

SB 36-2
(LC 562)
4/18/17 (HE/ps)

Requested by Representative MCKEOWN (at the request of Department of Transportation)

**PROPOSED AMENDMENTS TO
SENATE BILL 36**

1 On page 1 of the printed bill, line 2, delete “807.050 and 807.072” and in-
2 sert “807.040, 807.050, 807.072, 807.110, 807.140, 807.285, 807.370 and 807.730;
3 and declaring an emergency”.

4 On page 3, line 21, delete “effective date” and insert “operative date
5 specified in section 10”.

6 In line 23, delete “effective date” and insert “operative date specified in
7 section 10”.

8 After line 23, insert:

9 **“SECTION 4.** ORS 807.040 is amended to read:

10 “807.040. (1) The Department of Transportation shall issue a driver license
11 to any person who complies with all of the following requirements:

12 “(a) The person must complete an application for a license under ORS
13 807.050.

14 “(b) As required by ORS 807.021 and 807.730, the person must provide the
15 Social Security number assigned to the person by the United States Social
16 Security Administration and proof of legal presence in the United States or,
17 if the person is not eligible for a Social Security number, proof of legal
18 presence in the United States and proof that the person is not eligible for
19 a Social Security number.

20 “(c) The person must submit to collection of biometric data by the de-
21 partment that establish the identity of the person as described in ORS

1 807.024.

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

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

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

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

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

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

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

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

23 “(B) Not be subject to a lifetime suspension of commercial driving privi-
24 leges under ORS 809.520;

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

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

28 “(E) In addition to meeting the requirement of providing proof of legal
29 presence under ORS 807.021 and this section, the person must submit valid
30 documentation, as defined by the department by rule, that the person is a

1 citizen or permanent legal resident of the United States.

2 “(2) Subsection (1)(j)(E) of this section does not apply to a limited
3 term commercial driver license or a limited term commercial learner
4 driver permit issued under ORS 807.730.

5 “[2] (3) The department shall work with other agencies and organiza-
6 tions to attempt to improve the issuance system for driver licenses.

7 **“SECTION 5.** ORS 807.285 is amended to read:

8 “807.285. (1) The Department of Transportation shall issue commercial
9 learner driver permits in the manner provided by this section. Except as
10 provided in this section, a person who is issued a commercial learner driver
11 permit may exercise the same driving privileges as those under the class of
12 commercial driver license or endorsement for which the permit is issued.
13 Except as provided in this section, a commercial learner driver permit is
14 subject to the provisions, conditions, prohibitions and penalties applicable
15 to a license or endorsement granting the same driving privileges.

16 “(2) The department may issue commercial learner driver permits under
17 this section that grant the driving privileges of a Class A commercial, Class
18 B commercial, or Class C commercial driver license, subject to the require-
19 ments and restrictions of subsections (6) and (7) of this section.

20 “(3) An applicant for a commercial learner driver permit must be 18 years
21 of age or older.

22 “(4) In addition to meeting the requirement of providing proof of legal
23 presence under ORS 807.021 and 807.040, an applicant for a commercial
24 learner driver permit must submit valid documentation, as defined by the
25 department by rule, that the person is a citizen or permanent legal resident
26 of the United States. **The requirements of this subsection do not apply**
27 **to an applicant for a limited term commercial learner driver permit**
28 **issued under ORS 807.730.**

29 “(5) A commercial learner driver permit is valid for a period of one year
30 from the date of issuance and is not renewable.

1 “(6) The holder of the commercial learner driver permit may not operate
2 a commercial motor vehicle unless the holder has the permit in the holder’s
3 immediate possession and is accompanied by a person who is at least 21 years
4 of age and who holds a class of commercial driver license and endorsements
5 that grant the driving privileges required to operate the vehicle. The ac-
6 companying person must have the permit holder under observation and direct
7 supervision and must be occupying a seat beside the holder of the permit or,
8 in the case of a commercial passenger vehicle, directly behind or in the first
9 row behind the driver.

10 “(7) The holder of a commercial learner permit may not operate:

11 “(a) Any vehicle transporting hazardous materials.

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

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

17 “(d) A school bus while transporting passengers, unless the other passen-
18 gers are federal or state auditors or inspectors, test examiners or other
19 trainees and there is a commercial driver license holder accompanying the
20 permit holder as required by subsection (6) of this section.

21 “(e) A commercial motor vehicle combination consisting of more than one
22 towed vehicle.

23 “(8) A commercial learner driver permit must contain all of the applicable
24 information described in ORS 807.110 (1) and a prominent statement that the
25 permit is a commercial learner permit or CLP.

26 “(9) An applicant for a commercial learner driver permit must pay the
27 commercial learner driver permit fee established under ORS 807.370.

