

House Bill 2015

Sponsored by Representatives HERNANDEZ, ALONSO LEON, Senator MANNING JR, Representative MCLAIN, Senator ROBLAN; Representatives BARKER, BOSHART DAVIS, BYNUM, CLEM, DOHERTY, EVANS, FAHEY, GORSEK, GREENLICK, HELM, HOLVEY, KENY-GUYER, KOTEK, LIVELY, MARSH, MEEK, MITCHELL, NATHANSON, NERON, NOSSE, PILUSO, POWER, PRUSAK, RAYFIELD, REARDON, SALINAS, SANCHEZ, SCHOUTEN, SMITH G, SMITH WARNER, SOLLMAN, WILDE, WILLIAMS, WILLIAMSON, WITT, Senators BEYER, FAGAN, FREDERICK, GELSER, WAGNER

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**.

Eliminates requirement that person provide proof of legal presence before Department of Transportation issues noncommercial driver license, noncommercial driver permit or identification card.

Becomes operative January 1, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to documents issued by the Department of Transportation; creating new provisions; amending ORS 97.953, 659A.885, 802.195, 802.200, 807.021, 807.040, 807.130, 807.173, 807.285, 807.310, 807.400, 807.405 and 807.730 and section 4, chapter 60, Oregon Laws 2018; repealing ORS 807.735; and declaring an emergency.

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

DRIVER LICENSES, DRIVER PERMITS AND IDENTIFICATION CARDS

SECTION 1. ORS 807.021 is amended to read:

807.021. (1) *[Except as provided in ORS 807.310 (5) and 807.405 (4), prior to]* **Before** issuing, renewing or replacing any driver license, driver permit or identification card, the Department of Transportation shall require a person to provide the Social Security number assigned to the person by the United States Social Security Administration **or a written statement that the person has not been assigned a Social Security number.** *[and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.]*

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

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

[(b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may submit a tribal identification card as proof of legal presence in the United States if the department determines that the procedures used in issuing the card are sufficient to prove that a member is legally present in the United States.]

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 [(c) *If a person is not eligible for a Social Security number, the person shall provide proof, as de-*
2 *finied by the department by rule, that the person is not eligible for a Social Security number.*]

3 [(3)] (2) The department may issue, renew or replace a driver license, driver permit or identifi-
4 cation card for an applicant who has submitted a Social Security number only after the department
5 verifies the Social Security number with the United States Social Security Administration. In order
6 to verify the person's Social Security number, the department may require the person to provide
7 proof, as defined by rule, of the person's Social Security number.

8 [(4)] (3) This section does not apply if the department previously verified the Social Security
9 number as required by subsection [(3)] (2) of this section [*and the person applying for the driver li-*
10 *cence, driver permit or identification card is a citizen or permanent legal resident of the United*
11 *States*] **or has previously received a written statement described in subsection (1) of this**
12 **section.**

13 (4) **As used in this section, a "driver license" or "driver permit" means a driver license**
14 **or driver permit that is not a:**

15 (a) **Commercial driver license; or**

16 (b) **Commercial learner driver permit.**

17 **SECTION 2.** ORS 807.021, as amended by section 11, chapter 568, Oregon Laws 2017, is
18 amended to read:

19 807.021. (1) [*Except as provided in ORS 807.310 (5) and 807.405 (4), prior to*] **Before** issuing, re-
20 newing or replacing a driver license, driver permit or identification card [*that is not a Real ID*], the
21 Department of Transportation shall require a person to provide the Social Security number assigned
22 to the person by the United States Social Security Administration **or a written statement that the**
23 **person has not been assigned a Social Security number.** [*and proof of legal presence in the United*
24 *States or, if the person is not eligible for a Social Security number, proof of legal presence in the*
25 *United States and proof that the person is not eligible for a Social Security number.*]

26 [(2) *For the purposes of subsection (1) of this section:*]

27 [(a) *A person provides proof of legal presence in the United States by submitting valid documen-*
28 *tation, as defined by the department by rule, that the person is a citizen or permanent legal resident*
29 *of the United States or is otherwise legally present in the United States in accordance with federal*
30 *immigration laws.*]

31 [(b) *A member of a federally recognized tribe located in Oregon or with an Oregon affiliation may*
32 *submit a tribal identification card as proof of legal presence in the United States if the department*
33 *determines that the procedures used in issuing the card are sufficient to prove that a member is legally*
34 *present in the United States.*]

35 [(c) *If a person is not eligible for a Social Security number, the person shall provide proof, as de-*
36 *finied by the department by rule, that the person is not eligible for a Social Security number.*]

37 [(3)] (2) The department may issue, renew or replace a driver license, driver permit or identifi-
38 cation card [*that is not a Real ID*] for an applicant who has submitted a Social Security number only
39 after the department verifies the Social Security number with the United States Social Security
40 Administration. In order to verify the person's Social Security number, the department may require
41 the person to provide proof, as defined by rule, of the person's Social Security number.

