

Senate Bill 37

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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**.

Modifies laws related to driving privileges.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and amending ORS 801.297, 801.522, 807.018,
3 807.031, 807.035, 807.040, 807.070, 807.072, 807.100, 807.110, 807.285, 807.310, 807.340 and 809.525.

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

REESTABLISHMENT AND PROOF OF ELIGIBILITY

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8 **SECTION 1.** ORS 807.340 is amended to read:

9 807.340. (1) The Department of Transportation may require any person to whom a **driver** license,
10 driver permit or endorsement is issued to appear before the department and **provide proof that the**
11 **person was eligible or** reestablish the person's eligibility by taking [*either*] an examination under
12 ORS 807.070 or following the procedures in ORS 807.090, as appropriate. The department may act
13 under this section if the department has reason to believe that the person [*may*]:

14 (a) **Was not qualified to hold a driver license, driver permit or endorsement at the time**
15 **of issuance;**

16 [*(a)*] (b) **Is** no longer [*be*] qualified to hold a **driver** license, driver permit or endorsement; or

17 [*(b)*] (c) **Is** no longer [*be*] able to safely operate a motor vehicle.

18 (2) If a person does not appear before the department within a reasonable time after receiving
19 notice from the department under this section or is unable to reestablish eligibility to the satisfac-
20 tion of the department under this section, the department may:

21 (a) Take action to suspend the person's driving privileges under ORS 809.419[.]; **or**

22 (b) **Take action to cancel the person's driving privileges under ORS 809.310.**

23 (3) A person who is required to take one or more tests described in ORS 807.070 [*in order*] to
24 **prove eligibility or to** reestablish eligibility under this section is not required to pay the fee es-
25 tablished under ORS 807.370 for the test.

SERIOUS TRAFFIC OFFENSES

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29 **SECTION 2.** ORS 809.525 is amended to read:

30 809.525. (1) Except as provided in this section, the Department of Transportation shall suspend
31 the commercial driving privileges of a person for a period of 60 days if:

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 (a) The department receives a record of a conviction of a serious traffic *[violation]* **offense**;

2 (b) The *[violation]* **offense** was committed within three years of the commission of another seri-
 3 ous traffic *[violation]* **offense** for which the department received a record of a conviction; and

4 (c) The *[violations]* **offenses** did not arise out of the same incident.

5 (2) The department shall suspend the commercial driving privileges of a person for a period of
 6 120 days if:

7 (a) The department receives a record of a conviction of a serious traffic *[violation]* **offense**;

8 (b) The *[violation]* **offense** was committed within three years of the commission of two or more
 9 other serious traffic *[violations]* **offenses** for which the department received records of conviction;
 10 and

11 (c) The *[violations]* **offenses** did not arise out of the same incident.

12 (3) The department by rule shall designate traffic *[violations]* **offenses** that constitute serious
 13 traffic *[violations]* **offenses** for the purposes of this section. To the extent practicable, rules adopted
 14 by the department under this section shall be uniform with any applicable federal regulations related
 15 to offenses that constitute serious traffic *[violations]* **offenses**.

16 (4) A report of a conviction in another jurisdiction has the same effect as if the serious traffic
 17 *[violation]* **offense** conviction had occurred in this state.

18 (5) A suspension imposed under this section is consecutive to any other suspension imposed
 19 under this section or ORS 809.510, 809.530 or 809.535 if the suspensions do not arise out of the same
 20 incident.

21
 22 **PASSENGER ENDORSEMENTS**

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 24 **SECTION 3.** ORS 807.035 is amended to read:

25 807.035. This section describes the type of driving privileges granted by various endorsements
 26 issued by this state. Except as provided in ORS 807.285, the following endorsements grant the
 27 driving privileges described:

28 (1) A motorcycle endorsement authorizes a person to operate any motorcycle.

29 (2) A hazardous materials endorsement authorizes a person to operate a vehicle transporting
 30 hazardous materials.

31 (3) A tank vehicle endorsement authorizes a person to operate tank vehicles.

