal records check
18 under ORS 181.534 on applicants for a certificate of possession.

19 **“SECTION 29.** ORS 609.510 is amended to read:

20 “609.510. (1) Every animal dealer shall establish and maintain records on
21 each dog or cat and the dog’s or cat’s offspring in the dealer’s possession or
22 control, including:

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

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

27 “(c) The name, address and driver license number or other official state
28 identification number of the person providing the dog or cat, **except that**
29 **the number of a driver license or driver permit issued under section 2**
30 **of this 2013 Act may not be used;**

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

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

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

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

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

12 **“SECTION 30.** ORS 646A.210 is amended to read:

13 “646A.210. (1) A person [*shall*] **may** not require as a condition of accept-
14 ance of a check or share draft, or as a means of identification, that the
15 person presenting the check or share draft provide a credit card number or
16 expiration date, or both, unless the credit is issued by the person requiring
17 the information.

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

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

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

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

27 “(d) Recording a credit card number or expiration date, or both, as a
28 condition for acceptance of a check or share draft where the card issuer
29 guarantees checks or share drafts presented by the cardholder upon the
30 condition that the person to whom the check is presented records the card

1 number or expiration date, or both, on the check or share draft;

2 “(e) Requesting and recording the name, address, [*motor vehicle operator*]
3 **driver** license number or state identification card number and telephone
4 number of a person offering payment by check, **except that the number**
5 **of a driver license or driver permit issued under section 2 of this 2013**
6 **Act may not be used;** or

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

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

10 “(4) For purposes of this section, ‘person’ means any individual, corpo-
11 ration, partnership or association.

12 **“SECTION 31.** ORS 697.520 is amended to read:

13 “697.520. (1) A check-cashing business may not charge or collect, directly
14 or indirectly, an excessive fee, service charge or other consideration for
15 cashing a payment instrument. A fee, service charge or other consideration
16 is excessive if the total amount charged is more than the following amounts:

17 “(a) For a payment instrument issued by the federal government or an
18 agency of the federal government, by this state or an agency of this state
19 or by the government of the municipality in which a person is cashing the
20 payment instrument:

21 “(A) \$5 or two percent of the face value of the payment instrument,
22 whichever is greater, if the person cashing the payment instrument provides
23 valid and current government-issued photo identification; or

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

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

29 “(A) \$5 or three percent of the face value of the payment instrument,
30 whichever is greater, if the person cashing the payment instrument provides

1 valid and current government-issued photo identification; or

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

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

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

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

13 “(4) **For the purposes of this section, a driver license or driver per-
14 mit issued under section 2 of this 2013 Act may not be used for the
15 purposes of identification.**

16 “**SECTION 32.** ORS 723.152 is amended to read:

17 “723.152. In addition to the powers conferred by the general corporation
18 law a credit union may, subject to the restrictions and limitations contained
19 in this chapter and the credit union’s bylaws:

20 “(1) Make contracts.

21 “(2) Sue and be sued.

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

23 “(4) Acquire, lease, hold and dispose of property, either in whole or in
24 part, necessary or incidental to the credit union’s operations.

25 “(5) At the discretion of the board of directors, require any person ad-
26 mitted to membership to pay an entrance fee or annual membership fee, or
27 both.

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

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

4 “(8) Lend the credit union’s funds to members of the credit union and to
5 other credit unions as provided in this chapter.

6 “(9) Acquire and lease personal property at the request of a member of
7 the credit union who wishes to lease the property on terms requiring pay-
8 ment, during the term of the lease, of rents that exceed the total expendi-
9 tures made by the credit union for the acquisition, ownership, financing and
10 protection of the property. Rents may include residual value payments that
11 are the obligation of a responsible third party.

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

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

19 “(12) Sell all or substantially all of the credit union’s assets or purchase
20 all or substantially all of the assets of another credit union, subject to the
21 approval of the Director of the Department of Consumer and Business Ser-
22 vices.

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

24 “(14) Make deposits in legally chartered banks, savings banks, savings
25 and loan associations, trust companies and credit unions.

26 “(15) Assess charges to a member of the credit union in accordance with
27 the credit union’s bylaws for the member’s failure to meet the member’s ob-
28 ligations to the credit union promptly.

29 “(16) Hold membership in other credit unions organized under this chap-
30 ter or other state or federal laws, and in other associations and organizations

1 composed of credit unions.

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

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

6 “(19) Receive deposits from the federal government or this state, or any
7 agency or political subdivision thereof.

8 “(20) Make donations or contributions to any civic, charitable, political
9 or community organization as authorized by the board of directors.

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

12 “(22) Purchase or make available insurance for the credit union’s direc-
13 tors, officers, agents, employees and members.

14 “(23) Allow members of the credit union to use share accounts, deposit
15 accounts or deposit certificate accounts as share draft accounts as provided
16 in ORS 723.434.

17 “(24) Provide digital signature verification or other electronic
18 authentication services to members of the credit union.