28 “**SECTION 6.** ORS 807.730 is amended to read:

29 “807.730. (1) The Department of Transportation may issue or replace a
30 limited term driver license, **limited term commercial driver license**, lim-

1 ited term driver permit, **limited term commercial learner driver permit**
2 or limited term identification card only for a person who provides proof, as
3 determined by the department by rule, that the person is legally present in
4 the United States on a temporary basis.

5 “(2) A limited term driver license, **limited term commercial driver li-**
6 **cence** or limited term identification card is valid:

7 “(a) During the applicant’s authorized stay in the United States, but no
8 longer than eight years from the date of issuance; or

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

11 “(3) A limited term driver permit **or a limited term commercial learner**
12 **driver permit** is valid:

13 “(a) During the applicant’s authorized stay in the United States, but no
14 longer than the period of time for which a driver permit of the same type is
15 issued by the department.

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

19 “(4) A limited term driver license, **limited term commercial driver li-**
20 **cence**, limited term driver permit, **limited term commercial learner**
21 **driver permit** or limited term identification card may be renewed only upon
22 presentation of valid documentation, as determined by the department by
23 rule, that the status by which the applicant qualified for the limited term
24 driver license, **limited term commercial driver license**, limited term
25 driver permit, **limited term commercial learner driver permit** or limited
26 term identification card has been extended or is still in effect.

27 “(5) A limited term driver license or limited term driver permit grants the
28 same privileges as a driver license or driver permit.

29 “(6) A limited term identification card shall bear a statement to the effect
30 that the limited term identification card is not a license or any other grant

1 of driving privileges to operate a motor vehicle and is to be used for iden-
2 tification purposes only.

3 **“(7) A limited term commercial driver license or limited term com-
4 mercial learner driver permit grants the same privileges as a com-
5 mercial driver license or commercial learner driver permit.**

6 **“(8) The department may issue a limited term commercial driver
7 license or limited term commercial learner driver permit if the appli-
8 cant is otherwise eligible for commercial driving privileges. The de-
9 partment may adopt rules describing eligibility requirements for
10 limited term commercial driver licenses and limited term commercial
11 learner driver permits.**

12 **“SECTION 7.** ORS 807.370 is amended to read:

13 “807.370. The following are the fees relating to the issuance and renewal
14 of licenses, driver permits and endorsements:

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

16 “(a) For issuance, \$44.

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

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

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

20 “(a) For issuance, \$23.50.

21 “(b) For renewal, \$23.50.

22 “(4) Commercial learner driver permit issuance fee under ORS 807.285,
23 \$23.50.

24 “(5)(a) License issuance fee for a Class C license, \$54.

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

26 “(c) Fee to take the skills test for a Class C license, \$9.

27 “(6) License issuance fee for a restricted Class C license, \$54.

28 “(7) License issuance fee for a commercial driver license, whether or not
29 the license contains endorsements, \$75.50.

30 “(8) Test fees for a commercial driver license or permit:

1 “(a) To take the knowledge test for a Class A commercial driver license
2 or permit, \$10.

3 “(b) To take the skills test for a Class A commercial driver license, \$70.

4 “(c) To take the knowledge test for a Class B commercial driver license
5 or permit, \$10.

6 “(d) To take the skills test for a Class B commercial driver license, \$70.

7 “(e) To take the knowledge test for a Class C commercial driver license
8 or permit, \$10.

9 “(f) To take the skills test for a Class C commercial driver license, \$70.

10 “(9) Notwithstanding subsection (7) of this section, for issuance of a
11 commercial driver license of any class when the Department of Transporta-
12 tion accepts a certificate of competency issued under ORS 807.080, \$40 in
13 addition to the fee under subsection (7) of this section.

14 “(10) Notwithstanding subsection (7) of this section, for original issuance
15 of a school bus endorsement to a person who has a commercial driver license
16 with a passenger endorsement:

17 “(a) \$21; or

18 “(b) \$61 if the department accepts a certificate of competency issued under
19 ORS 807.080.

20 “(11) For a farm endorsement, \$26.

21 “(12) Test fees for the knowledge test for endorsements other than mo-
22 torcycle and farm endorsements:

23 “(a) For a hazardous materials endorsement, \$10.

24 “(b) For a tank vehicle endorsement, \$10.

25 “(c) For a passenger endorsement, \$10.

26 “(d) For a double and triple trailer endorsement, \$10.

27 “(e) For a school bus endorsement, \$10.

28 “(13) Fee to take an airbrake knowledge test, \$10.

29 “(14) Fee to take an airbrake skills test to remove an airbrake restriction,
30 \$56.