32 *[(4) A passenger endorsement authorizes a person to operate a vehicle that is designed to transport*
 33 *16 or more persons, including the driver, but that is not a school bus.]*

34 **(4)(a) Except as provided in paragraph (b) of this subsection, a passenger endorsement**
 35 **authorizes:**

36 **(A) A person who holds a Class A commercial driver license to operate a vehicle that is**
 37 **designed to transport passengers in commerce;**

38 **(B) A person who holds a Class B commercial driver license to operate a vehicle that is**
 39 **designed to transport passengers in commerce; or**

40 **(C) A person who holds a Class C commercial driver license to operate a vehicle that is**
 41 **designed to transport 16 or more passengers, including the driver.**

42 **(b) A passenger endorsement does not authorize a person to operate a school bus.**

43 (5) A school bus endorsement authorizes a person to operate a school bus if the person also
 44 holds a valid passenger endorsement.

45 (6) A double and triple trailer endorsement authorizes a person to operate a commercial motor

1 vehicle with double and triple trailer combinations.

2 (7) A combined endorsement authorizes a person to operate a tank vehicle, transport hazardous
3 materials and transport hazardous materials in a tank vehicle.

4 (8) A Class A farm endorsement authorizes a person to:

5 (a) Operate or tow any vehicle that can be operated by the holder of a Class A commercial
6 driver license if the vehicle is:

7 (A) Controlled or operated by a farmer;

8 (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

9 (C) Not used in the operation of a common or contract motor carrier; and

10 (D) Used within 150 miles of the farmer's farm.

11 (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting haz-
12 arduous materials if the vehicle is placarded in accordance with law.

13 (c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle or
14 a double trailer combination without holding a tank vehicle endorsement or a double and triple
15 trailer endorsement.

16 (9) A Class B farm endorsement authorizes a person to:

17 (a) Operate or tow any vehicle that can be operated or towed by the holder of a Class B com-
18 mercial driver license if the vehicle is:

19 (A) Controlled or operated by a farmer;

20 (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

21 (C) Not used in the operation of a common or contract motor carrier; and

22 (D) Used within 150 miles of the farmer's farm.

23 (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting haz-
24 arduous materials if the vehicle is placarded in accordance with law.

25 (c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle
26 without holding a tank vehicle endorsement.

27 **SECTION 4.** ORS 807.070 is amended to read:

28 807.070. The Department of Transportation shall administer an examination to establish quali-
29 fication for each class of license and endorsement. The examination for each class of license or
30 endorsement must include all of the following as described:

31 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a
32 limited vision condition as defined in ORS 807.355.

33 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe
34 driving practices and factors that cause accidents. The following all apply to the test under this
35 subsection:

36 (a) The test may not cover any subject that is not presented in the publications of the depart-
37 ment intended for the instruction of applicants for licenses and driver permits.

38 (b) The test for each class of license and endorsement must include, but is not limited to, a test
39 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-
40 leges granted under the specific class of license or endorsement sought.

41 (c) The test must include, but is not limited to, the following subjects:

42 (A) Rights of pedestrians who are blind.

43 (B) The meaning of official traffic signs and signals.

44 (C) Proper operating procedure in emergency situations.

45 (D) Vehicle safety equipment and its use.

1 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

2 (F) Practices necessary for safe operation of a vehicle around motorcyclists.

3 (d) The test must include at least two questions pertaining to the practices necessary for safe
4 operation of a vehicle around motorcyclists.

5 (e) The test may include a question regarding fuel efficient driving techniques.

6 (f) The department may waive the test under circumstances described in ORS 807.072.

7 (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle
8 without endangering the safety of persons or property. The following apply to this subsection:

9 (a) The actual demonstration for each class of license shall be performed in a vehicle that may
10 be operated under the class of license sought, but that may not be operated under lower classes of
11 license.