42 [(4)] (3) This section does not apply if the department previously verified the Social Security
43 number as required by subsection [(3)] (2) of this section [*and the person applying for the driver li-*
44 *cence, driver permit or identification card is a citizen or permanent legal resident of the United*
45 *States*] **or has previously received a written statement described in subsection (1) of this**

1 **section.**

2 (4) **As used in this section, a “driver license,” “driver permit” or “identification card”**
 3 **means a driver license, driver permit or identification card that is not a:**

- 4 (a) **Real ID;**
- 5 (b) **Commercial driver license; or**
- 6 (c) **Commercial learner driver permit.**

7 **SECTION 3.** ORS 807.040 is amended to read:

8 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 9 complies with all of the following requirements:

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

11 (b)(A) As required by ORS 807.021 [*and 807.730*], [*the*] **a person applying for a driver license**
 12 **or driver permit** must provide the Social Security number assigned to the person by the United
 13 States Social Security Administration [*and proof of legal presence in the United States or, if the per-*
 14 *son is not eligible for a Social Security number, proof of legal presence in the United States and proof*
 15 *that the person is not eligible for a Social Security number*] **or a written statement that the person**
 16 **has not been assigned a Social Security number.**

17 **(B) As used in this paragraph, a “driver license” or “driver permit” means a driver li-**
 18 **cence or driver permit that is not a:**

- 19 (i) **Commercial driver license; or**
- 20 (ii) **Commercial learner driver permit.**

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

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

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

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

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

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

32 (i) If the application is for a commercial driver license, the department must have received and
 33 recorded, in a form approved by the department, the report of a medical examination that establishes
 34 that the person meets the medical requirements to operate a commercial motor vehicle. The de-
 35 partment, by rule, shall establish medical requirements for purposes of this paragraph. The medical
 36 requirements established under this paragraph may include any requirements the department deter-
 37 mines are necessary for the safe operation of vehicles permitted to be operated under the class of
 38 license for which the requirements are established.

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

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

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

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

44 (D) Hold a commercial learner driver permit if the person must complete a skills demonstration
 45 under ORS 807.070 (3); [*and*]

1 (E) *[In addition to meeting the requirement of providing proof of legal presence under ORS 807.021*
 2 *and this section, the person must]* Submit valid documentation, as defined by the department by rule,
 3 that the person is a citizen or **lawful** permanent *[legal]* resident of the United States or is a citizen
 4 of a country with a Compact of Free Association with the United States[.]; **and**

5 **(F) Provide proof, as defined by the department by rule, of the Social Security number**
 6 **assigned to the person by the United States Social Security Administration for verification**
 7 **by the department with the administration.**

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

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

12 **SECTION 4.** ORS 807.040, as amended by section 14, chapter 568, Oregon Laws 2017, is
 13 amended to read:

14 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 15 complies with all of the following requirements:

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

17 (b)(A) As required by ORS 807.021 *[and 807.730]*, *[the]* a person **applying for a driver license**
 18 **or driver permit** must provide the Social Security number assigned to the person by the United
 19 States Social Security Administration *[and proof of legal presence in the United States or, if the per-*
 20 *son is not eligible for a Social Security number, proof of legal presence in the United States and proof*
 21 *that the person is not eligible for a Social Security number]* **or a written statement that the person**
 22 **has not been assigned a Social Security number.**

23 **(B) As used in this paragraph, a “driver license” or “driver permit” means a driver li-**
 24 **cence or driver permit that is not a:**

25 **(i) Real ID;**

26 **(ii) Commercial driver license; or**

27 **(iii) Commercial learner driver permit.**

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

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

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

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

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

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

39 (i) If the application is for a commercial driver license, the department must have received and
 40 recorded, in a form approved by the department, the report of a medical examination that establishes
 41 that the person meets the medical requirements to operate a commercial motor vehicle. The de-
 42 partment, by rule, shall establish medical requirements for purposes of this paragraph. The medical
 43 requirements established under this paragraph may include any requirements the department deter-
 44 mines are necessary for the safe operation of vehicles permitted to be operated under the class of
 45 license for which the requirements are established.

