

Senate Bill 400

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person who must install ignition interlock device to obtain and pay for replacement driver license or driver permit that notes ignition interlock device requirement. Provides that person may obtain and pay for license or permit with notation removed when device is no longer required. Becomes operative January 1, 2017.

A BILL FOR AN ACT

1
2 Relating to ignition interlock devices; creating new provisions; and amending ORS 807.110 and
3 807.160.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) When a person is required to install an ignition interlock device under**
8 **ORS 813.602, the person shall apply to the Department of Transportation for a replacement**
9 **driver license or driver permit that notes the requirement and pay the fee required for a**
10 **replacement driver license or driver permit under ORS 807.370.**

11 **(2) The department shall note on the replacement driver license or driver permit the fact**
12 **that the person is required to install an ignition interlock device.**

13 **(3) When the person is no longer required to install an ignition interlock device, the**
14 **person may apply to the department to replace the driver license or driver permit if the**
15 **person pays the fee required for a replacement driver license or driver permit under ORS**
16 **807.370. After confirming the fact that the person is no longer required to install an ignition**
17 **interlock device, the department shall issue a replacement driver license or driver permit**
18 **that omits the notation.**

19 **(4) This section does not apply to a person issued a hardship permit subject to ORS**
20 **813.604 that notes the fact that the person is required to install an ignition interlock device.**

21 **SECTION 3. ORS 807.110 is amended to read:**

22 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
23 lowing:

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

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

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

18 (j) The class of license issued and any endorsements granted. If the license is a commercial
 19 driver license, the words “commercial driver license” or the letters “CDL” shall appear on the li-
 20 cense.

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

22 **(L) For a person who is subject to ORS 813.602, the fact that the person is required to**
 23 **install an ignition interlock device.**

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

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

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

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

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

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

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

36 **SECTION 4.** ORS 807.160 is amended to read:

37 807.160. (1) The Department of Transportation shall establish by rule the reasons for issuing a
 38 replacement driver license or driver permit to a person who submits an application for the re-
 39 placement. The reasons for replacement shall include, but are not limited to, situations when the
 40 person:

41 (a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the
 42 person’s driver license or driver permit.

43 (b) Changes residence address from the address noted on the person’s driver license or driver
 44 permit.

45 (c) Is a corrections officer or an eligible employee who has requested, in accordance with ORS

1 802.250 or 802.253, that department records show the address of the person's employer.

2 (d) Changes names from the name noted on the person's driver license or driver permit.

3 (e) Is applying or is required to add or remove a restriction on the driver license or driver
4 permit.

5 (f) Is applying or is required to add or remove an endorsement other than a motorcycle
6 endorsement on the driver license or driver permit.

7 (g) Furnishes proof satisfactory to the department or the department determines that the de-
8 partment made an error when issuing a driver license or driver permit.

9 (h) Furnishes proof satisfactory to the department that, for a reason identified by the department
10 by rule, the person needs a replacement driver license or driver permit that bears a different dis-
11 tinguishing number from the license or permit being replaced.

12 (i) Furnishes proof satisfactory to the department that the person is a veteran, as defined in ORS
13 408.225, and the person requests a replacement driver license that includes the fact that the person
14 is a veteran.

15 **(j) Is required to install an ignition interlock device under ORS 813.602 or is no longer**
16 **required to install an ignition interlock device.**

17 (2) Notwithstanding subsection (1)(b) of this section, in lieu of issuing a replacement driver li-
18 cense or driver permit upon a change in residence address of a person, the department may note the
19 change of residence address on the person's license or permit in a manner determined by the de-
20 partment.

21 (3) A replacement driver license or driver permit issued under this section:

22 (a) Shall bear the same distinguishing number as the driver license or driver permit replaced
23 unless the person applying for the replacement furnishes proof as described in subsection (1)(h) of
24 this section.

25 (b) Does not alter or extend the driving privileges granted to the person under the old license
26 or permit unless the replacement license or permit was issued for the purpose of changing a re-
27 striction or endorsement or for correcting an error involving driving privileges.

28 (4) Except for driver permits for which the department does not charge an issuance fee, the
29 department shall charge the fee under ORS 807.370 for a replacement license or driver permit issued
30 under this section. The replacement fee is in addition to any endorsement or test fee that may apply.
31 The department may waive the replacement fee as provided under ORS 807.390.

32 (5) The driver license or driver permit replaced under this section is invalid and shall be sur-
33 rendered to the department.

34 (6) The department may not issue a replacement driver license or driver permit under this sec-
35 tion if:

36 (a) The person making application is not qualified to hold a license or permit at the time of
37 application.

38 (b) The driving privileges of the person making application are suspended or revoked and have
39 not been partially or completely reinstated.

40 (7) The department need not issue a replacement driver license or driver permit to a person who
41 has not complied with the requirements and responsibilities created by citation for or conviction of
42 a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the depart-
43 ment to withhold issuance of a replacement license or permit.

44 **SECTION 5. (1) Section 2 of this 2015 Act and the amendments to ORS 807.110 and 807.160**
45 **by sections 3 and 4 of this 2015 Act become operative on January 1, 2017.**

1 **(2) The Department of Transportation may take any action before the operative date**
2 **specified in subsection (1) of this section that is necessary to enable the department to ex-**
3 **ercise, on and after the operative date specified in subsection (1) of this section, all the du-**
4 **ties, functions and powers conferred on the department by section 2 of this 2015 Act and the**
5 **amendments to ORS 807.110 and 807.160 by sections 3 and 4 of this 2015 Act.**

6 **SECTION 6.** **Section 2 of this 2015 Act and the amendments to ORS 807.110 and 807.160**
7 **by sections 3 and 4 of this 2015 Act apply to offenses committed on or after January 1, 2017.**

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