12 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that
13 *[is designed to transport 16 or more persons, including the driver]* **may be operated under the**
14 **endorsement.**

15 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

16 (d) An actual demonstration required for a commercial driver license may be performed by a
17 person only if the person has held for at least 14 days a commercial learner driver permit that was
18 issued by the department or by another jurisdiction that authorizes operation of the vehicle used for
19 testing.

20 (e) The department may waive the demonstration under circumstances described in ORS 807.072.

21 (4) Any other examination or test, including demonstrations, that the department determines
22 may be necessary to assist the department in establishing whether the applicant is eligible for a li-
23 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the
24 highways of this state. In any examination or test under this subsection, the department shall only
25 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor
26 vehicle safely or other facts that are specifically required to show the fitness of the applicant for
27 license.

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29 **MEDICAL QUALIFICATION AND COFA CITIZENS**

30
31 **SECTION 5.** ORS 807.040 is amended to read:

32 807.040. (1) The Department of Transportation shall issue a driver license to any person who
33 complies with all of the following requirements:

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

35 (b) As required by ORS 807.021 and 807.730, the person must provide the Social Security number
36 assigned to the person by the United States Social Security Administration and proof of legal pres-
37 ence in the United States or, if the person is not eligible for a Social Security number, proof of legal
38 presence in the United States and proof that the person is not eligible for a Social Security number.

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

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

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

45 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license

1 sought.

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

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

5 (i) If the application is for a commercial driver license, *[the person must submit to]* the depart-
6 ment **must have received and recorded**, in a form approved by the department, the report of a
7 medical examination that establishes that the person meets the medical requirements *[for the par-*
8 *ticular class of license]* **to operate a commercial motor vehicle**. The department, by rule, shall
9 establish medical requirements for purposes of this paragraph. The medical requirements established
10 under this paragraph may include any requirements the department determines are necessary for the
11 safe operation of vehicles permitted to be operated under the class of license for which the re-
12 quirements are established.

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

14 (A) Have at least one year’s driving experience, including relevant experience obtained in the
15 military;

16 (B) Not be subject to a lifetime suspension of commercial driving privileges under ORS 809.520;

17 (C) Not be otherwise ineligible to hold a commercial driver license;

18 (D) Hold a commercial learner driver permit if the person must complete a skills demonstration
19 under ORS 807.070 (3); and

20 (E) In addition to meeting the requirement of providing proof of legal presence under ORS
21 807.021 and this section, the person must submit valid documentation, as defined by the department
22 by rule, that the person is a citizen or permanent legal resident of the United States **or is a citizen**
23 **of a country with a Compact of Free Association with the United States**.

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

26 **SECTION 6.** ORS 807.100 is amended to read:

27 807.100. (1) The Department of Transportation may not issue or renew commercial driving priv-
28 ileges and may cancel commercial driving privileges **for a person** if the *[person does not submit to*
29 *the department, in a form approved by rule,]* **department has not received and recorded, in the**
30 **form approved by the department**, proof of **the person’s** medical qualification to operate a com-
31 mercial motor vehicle by *[such a]* **the** date *[as required by rule]* **specified** by the department.

32 (2) A person is entitled to administrative review under ORS 809.440 when the department does
33 not issue or renew commercial driving privileges under this section or cancels commercial driving
34 privileges under this section.

35 **(3) The department shall adopt rules to carry out the provisions of this section.**

36 *[(3)]* **(4)** To the extent possible, rules adopted by the department under this section should be
37 uniform with any applicable federal regulations related to *[commercial driver license]* medical quali-
38 fications **for commercial drivers**.

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40 **GROSS VEHICLE WEIGHT**

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42 **SECTION 7.** ORS 807.031 is amended to read:

43 807.031. The following licenses grant the driving privileges described:

44 (1) A Class A commercial driver license authorizes a person to operate any vehicle or combi-
45 nation of vehicles except that the person may not operate any vehicle for which an endorsement is

1 required unless the person obtains the endorsement.

2 (2) A Class B commercial driver license authorizes a person to operate any single vehicle and
 3 to tow a vehicle that *[is not in excess of 10,000 pounds]* **has a gross vehicle weight rating or gross**
 4 **vehicle weight, whichever is greater, that does not exceed 10,000 pounds.** The person may not
 5 operate any vehicle for which an endorsement is required unless the person obtains the endorse-
 6 ment.