1 (j) If the application is for a **Real ID** commercial driver license **or a commercial driver license**
 2 **that is not a Real ID**, the person must:

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

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

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

7 (D) Hold a commercial learner driver permit if the person must complete a skills demonstration
 8 under ORS 807.070 (3); *[and]*

9 (E) *[In addition to meeting the requirement of providing proof of legal presence under ORS 807.021*
 10 *and this section, The person must]* Submit valid documentation, as defined by the department by rule,
 11 that the person is a citizen or **lawful** permanent *[legal]* resident of the United States or is a citizen
 12 of a country with a Compact of Free Association with the United States*[.]*; **and**

13 **(F) Provide proof, as defined by the department by rule, of the Social Security number**
 14 **assigned to the person by the United States Social Security Administration for verification**
 15 **by the department with the administration.**

16 (k) The person must present acceptable documents to prove identity, date of birth and address.
 17 The department shall determine by rule which documents are acceptable to prove identity, date of
 18 birth and address.

19 (L) If the application is for a Real ID, the person must comply with the requirements under the
 20 vehicle code for issuance of Real IDs.

21 **(2) Except as provided in subsection (3) of this section, acceptable documents to prove**
 22 **identity, date of birth or address under subsection (1)(k) of this section when a person is**
 23 **applying for a driver license, driver permit or identification card that is not a Real ID, a**
 24 **commercial driver license, or a commercial learner driver permit, include but are not limited**
 25 **to the following:**

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

27 (b) **An unexpired valid consular identification document issued by the consulate of the**
 28 **person's country of citizenship, if the department determines that the procedure used in is-**
 29 **ssuing the consular identification document is sufficient to prove the person's identity;**

30 (c) **A driver license, driver permit or identification card issued by this state that expired**
 31 **not more than 13 years from the date of the current application; or**

32 (d) **A driver license, driver permit or identification card issued by another state that:**

33 **(A) Is unexpired; or**

34 **(B) Expired not more than one year from the date of the current application.**

35 **(3) The department may refuse to accept any document described in subsection (2) of this**
 36 **section that is presented as proof of identity, date of birth or address, if the department has**
 37 **reason to believe that:**

38 (a) **The document is fraudulent, has been altered or does not belong to the person pre-**
 39 **senting the document; or**

40 (b) **The procedures used by the agency that issued the document are no longer sufficient**
 41 **for proving a person's identity or date of birth.**

42 *[(2)]* (4) Subsection (1)(j)(E) of this section does not apply to a limited term commercial driver
 43 license or a limited term commercial learner driver permit issued under ORS 807.730.

44 *[(3)]* (5) The department shall work with other agencies and organizations to attempt to improve
 45 the issuance system for driver licenses.

SECTION 5. ORS 807.400 is amended to read:

807.400. (1) The Department of Transportation shall issue an identification card to any person who:

(a) Is domiciled in or is a resident of this state, as described in ORS 807.062;

(b) *[As required by ORS 807.021 and 807.730,]* Provides the Social Security number assigned to the person by the United States Social Security Administration *[and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number]* **or a written statement that the person has not been assigned a Social Security number, as required under ORS 807.021;**

(c) Does not have a current, valid driver license;

(d) Furnishes evidence of the person's full legal name, age and identity as the department may require; and

(e) Submits to collection of biometric data by the department that establish the identity of the person as provided in ORS 807.024.

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

(3) Every original application for an identification card must be signed by the applicant. The department shall require proof to verify the address of an applicant for issuance of an identification card in addition to other documents the department may require of the applicant. If the address of an applicant has changed since the last time an identification card was issued to or renewed for the applicant, the department shall require proof to verify the address of the applicant for renewal of an identification card, in addition to anything else the department may require. The department shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Verification of proof of address may include, but is not limited to, providing a utility bill, a tax return, a record from a financial institution, a proof of insurance card or a health benefits card, a selective service card, a mortgage document or a lease agreement. The applicant may provide the proof of address by submitting proof in the form of an original document or a copy of a document, use an electronic device to display proof of address, or provide proof through the use of a third party address verification system.

(4) Every identification card shall be issued upon the standard license form described under ORS 807.110 and shall bear a statement to the effect that the identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only. The department shall use the same security procedures, processes, materials and features for an identification card as are required for a license under ORS 807.110. The identification card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

(5) If the identification card is a limited term identification card issued under ORS 807.730, the limited term identification card shall indicate:

(a) That it is a limited term identification card; and

(b) The date on which the limited term identification card expires.