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

1 “(26) Indemnify the directors, officers, employees and committee members
2 or other volunteers of the credit union in accordance with the provisions of
3 the credit union’s articles, bylaws and the indemnification provisions of ORS
4 chapter 60.

5 “(27) Sell negotiable checks, including traveler’s checks, money orders and
6 other money transfer instruments, including domestic and international
7 electronic funds transfers, to persons eligible for credit union membership
8 under ORS 723.172, whether or not such persons are members of the credit
9 union.

10 “(28) For a fee, cash checks and money orders and send or receive do-
11 mestic and international electronic funds transfers for persons eligible for
12 credit union membership under ORS 723.172, whether or not such persons are
13 members of the credit union. The fee a credit union may charge for cashing
14 checks or money orders in accordance with this subsection may not exceed
15 the following amounts, as appropriate:

16 “(a) For a check or money order issued by the federal government or an
17 agency of the federal government, by this state or an agency of this state,
18 by any other state or political subdivision thereof or by the government of
19 the municipality in which a person is cashing the check or money order, or
20 for a check that is a payroll check drawn against an account held in a fi-
21 nancial institution in this state:

22 “(A) \$5 or two percent of the face value of the check or money order,
23 whichever is greater, if the person cashing the check or money order pro-
24 vides valid and current government-issued photo identification; or

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

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

30 “(A) \$5 or three percent of the face value of the check or money order,

1 whichever is greater, if the person cashing the check or money order pro-
2 vides valid and current government-issued photo identification; or

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

6 “(29) Exercise other powers that are necessary to carry out the credit
7 union’s purpose.

8 “(30) **For the purposes of this section, a driver license or driver**
9 **permit issued under section 2 of this 2013 Act may not be used for the**
10 **purposes of identification.**

11 “**SECTION 33.** ORS 801.250 is amended to read:

12 “801.250. ‘Driver permit’ means a grant of driving privileges by this state
13 or another jurisdiction that is more limited than those available under a li-
14 cense or that is only available under special or limited circumstances. The
15 term may also refer to a document issued as evidence of a grant of driving
16 privileges under a driver permit. Driver permits issued by this state include
17 the following:

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

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

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

21 “(4) Emergency driver permit described under ORS 807.220.

22 “(5) Instruction driver permit described under ORS 807.280.

23 “(6) Hardship driver permit described under ORS 807.240.

24 “(7) Probationary driver permit described under ORS 807.270.

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

26 “(9) Special temporary instruction driver permit described under ORS
27 807.290.

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

29 “(11) Temporary driver permit described under ORS 813.110.

30 “(12) **A driver permit described under section 2 of this 2013 Act.**

1 **“SECTION 34.** ORS 807.750 is amended to read:

2 “807.750. (1) As used in this section:

3 “(a) ‘Driver license’ means a license or permit issued by this state or any
4 other jurisdiction as evidence of a grant of driving privileges, **except for a**
5 **license or permit issued under section 2 of this 2013 Act.**

6 “(b) ‘Identification card’ means the card issued under ORS 807.400 or a
7 comparable provision in another state.

8 “(c) ‘Personal information’ means an individual’s name, address, date of
9 birth, photograph, fingerprint, biometric data, driver license number, iden-
10 tification card number or any other unique personal identifier or number.

11 “(d) ‘Private entity’ means any nongovernmental entity, such as a corpo-
12 ration, partnership, company or nonprofit organization, any other legal en-
13 tity or any natural person.

14 “(e) ‘Swipe’ means the act of passing a driver license or identification
15 card through a device that is capable of deciphering, in an electronically
16 readable format, the information electronically encoded in a magnetic strip
17 or bar code on the driver license or identification card.

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

21 “(a) To verify the authenticity of a driver license or identification card
22 or to verify the identity of the individual if the individual pays for a good
23 or service with a method other than cash, returns an item or requests a re-
24 fund.

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

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

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

4 “(3) A private entity that swipes an individual’s driver license or iden-
5 tification card under subsection (2)(a) or (b) of this section may not store,
6 sell or share personal information collected from swiping the driver license
7 or identification card.

8 “(4) A private entity that swipes an individual’s driver license or iden-
9 tification card under subsection (2)(c) or (d) of this section may store or
10 share the following information collected from swiping an individual’s driver
11 license or identification card for the purpose of preventing fraud or other
12 criminal activity against the private entity:

13 “(a) Name;

14 “(b) Address;

15 “(c) Date of birth; and

16 “(d) Driver license number or identification card number.

17 “(5)(a) A person other than an entity regulated by the federal Fair Credit
18 Reporting Act, 15 U.S.C. 1681 et seq., who receives personal information from
19 a private entity under subsection (4) of this section may use the personal
20 information received only to prevent fraud or other criminal activity against
21 the private entity that provided the personal information.

22 “(b) A person who is regulated by the federal Fair Credit Reporting Act
23 and who receives personal information from a private entity under sub-
24 section (4) of this section may use or provide the personal information re-
25 ceived only to effect, administer or enforce a transaction or prevent fraud
26 or other criminal activity, if the person provides or receives personal infor-
27 mation under contract from the private entity.