7 (3) A Class C commercial driver license authorizes a person to operate:

8 (a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the
 9 gross vehicle weight rating **or gross vehicle weight, whichever is greater**, of the vehicle is less
 10 than 26,001 pounds and the person has the proper endorsement to operate a vehicle described in this
 11 paragraph; **and**

12 (b) Any vehicle that is used in the transportation of hazardous materials if the gross vehicle
 13 weight rating **or gross vehicle weight, whichever is greater**, of the vehicle is less than 26,001
 14 pounds and the person has the proper endorsement[; *and*].

15 *[(c)]* (4) **A commercial driver license authorizes a person to operate** any vehicle that may
 16 be operated by the holder of a Class C license.

17 *[(4)]* (5) A Class C driver license authorizes a person to operate any vehicle for which a com-
 18 mercial driver license is not required except that the person may not operate any vehicle for which
 19 an endorsement is required unless the person obtains the endorsement.

20 *[(5)]* (6) A restricted Class C license authorizes a person to operate a vehicle under one of the
 21 permits described in ORS 807.200 as constituting a restricted Class C license. The person may not
 22 operate any vehicle for which an endorsement is required or be granted any endorsements for the
 23 license.

24
 25 **COMMERCIAL LEARNER DRIVER PERMIT**

26
 27 **SECTION 8.** ORS 807.285 is amended to read:

28 807.285. (1) The Department of Transportation shall issue commercial learner driver permits in
 29 the manner provided by this section. Except as provided in this section, a person who is issued a
 30 commercial learner driver permit may exercise the same driving privileges as those under the class
 31 of commercial driver license or endorsement for which the permit is issued. Except as provided in
 32 this section, a commercial learner driver permit is subject to the provisions, conditions, prohibitions
 33 and penalties applicable to a license or endorsement granting the same driving privileges.

34 (2) The department may issue commercial learner driver permits under this section that grant
 35 the driving privileges of a Class A commercial, Class B commercial[,], or Class C commercial driver
 36 license, subject to the requirements and restrictions *[of subsections (6) and (7) of]* **described in** this
 37 section.

38 (3) An applicant for a commercial learner driver permit must be 18 years of age or older **and**
 39 **must have a valid driver license issued by the department.**

40 (4)(a) In addition to meeting the requirement of providing proof of legal presence under ORS
 41 807.021 and 807.040, an applicant for a commercial learner driver permit must submit valid doc-
 42 umentation, as defined by the department by rule, that the person is a citizen or permanent legal
 43 resident of the United States.

44 **(b) Paragraph (a) of this subsection does not apply to a person who is a citizen of a**
 45 **country with a Compact of Free Association with the United States.**

1 (5) A commercial learner driver permit is valid for a period of one year from the date of issu-
 2 ance and is not renewable.

3 (6) **Except as provided in subsection (7) of this section**, the holder of the commercial learner
 4 driver permit may not operate a commercial motor vehicle unless the holder has the permit in the
 5 holder’s immediate possession and is accompanied by a person who:

6 (a) Is at least 21 years of age; *[and who]*

7 (b) Holds a class of commercial driver license and endorsements that grant the driving privi-
 8 leges required to operate the vehicle[.];

9 (c) **Has no restrictions on the person’s driving privileges that would make operation of**
 10 **the vehicle unlawful under ORS 807.010 (2);**

11 (d) *[The accompanying person must have]* **Has** the permit holder under observation and direct
 12 supervision; and *[must be]*

13 (e) **Is** occupying a seat beside the holder of the permit or, in the case of a commercial passenger
 14 vehicle, directly behind or in the first row behind the driver.