(6) Upon order of the juvenile court, the department shall include on the card the fact that the person issued the identification card is an emancipated minor.

(7) Upon request of the person to whom the identification card is issued and presentation of proof, as determined by the department by rule, that the person is a veteran, as defined in ORS 408.225, the department shall include on the card the fact that the person is a veteran.

1 (8) Each original identification card shall expire on a date consistent with the expiration dates
 2 of licenses as set forth in ORS 807.130.

3 (9) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
 4 ORS 807.150.

5 (10) The fee for an original identification card or a renewal thereof shall be the fee established
 6 under ORS 807.410.

7 (11) An identification card becomes invalid if the holder of the card changes the holder's resi-
 8 dence address from that shown on the identification card and does not provide the department with
 9 notice of the change as required under ORS 807.420.

10 (12) If a person to whom an identification card was issued and who changes the person's resi-
 11 dence address appears in person at a department office that issues identification cards, the depart-
 12 ment may do any of the following:

13 (a) Issue a replacement identification card containing the new address upon receipt of the old
 14 identification card and payment of the fee established for issuing a replacement identification card
 15 [*with a changed address*] under ORS 807.410. Except as otherwise provided in subsection (14) of this
 16 section, the replacement identification card shall bear the same distinguishing number as the card
 17 being replaced.

18 (b) Note the new address on the old identification card in a manner to be determined by the
 19 department by rule.

20 (13) An identification card becomes invalid if the holder of the card changes the holder's name
 21 from that shown on the card, including a change of name by marriage, without providing the de-
 22 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
 23 the old identification card, the department shall issue a replacement identification card upon pay-
 24 ment of the fee required under ORS 807.410.

25 (14) In the event that, for a reason identified by the department by rule, a person needs a re-
 26 placement identification card that bears a distinguishing number different from the number on the
 27 card being replaced, the person to whom the card was issued may obtain a replacement card from
 28 the department upon furnishing proof satisfactory to the department of the need for such replace-
 29 ment and payment of the replacement fee under ORS 807.410.

30 (15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the
 31 person's identification card does not include the fact that the person is a veteran, the department
 32 shall issue a replacement identification card that includes the fact that the person is a veteran.

33 (16) The department may establish by rule reasons for issuing replacement identification cards
 34 that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for
 35 a replacement identification card is provided under ORS 807.410.

36 (17) Upon cancellation of an identification card, the card is terminated and must be surrendered
 37 to the department. An identification card may be canceled for any of the reasons that driving priv-
 38 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an
 39 identification card canceled under this subsection when the applicant has satisfied all requirements
 40 for the identification card.

41 (18) Notwithstanding any other provision of this section, the department may issue an identifi-
 42 cation card to a person under this subsection without charge when the person surrenders the
 43 person's driver license or driver permit to the department for reasons described in this subsection.
 44 If the department issues an identification card under this subsection, the identification card shall
 45 expire at the same time as the surrendered driver license or driver permit would have expired. An

1 identification card issued under this subsection is subject to the same requirements and fees for
2 renewal or upon expiration as any other identification card issued under this section. The depart-
3 ment may issue identification cards under this subsection for any of the following reasons:

4 (a) The person voluntarily surrenders the person's driver license or driver permit to the de-
5 partment based upon the person's recognition that the person is no longer competent to drive.

6 (b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only
7 applies if the person voluntarily surrenders the person's driver license or driver permit to the de-
8 partment as provided under ORS 809.500.

9 **SECTION 6.** ORS 807.400, as amended by section 18, chapter 568, Oregon Laws 2017, is
10 amended to read:

11 807.400. (1) The Department of Transportation shall issue an identification card to any person
12 who:

13 (a) Is domiciled in or is a resident of this state, as described in ORS 807.062;

14 (b) **When applying for an identification card that is not a Real ID,** [*As required by ORS*
15 *807.021 and 807.730,*] provides the Social Security number assigned to the person by the United
16 States Social Security Administration [*and proof of legal presence in the United States or, if the per-*
17 *son is not eligible for a Social Security number, proof of legal presence in the United States and proof*
18 *that the person is not eligible for a Social Security number*] **or a written statement that the person**
19 **has not been assigned a Social Security number, as required under ORS 807.021;**

20 (c) Does not have a current, valid driver license;

21 (d) Furnishes evidence of the person's full legal name and date of birth; and

22 (e) Submits to collection of biometric data by the department that establish the identity of the
23 person as provided in ORS 807.024.