- 1 “(15) License renewal fee for a commercial driver license, \$55.50.
- 2 “(16) License renewal fee for a Class C license, \$34.
- 3 “(17) License or driver permit replacement fee under ORS 807.160, \$26.50.
- 4 “(18) Original endorsement issuance fee under ORS 807.170 for a motor-
- 5 cycle endorsement, \$46, in addition to any fees for the endorsed license.
- 6 “(19) Special student driver permit fee under ORS 807.230, \$23.50.
- 7 “(20) Student Driver Training Fund eligibility fee under ORS 807.040 and
- 8 807.150, \$6.
- 9 “(21) Motorcycle Safety Subaccount fee as follows:
- 10 “(a) Upon original issuance of motorcycle endorsements under ORS
- 11 807.170, \$38.
- 12 “(b) Upon renewal of a license with a motorcycle endorsement under ORS
- 13 807.170, \$28.
- 14 “(22) Probationary driver permit application fee under ORS 807.270, \$50.
- 15 “(23) Hardship driver permit application fee under ORS 807.240, \$50.
- 16 “(24) Fee for reinstatement of revoked driving privileges under ORS
- 17 809.390, \$75.
- 18 “(25) Fee for reinstatement of suspended driving privileges under ORS
- 19 809.380, \$75.
- 20 “(26) Fee for reinstatement of right to apply for driving privileges after
- 21 a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for rein-
- 22 statement of suspended driving privileges.
- 23 “(27) Fee for a special limited vision condition learner’s permit under ORS
- 24 807.359, \$13.
- 25 “(28)(a) License issuance fee for a Class C limited term license, \$23.
- 26 “(b) Fee to take the knowledge test for a Class C limited term license,
- 27 \$5.
- 28 “(c) Fee to take the skills test for a Class C limited term license, \$9.
- 29 “(29) License issuance fee for a restricted Class C limited term license,
- 30 \$23.

1 “(30) License issuance fee for a limited term commercial driver license,
2 whether or not the license contains endorsements, \$45.

3 “(31) License renewal fee for a limited term commercial driver license,
4 \$14.

5 “(32) License renewal fee for a Class C limited term license, \$8.

6 “(33) Limited term license or limited term driver permit replacement fee
7 under ORS 807.160, \$26.50.

8 “(34) Limited term Student Driver Training Fund eligibility fee under
9 ORS 807.040 and 807.150, \$2.

10 **“(35) Limited term commercial learner driver permit issuance fee**
11 **under ORS 807.730, \$23.50.**

12 **“SECTION 8.** ORS 807.110 is amended to read:

13 “807.110. (1) A license issued by the Department of Transportation shall
14 contain all of the following:

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

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

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

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

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

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

29 “(g) Upon request of the person to whom the license is issued and pres-
30 entation of proof, as determined by the department, the fact that the person

1 is a veteran, as defined in ORS 408.225.

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

4 “(i) Except as otherwise provided in subsection (2) of this section, a pho-
5 tograph described in this paragraph. A photograph required under this par-
6 agraph shall:

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

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

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

15 “(j) The class of license issued and any endorsements granted. If the li-
16 cense is a commercial driver license, the words ‘commercial driver license’
17 or the letters ‘CDL’ shall appear on the license.

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

19 “(2) The department may issue a valid license without a photograph to
20 an applicant:

21 “(a) Who objects on religious grounds;

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

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

28 “(3) A limited term driver license **or a limited term commercial driver**
29 **license** issued under ORS 807.730 shall indicate:

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

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

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

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

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

11 “**SECTION 9.** ORS 807.140 is amended to read:

12 “807.140. (1) Before the expiration of any license or a license with an
13 endorsement under the vehicle code, the Department of Transportation shall
14 notify the person to whom the license was issued of the approaching expi-
15 ration. Within a reasonable time prior to the expiration date, the notice shall
16 be mailed to the person to whom the license was issued at the address shown
17 in the files maintained by the department.

18 “(2) The department is not required to notify the person of an approaching
19 expiration if the person’s license has been suspended, canceled or revoked
20 or if the person has failed to notify the department of a change of address
21 as required under ORS 807.560.

22 “(3) Notwithstanding subsection (1) of this section, the department is not
23 required to notify the person of an approaching expiration if the person re-
24 ceived a limited term driver license, **limited term commercial driver li-**
25 **cence**, limited term driver permit, **limited term commercial learner**
26 **driver permit** or limited term identification card under ORS 807.730 for a
27 period of less than one year.

28 “(4) Failure to receive a notice of expiration from the department is not
29 a defense to a charge of driving with an expired license. However, the court
30 may dismiss the charge if the person renews the license before the scheduled

1 court appearance.

2 “(5) The department’s responsibility to maintain records concerning notice
3 under this section is as provided under ORS 802.210.

4 **“SECTION 10. The amendments to ORS 807.050 and 807.072 by
5 sections 1 and 2 of this 2017 Act become operative on January 1, 2018.**

6 **“SECTION 11. This 2017 Act being necessary for the immediate
7 preservation of the public peace, health and safety, an emergency is
8 declared to exist, and this 2017 Act takes effect on its passage.”.**

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