15 (7) **When taking an examination as described in ORS 807.070 (3) with an examiner em-**
 16 **ployed by the department, the holder of a commercial learner driver permit is not required**
 17 **to be accompanied by a commercial driver license holder as otherwise required under sub-**
 18 **section (6) of this section.**

19 [(7)] (8) The holder of a commercial learner **driver** permit may not operate:

20 (a) Any vehicle transporting hazardous materials.

21 (b) A tank vehicle, unless the tank is empty.

22 (c) A commercial passenger vehicle while transporting passengers, unless the passengers are
 23 federal or state auditors or inspectors, test examiners or other trainees and there is a commercial
 24 driver license holder accompanying the permit holder as required by subsection (6) of this section.

25 (d) A school bus while transporting passengers, unless the other passengers are federal or state
 26 auditors or inspectors, test examiners or other trainees and there is a commercial driver license
 27 holder accompanying the permit holder as required by subsection (6) of this section.

28 (e) A commercial motor vehicle combination consisting of more than one towed vehicle.

29 [(8)] (9) A commercial learner driver permit must contain all of the applicable information de-
 30 scribed in ORS 807.110 (1) and a prominent statement that the permit is a *[commercial learner permit*
 31 *or CLP.]* **“commercial learner permit” or “CLP.”**

32 [(9)] (10) An applicant for a commercial learner driver permit must pay the commercial learner
 33 driver permit fee established under ORS 807.370.

34
 35 **DEFINITIONS**

36
 37 **SECTION 9.** ORS 801.297 is amended to read:

38 801.297. “Gross combination weight rating” means *[the gross vehicle weight rating of the power*
 39 *unit of a vehicle plus the gross vehicle weight rating of any towed unit.]* **the greater of:**

40 (1) **The value specified by the manufacturer of the power unit of a vehicle, if:**

41 (a) **The value is displayed on the Federal Motor Vehicle Safety Standards certification**
 42 **label; and**

43 (b) **The vehicle is towing another unit; or**

44 (2) **The sum of the gross vehicle weight ratings or gross vehicle weights of the power unit**
 45 **and the towed unit, or any combination thereof, that produces the highest value.**

SECTION 10. ORS 801.522 is amended to read:

801.522. “Tank vehicle” means a commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rate capacity of more than 119 gallons and an aggregate rate capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. “Tank vehicle” does not include a *[portable tank having a rated capacity under 1,000 gallons.] commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, that has a rated capacity of 1,000 gallons or more and that is temporarily attached to a flatbed trailer.*

VALID LICENSE WITHOUT A PHOTOGRAPH

SECTION 11. ORS 807.110 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The department may issue a valid license, **other than a commercial driver license**, without a photograph to an applicant:

(a) Who objects on religious grounds;

(b) Who objects because of the applicant’s facial disfigurement; or

1 (c) Who is stationed outside of this state while serving in the active military service in the
 2 Armed Forces of the United States or the National Guard, and the department does not have an
 3 acceptable photograph of the applicant, as determined by the department by rule. This paragraph
 4 applies to an applicant who is renewing or replacing a license.

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

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

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

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

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

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

15
 16 **WAIVER OF DEMONSTRATION**

17
 18 **SECTION 12.** ORS 807.072 is amended to read:

19 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or
 20 demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives
 21 satisfactory proof that the person required to take the examination, test or demonstration has
 22 passed an examination, test or demonstration approved by the department that:

23 (a) Is given in conjunction with a traffic safety education course certified by the department
 24 under ORS 336.802;

25 (b) Is given in conjunction with a motorcycle rider education course established under ORS
 26 802.320;

27 (c) Is given in conjunction with a course conducted by a commercial driver training school
 28 certified by the department under ORS 822.515; or

29 (d) Is given in conjunction with an application for a special limited vision condition learner's
 30 permit under ORS 807.359.

31 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070
 32 (3) for a person who is applying for a commercial driver license or a Class C license if the person
 33 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration
 34 of a valid out-of-state license. A demonstration may be waived under this subsection only if the
 35 person has applied for the same driving privileges as those granted under the person's out-of-state
 36 license or for privileges granted by a lower class of license.