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

26 (3) Every original application for an identification card must be signed by the applicant. The
27 department shall require proof to verify the address of an applicant for issuance of an identification
28 card in addition to other documents the department may require of the applicant. If the address of
29 an applicant has changed since the last time an identification card was issued to or renewed for the
30 applicant, the department shall require proof to verify the address of the applicant for renewal of
31 an identification card, in addition to anything else the department may require. The department
32 shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Proof
33 of address may include, but is not limited to, providing a utility bill, a tax return, a record from a
34 financial institution, a proof of insurance card or a health benefits card, a selective service card, a
35 mortgage document or a lease agreement. The applicant may provide the proof of address by sub-
36 mitting proof in the form of an original document or a copy of a document, use an electronic device
37 to display proof of address, or provide proof through the use of a third party address verification
38 system.

39 (4) Every identification card shall be issued upon the standard driver license form described
40 under ORS 807.110 and shall bear a statement to the effect that the identification card is not a
41 driver license or any other grant of driving privileges to operate a motor vehicle and is to be used
42 for identification purposes only. The department shall use the same security procedures, processes,
43 materials and features for an identification card as are required for a driver license under ORS
44 807.110. The identification card is not required to contain the residence address of persons listed in
45 ORS 807.110 (1)(e).

1 (5) If the identification card is a limited term identification card issued under ORS 807.730, the
 2 limited term identification card shall indicate:

3 (a) That it is a limited term identification card; and

4 (b) The date on which the limited term identification card expires.

5 (6) Upon order of the juvenile court, the department shall include on the card the fact that the
 6 person issued the identification card is an emancipated minor.

7 (7) Upon request of the person to whom the identification card is issued and presentation of
 8 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS
 9 408.225, the department shall include on the card the fact that the person is a veteran.

10 (8) Each original identification card shall expire on a date consistent with the expiration dates
 11 of licenses as set forth in ORS 807.130.

12 (9) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
 13 ORS 807.150.

14 (10) The fee for an original identification card or a renewal thereof shall be the fee established
 15 under ORS 807.410.

16 (11) An identification card becomes invalid if the holder of the card changes the holder's resi-
 17 dence address from that shown on the identification card and does not provide the department with
 18 notice of the change as required under ORS 807.420.

19 (12) If a person to whom an identification card was issued and who changes the person's resi-
 20 dence address appears in person at a department office that issues identification cards, the depart-
 21 ment may do any of the following:

22 (a) Issue a replacement identification card containing the new address upon receipt of the old
 23 identification card and payment of the fee established for issuing a replacement identification card
 24 [*with a changed address*] under ORS 807.410. Except as otherwise provided in subsection (14) of this
 25 section, the replacement identification card shall bear the same distinguishing number as the card
 26 being replaced.

27 (b) Note the new address on the old identification card in a manner to be determined by the
 28 department by rule.

29 (13) An identification card becomes invalid if the holder of the card changes the holder's name
 30 from that shown on the card, including a change of name by marriage, without providing the de-
 31 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
 32 the old identification card, the department shall issue a replacement identification card upon pay-
 33 ment of the fee required under ORS 807.410.

34 (14) In the event that, for a reason identified by the department by rule, a person needs a re-
 35 placement identification card that bears a distinguishing number different from the number on the
 36 card being replaced, the person to whom the card was issued may obtain a replacement card from
 37 the department upon furnishing proof satisfactory to the department of the need for such replace-
 38 ment and payment of the replacement fee under ORS 807.410.

39 (15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the
 40 person's identification card does not include the fact that the person is a veteran, the department
 41 shall issue a replacement identification card that includes the fact that the person is a veteran.

42 (16) The department may establish by rule reasons for issuing replacement identification cards
 43 that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for
 44 a replacement identification card is provided under ORS 807.410.

45 (17) Upon cancellation of an identification card, the card is terminated and must be surrendered

1 to the department. An identification card may be canceled for any of the reasons that driving priv-
 2 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an
 3 identification card canceled under this subsection when the applicant has satisfied all requirements
 4 for the identification card.

5 (18) Notwithstanding any other provision of this section, the department may issue an identifi-
 6 cation card to a person under this subsection without charge when the person surrenders the
 7 person's driver license or driver permit to the department for reasons described in this subsection.
 8 If the department issues an identification card under this subsection, the identification card shall
 9 expire at the same time as the surrendered driver license or driver permit would have expired. An
 10 identification card issued under this subsection is subject to the same requirements and fees for
 11 renewal or upon expiration as any other identification card issued under this section. The depart-
 12 ment may issue identification cards under this subsection for any of the following reasons:

13 (a) The person voluntarily surrenders the person's driver license or driver permit to the de-
 14 partment based upon the person's recognition that the person is no longer competent to drive.