28 “(6)(a) Subject to the provisions of this subsection, a private entity that
29 is a commercial radio service provider that provides service nationally and
30 that is subject to the Telephone Records and Privacy Protection Act of 2006

1 (18 U.S.C. 1039) may swipe an individual's driver license or identification
2 card if the entity obtains permission from the individual to swipe the
3 individual's driver license or identification card.

4 "(b) The private entity may swipe the individual's driver license or iden-
5 tification card only for the purpose of establishing or maintaining a contract
6 between the private entity and the individual. Information collected by
7 swiping an individual's driver license or identification card for the estab-
8 lishment or maintenance of a contract shall be limited to the following in-
9 formation from the individual:

10 "(A) Name;

11 "(B) Address;

12 "(C) Date of birth; and

13 "(D) Driver license number or identification card number.

14 "(c) If the individual does not want the private entity to swipe the
15 individual's driver license or identification card, the private entity may
16 manually collect the following information from the individual:

17 "(A) Name;

18 "(B) Address;

19 "(C) Date of birth; and

20 "(D) Driver license number or identification card number.

21 "(d) The private entity may not withhold the provision of goods or ser-
22 vices solely as a result of the individual requesting the collection of the
23 following information from the individual through manual means:

24 "(A) Name;

25 "(B) Address;

26 "(C) Date of birth; and

27 "(D) Driver license number or identification card number.

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

30 "(a) The individual knowingly makes the driver license or identification

1 card available to the governmental entity;

2 “(b) The governmental entity lawfully confiscates the driver license or
3 identification card;

4 “(c) The governmental entity is providing emergency assistance to the
5 individual who is unconscious or otherwise unable to make the driver license
6 or identification card available; or

7 “(d) A court rule requires swiping of the driver license or identification
8 card to facilitate accurate linking of court records pertaining to the indi-
9 vidual.

10 “(8) In addition to any other remedy provided by law, an individual may
11 bring an action to recover actual damages or \$1,000, whichever is greater,
12 and to obtain equitable relief, if equitable relief is available, against an en-
13 tity that swipes, stores, shares, sells or otherwise uses the individual’s per-
14 sonal information in violation of this section. A court shall award a
15 prevailing plaintiff reasonable costs and attorney fees. If a court finds that
16 a violation of this section was willful or knowing, the court may increase
17 the amount of the award to no more than three times the amount otherwise
18 available.

19 “(9) Any waiver of a provision of this section is contrary to public policy
20 and is void and unenforceable.

21 **“SECTION 35.** Section 2, chapter 99, Oregon Laws 2012, is amended to
22 read:

23 **“Sec. 2. (1) Subject to subsection (6) of this section,** a precious metal
24 secondhand dealer in this state shall maintain the following records with
25 respect to each transaction conducted by the dealer:

26 “(a) The full name, date of birth, current telephone number, current ad-
27 dress and signature of the seller;

28 “(b) The type and identification number of a currently valid government-
29 issued photo identification that has been issued to the seller;

30 “(c) A physical description of the seller; and

1 “(d) An identifying description or a digital photograph of each item of
2 precious metal that is the subject of the transaction.

3 “(2) A precious metal secondhand dealer in this state shall:

4 “(a) Maintain the records described in subsection (1) of this section for
5 a period of at least one year after the date of the transaction; and

6 “(b)(A) Maintain the records described in subsection (1) of this section
7 at the location at which the dealer is engaged in precious metal secondhand
8 dealing and allow inspection of the records by law enforcement officers upon
9 request made during regular business hours; or

10 “(B) If the dealer is a temporary precious metal secondhand dealer,
11 maintain the records, or electronic copies of the records, at the current lo-
12 cation where the dealer is engaged in precious metal secondhand dealing and
13 allow inspection of the records or electronic copies by law enforcement offi-
14 cers upon request made during regular business hours.

15 “(3) A precious metal secondhand dealer shall provide copies of records
16 described in subsection (1) of this section if requested by law enforcement
17 officers.

18 “(4) A precious metal secondhand dealer in this state shall retain any
19 item of precious metal acquired in a transaction for a period of seven days
20 after the date of the transaction before the dealer may dispose of the item.
21 The dealer shall keep items of precious metal subject to retention under this
22 subsection segregated from other items, but at the location where the trans-
23 action occurred. The dealer shall allow inspection of items of precious metal
24 subject to retention under this subsection if requested by law enforcement
25 officers.

26 “(5) Notwithstanding subsection (4) of this section, a temporary precious
27 metal secondhand dealer may retain items subject to retention under sub-
28 section (4) of this section at a location of the dealer’s choosing in this state,
29 but must provide an item of precious metal to a requesting law enforcement
30 officer within 24 hours of the officer’s request for the item. Any cost incurred

1 in providing a law enforcement officer with a requested item under this
2 subsection shall be borne by the dealer.

3 **“(6) A license or permit issued under section 2 of this 2013 Act may**
4 **not be used to provide the information required under subsection (1)**
5 **of this section.”.**

6