37 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-
 38 son who is applying for a commercial driver license, [*or for*] an endorsement related to a commercial
 39 driver license [*if the person submits to the department a certificate of competency issued under ORS*
 40 *807.080 for the class of license or for the endorsement sought*] or **the removal of a restriction from**
 41 **a commercial driver license:**

42 (a) **If the person has been certified, as defined by rule, under ORS 807.080 or a similar**
 43 **statute of another jurisdiction as competent to safely exercise the driving privileges granted**
 44 **by a Class A commercial driver license, a Class B commercial driver license or a Class C**
 45 **commercial driver license; or**

1 (b) Under [other] circumstances, established by the department by rule, that establish the
 2 person's ability to drive without an actual demonstration.

3 (4) The department may issue a Class A farm endorsement without requiring additional tests to
 4 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
 5 the department that the person is experienced in driving a vehicle that may be driven only by per-
 6 sons who have a Class A commercial driver license and the person's two-part driving record does
 7 not show either a traffic accident within two years of the date of application for the endorsement
 8 or a conviction for one of the following traffic crimes within five years of the date of application for
 9 the endorsement:

10 (a) Reckless driving, as defined in ORS 811.140.

11 (b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

12 (c) Failure to perform the duties of a driver involved in an accident or collision, as described
 13 in ORS 811.700 or 811.705.

14 (d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

15 (e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

16 (5) The department may issue a Class B farm endorsement without requiring additional tests to
 17 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
 18 the department that the person is experienced in driving a vehicle that may be driven only by per-
 19 sons who have a Class B commercial driver license and the person's two-part driving record does
 20 not show either a conviction for a traffic crime specified in subsection (4) of this section within five
 21 years of the date of application for the endorsement or a traffic accident within two years of the
 22 date of application for the endorsement.

23 (6) The department by rule may establish other circumstances under which a farm endorsement
 24 may be issued without an actual demonstration. The authority granted by this subsection includes,
 25 but is not limited to, authority to adopt rules specifying circumstances under which the endorsement
 26 may be granted to a person despite the appearance of traffic accidents on the person's record.

27 (7) The department by rule may waive the test required under ORS 807.070 (2) for a person who
 28 applies for a motorcycle endorsement if the person:

29 (a) Holds a valid out-of-state driver license that authorizes the person to operate a motorcycle;

30 or

31 (b) Applies for a motorcycle endorsement within one year after the expiration date of a valid
 32 out-of-state driver license that authorizes the person to operate a motorcycle.

33
 34 **PERSONS CONSIDERED TO HOLD**
 35 **COMMERCIAL DRIVING PRIVILEGES**
 36

37 **SECTION 13.** ORS 807.018 is amended to read:

38 807.018. [(1) Except as provided in subsections (2) and (3) of this section,] A person holds com-
 39 mercial driving privileges for the purposes of the Oregon Vehicle Code if [the person's most recently
 40 issued driver license or driver permit is or was a commercial driver license or commercial learner
 41 driver permit issued by the Department of Transportation or the licensing agency of another jurisdic-
 42 tion, without regard to whether]:

43 (1) **The person has an unexpired commercial learner driver permit; or**

44 (2) **The person's most recently issued driver license is or was a commercial driver license**
 45 **issued by the Department of Transportation or the licensing agency of another jurisdiction,**

1 **without regard to whether:**

2 (a) The person’s commercial driver license has expired; or

3 (b) The person’s commercial driving privileges are suspended, canceled or revoked.