15 (b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only
 16 applies if the person voluntarily surrenders the person's driver license or driver permit to the de-
 17 partment as provided under ORS 809.500.

18 (19) If a person is applying for an identification card that is a Real ID, the person must comply
 19 with the requirements under the vehicle code for issuance of Real IDs.

20 **SECTION 7.** ORS 807.730, as amended by section 19, chapter 568, Oregon Laws 2017, is
 21 amended to read:

22 807.730. (1) The Department of Transportation may issue or replace a **Real ID** limited term
 23 driver license, limited term commercial driver license, **Real ID** limited term driver permit, limited
 24 term commercial learner driver permit or **Real ID** limited term identification card only for a person
 25 who provides proof, as determined by the department by rule, that the person [*is legally present*] **has**
 26 **lawful status** in the United States on a temporary basis.

27 (2) A **Real ID** limited term driver license, limited term commercial driver license or **Real ID**
 28 limited term identification card is valid:

29 (a) During the applicant's authorized stay in the United States, but no longer than eight years
 30 from the date of issuance; or

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

32 (3) A **Real ID** limited term driver permit or a limited term commercial learner driver permit
 33 **that is not a Real ID** is valid:

34 (a) During the applicant's authorized stay in the United States, but no longer than the period
 35 of time for which a driver permit of the same type is issued by the department.

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

38 (4) A **Real ID** limited term driver license, limited term commercial driver license, **Real ID** lim-
 39 ited term driver permit[, *limited term commercial learner driver permit*] or **Real ID** limited term
 40 identification card may be renewed only upon presentation of valid documentation, as determined
 41 by the department by rule, that the status by which the applicant qualified for the **Real ID** limited
 42 term driver license, limited term commercial driver license, **Real ID** limited term driver permit[,
 43 *limited term commercial learner driver permit*] or **Real ID** limited term identification card has been
 44 extended or is still in effect.

45 (5) A **Real ID** limited term driver license or **Real ID** limited term driver permit grants the same

1 **driving** privileges as a driver license or driver permit.

2 (6) A **Real ID** limited term identification card shall bear a statement to the effect that the **Real**
 3 **ID** limited term identification card is not a license or any other grant of driving privileges to op-
 4 erate a motor vehicle and is to be used for identification purposes only.

5 (7) A limited term commercial driver license or limited term commercial learner driver permit
 6 grants the same privileges as a commercial driver license or commercial learner driver permit.

7 (8) The department may issue a limited term commercial driver license or limited term com-
 8 mercial learner driver permit if the applicant is otherwise eligible for commercial driving privileges.
 9 The department may adopt rules describing eligibility requirements for limited term commercial
 10 driver licenses and limited term commercial learner driver permits.

11 (9) A **Real ID** limited term driver license, limited term commercial driver license, **Real ID**
 12 **limited term driver permit, limited term commercial learner driver permit** or **Real ID** limited
 13 term identification card shall clearly indicate **on the face of the card and in the machine read-**
 14 **able zone** that it is a **Real ID** limited term driver license, limited term commercial driver license,
 15 **Real ID limited term driver permit, limited term commercial learner driver permit** or **Real**
 16 **ID** limited term identification card and indicate the date on which it expires.

17 **SECTION 8. Section 9 of this 2019 Act is added to and made a part of the Oregon Vehicle**
 18 **Code.**

19 **SECTION 9. A driver license, driver permit or identification card that is not a Real ID**
 20 **may not be used as evidence of the holder’s citizenship or immigration status for any pur-**
 21 **pose.**

22 **SECTION 10. Section 11 of this 2019 Act is added to and made a part of ORS chapter**
 23 **659A.**

24 **SECTION 11. (1) As used in this section, “Real ID” has the meaning given that term in**
 25 **ORS 807.450.**

26 (2) **A person may not discriminate against an individual because the individual holds or**
 27 **presents a form of government issued identification other than a Real ID.**

28 (3) **An individual claiming to be aggrieved by a violation of subsection (2) of this section**
 29 **may bring a civil action under ORS 659A.885 and recover the relief as provided by ORS**
 30 **659A.885 (1) and (3).**