4 [(2) *Except as provided in subsection (3) of this section, a person does not hold commercial driving*
5 *privileges for the purposes of the Oregon Vehicle Code if:]*

6 [(a) *The person has voluntarily surrendered commercial driving privileges and has been issued a*
7 *noncommercial driver license or driver permit by the department or the licensing agency of another*
8 *jurisdiction; or]*

9 [(b) *The person’s commercial learner driver permit has expired and the person’s most recently is-*
10 *sued driver license was not a commercial driver license.]*

11 [(3) *A person holds commercial driving privileges for the purposes of the Oregon Vehicle Code*
12 *if:]*

13 [(a) *The person’s commercial driving privileges have been suspended, canceled or revoked by the*
14 *department or the licensing agency of another jurisdiction; and]*

15 [(b) *The person has been issued a hardship permit under ORS 807.240 or a comparable law of*
16 *another jurisdiction that authorizes the person to drive noncommercial motor vehicles.]*

17
18 **APPLICANT TEMPORARY DRIVER PERMITS**

19
20 **SECTION 14.** ORS 807.310 is amended to read:

21 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
22 porary driver permits in a manner consistent with this section.

23 (2) The department may issue an applicant temporary driver permit to an applicant for a driver
24 license or for a driver permit while the department is determining all facts relative to application
25 for the driver license or driver permit. The department shall set forth on the applicant temporary
26 driver permit the driving privileges granted under the permit.

27 (3) The holder of an applicant temporary driver permit must have the temporary driver permit
28 on the holder’s person while operating a motor vehicle. The holder of an applicant temporary driver
29 permit must operate within the driving privileges granted under the temporary driver permit.

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

33 (5) If an applicant has complied with all the requirements for an application for a driver license
34 or driver permit, except that the applicant is unable to produce the documentation required by the
35 department under ORS 807.021 and 807.730, the department, at the time of application, may issue to
36 the applicant an applicant temporary driver permit as provided in this section if the applicant cer-
37 tifies that the applicant is, to the best of the applicant’s knowledge, legally present in the United
38 States.

39 (6) An applicant temporary driver permit issued to an applicant **who is applying for noncom-**
40 **mercial driving privileges** under subsection (5) of this section is valid for a period of 90 days from
41 the date issued. The department may extend the term of the permit up to two times for sufficient
42 cause. Each extension of the term of the permit may not exceed 90 days.

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

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

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

5
6 **APPLICABILITY**
7

8 **SECTION 15.** (1) The amendments to ORS 807.340 by section 1 of this 2017 Act apply to
9 driver licenses, driver permits or endorsements issued before, on or after the effective date
10 of this 2017 Act.

11 (2) The amendments to ORS 809.525 by section 2 of this 2017 Act apply to conduct oc-
12 ccurring on or after the effective date of this 2017 Act.

13 (3) The amendments to ORS 807.035 and 807.070 by sections 3 and 4 of this 2017 Act apply
14 to endorsements issued on or after the effective date of this 2017 Act.

15 (4) The amendments to ORS 807.040 by section 5 of this 2017 Act apply to applications for
16 commercial driver licenses submitted on or after the effective date of this 2017 Act.

17 (5) The amendments to ORS 807.100 by section 6 of this 2017 Act apply to the issuance,
18 renewal or cancellation of commercial driving privileges that occurs on or after the effective
19 date of this 2017 Act.

20 (6) The amendments to ORS 807.031 by section 7 of this 2017 Act apply to commercial
21 driver licenses issued before, on or after the effective date of this 2017 Act.

22 (7) The amendments to ORS 807.285 by section 8 of this 2017 Act apply to commercial
23 learner driver permits issued on or after the effective date of this 2017 Act.

24 (8) The amendments to ORS 807.110 by section 11 of this 2017 Act apply to licenses issued
25 on or after the effective date of this 2017 Act.

26 (9) The amendments to ORS 807.072 by section 12 of this 2017 Act apply to demonstrations
27 waived on or after the effective date of this 2017 Act.

28 (10) The amendments to ORS 807.018 by section 13 of this 2017 Act apply to commercial
29 driving privileges held on or after the effective of this 2017 Act.

30 (11) The amendments to ORS 807.310 by section 14 of this 2017 Act apply to applicant
31 temporary driver permits issued on or after the effective date of this 2017 Act.

32
33 **CAPTIONS**
34

35 **SECTION 16.** The unit captions used in this 2017 Act are provided only for the conven-
36 ience of the reader and do not become part of the statutory law of this state or express any
37 legislative intent in the enactment of this 2017 Act.
38