31 **SECTION 12. ORS 659A.885, as amended by section 9, chapter 197, Oregon Laws 2017, and**
 32 **section 13, chapter 691, Oregon Laws 2017, is amended to read:**

33 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
 34 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
 35 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
 36 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
 37 court may order back pay in an action under this subsection only for the two-year period imme-
 38 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
 39 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
 40 year period immediately preceding the filing of the action. In any action under this subsection, the
 41 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
 42 cept as provided in subsection (3) of this section:

43 (a) The judge shall determine the facts in an action under this subsection; and

44 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
 45 review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355 or 659A.421 **or section 11 of this 2019 Act**; or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.355 or 659A.421 **or section 11 of this 2019 Act**:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(8) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all

1 damages awarded in the action;

2 (c) At the request of any party, the action shall be tried to a jury;

3 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

4 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
5 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
6 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
7 and

8 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
9 judgment pursuant to the standard established by ORS 19.415 (1).

10 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
11 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
12 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
13 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
14 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
15 manner as a person or group of persons may file a civil action under this section. In a civil action
16 filed under this subsection, the court may assess against the respondent, in addition to the relief
17 authorized under subsections (1) and (3) of this section, a civil penalty:

18 (a) In an amount not exceeding \$50,000 for a first violation; and

19 (b) In an amount not exceeding \$100,000 for any subsequent violation.

20 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
21 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
22 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
23 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
24 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
25 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
26 appealing an adverse decision of the trial court.

27 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
28 or 659A.421 or discrimination under federal housing law:

29 (a) "Aggrieved person" includes a person who believes that the person:

30 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

31 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
32 occur.

33 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
34 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
35 tifies that the case is of general public importance. The court may allow an intervenor prevailing
36 party costs and reasonable attorney fees at trial and on appeal.

37 **SECTION 13.** ORS 659A.885, as amended by sections 9 and 10, chapter 197, Oregon Laws 2017,
38 and section 13, chapter 691, Oregon Laws 2017, is amended to read:

39 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
40 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
41 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
42 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
43 court may order back pay in an action under this subsection only for the two-year period imme-
44 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
45 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-

1 year period immediately preceding the filing of the action. In any action under this subsection, the
 2 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
 3 cept as provided in subsection (3) of this section:

4 (a) The judge shall determine the facts in an action under this subsection; and

5 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
 6 review the judgment pursuant to the standard established by ORS 19.415 (3).

7 (2) An action may be brought under subsection (1) of this section alleging a violation of:

8 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.281, 476.574, 652.020,
 9 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030,
 10 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,
 11 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,
 12 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315,
 13 659A.318, 659A.320, 659A.355, 659A.357 or 659A.421 **or section 11 of this 2019 Act**; or

14 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

15 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
 16 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
 17 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,
 18 659A.290, 659A.318, 659A.355, 659A.357 or 659A.421 **or section 11 of this 2019 Act**:

19 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 20 compensatory damages or \$200, whichever is greater, and punitive damages;

21 (b) At the request of any party, the action shall be tried to a jury;

22 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-
 23 ment pursuant to the standard established by ORS 19.415 (1); and

24 (d) Any attorney fee agreement shall be subject to approval by the court.

25 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-
 26 olation of ORS 652.220, the court may award punitive damages if:

27 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted
 28 with malice or acted with willful and wanton misconduct; or

29 (b) An employer was previously adjudicated in a proceeding under this section or under ORS
 30 659A.850 for a violation of ORS 652.220.

31 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060, the
 32 court may award, in addition to the relief authorized under subsection (1) of this section,
 33 compensatory damages or \$200, whichever is greater.

34 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574
 35 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this
 36 section, compensatory damages or \$250, whichever is greater.

37 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
 38 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
 39 penalty in the amount of \$720.

40 (8) Any individual against whom any distinction, discrimination or restriction on account of
 41 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual
 42 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS
 43 659A.400, by any employee or person acting on behalf of the place or by any person aiding or
 44 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator
 45 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor

1 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-
 2 section:

3 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 4 compensatory and punitive damages;

5 (b) The operator or manager of the place of public accommodation, the employee or person
 6 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
 7 damages awarded in the action;

8 (c) At the request of any party, the action shall be tried to a jury;

9 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

10 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
 11 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
 12 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
 13 and

14 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
 15 judgment pursuant to the standard established by ORS 19.415 (1).

16 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
 17 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
 18 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
 19 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
 20 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
 21 manner as a person or group of persons may file a civil action under this section. In a civil action
 22 filed under this subsection, the court may assess against the respondent, in addition to the relief
 23 authorized under subsections (1) and (3) of this section, a civil penalty:

24 (a) In an amount not exceeding \$50,000 for a first violation; and

25 (b) In an amount not exceeding \$100,000 for any subsequent violation.

26 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
 27 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
 28 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
 29 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
 30 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
 31 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
 32 appealing an adverse decision of the trial court.

33 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
 34 or 659A.421 or discrimination under federal housing law:

35 (a) "Aggrieved person" includes a person who believes that the person:

36 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

37 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
 38 occur.

39 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
 40 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
 41 tifies that the case is of general public importance. The court may allow an intervenor prevailing
 42 party costs and reasonable attorney fees at trial and on appeal.

43 **SECTION 14.** ORS 802.195 is amended to read:

44 802.195. (1) As used in this section:

45 (a) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an

1 identification card issued by the Department of Transportation, a vehicle title or a vehicle regis-
2 tration.

3 (b) "Person" has the meaning given that term in ORS 802.175.

4 (2) Neither the Department of Transportation nor any officer, employee or contractor of the
5 department may knowingly disclose or otherwise make available to any person:

6 (a) An individual's Social Security number that is obtained by the department in connection
7 with a motor vehicle record; or

8 (b) **Whether a person provided a Social Security number to the department when applying**
9 **for a driver license, driver permit or identification card.**

10 (3) Notwithstanding subsection (2) of this section, the department may, upon the request of an-
11 other government agency, or shall, as required by law, disclose an individual's Social Security
12 number **or lack thereof** from a motor vehicle record to the other agency for use in carrying out the
13 other agency's governmental functions.

14 (4) An Oregon government agency that receives an individual's Social Security number under
15 subsection (3) of this section may not redisclose the Social Security number except as required by
16 law. An Oregon government agency that rediscloses a Social Security number as authorized by this
17 subsection shall keep for five years records that identify each other government agency that re-
18 ceives the Social Security number. Records kept in accordance with this subsection must be made
19 available to the department upon request.

20 (5) The department may establish fees reasonably calculated to reimburse the department for the
21 actual cost of making an individual's Social Security number available to a government agency as
22 required in subsection (3) of this section.

23 (6) Nothing in this section prohibits an individual from having access to that individual's own
24 Social Security number that is contained in motor vehicle records.

25 (7) Knowingly obtaining or using a Social Security number from a motor vehicle record in vio-
26 lation of this section is a Class A misdemeanor.

27 (8) A person aggrieved by violation of this section may bring a civil action against a person who
28 has knowingly obtained or used the aggrieved person's Social Security number in violation of this
29 section. The action shall be for actual damages or \$2,500, whichever is greater, plus attorney fees
30 and court costs reasonably incurred in the action.

31 (9) A person aggrieved by a violation of this section, a district attorney or the Attorney General
32 may obtain appropriate relief to enforce this section, together with attorney fees and costs reason-
33 ably incurred in an action.

34 (10) Any person whose use or acquisition of a Social Security number in violation of this section
35 subjects the State of Oregon to any liability or claim shall indemnify and hold harmless this state
36 from all such liabilities and claims, including attorney fees and court costs, incurred in any action
37 brought under this section.

38
39 **CONFORMING AMENDMENTS**

40
41 **SECTION 15.** ORS 97.953, as amended by section 24, chapter 36, Oregon Laws 2018, is amended
42 to read:

43 97.953. As used in ORS 97.951 to 97.982:

44 (1) "Adult" means an individual who is 18 years of age or older.

45 (2) "Agent" means:

1 (a) A health care representative or an alternate health care representative appointed under ORS
2 127.510; or

3 (b) An individual expressly authorized to make an anatomical gift on the principal's behalf by
4 any record signed by the principal.

5 (3) "Anatomical gift" means a donation of all or part of a human body to take effect after the
6 donor's death for the purpose of transplantation, therapy, research or education.

7 (4) "Body part" means an organ, an eye or tissue of a human being. The term does not include
8 the whole body.

9 (5) "Decedent" means a deceased individual whose body or body part is or may be the source
10 of an anatomical gift, and includes a stillborn infant or a fetus.

11 (6)(a) "Disinterested witness" means a witness other than:

12 (A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who
13 makes, amends, revokes or refuses to make an anatomical gift; or

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

15 (b) "Disinterested witness" does not include a person to whom an anatomical gift could pass
16 under ORS 97.969.

17 (7) "Document of gift" means a donor card or other record used to make an anatomical gift. The
18 term includes a statement, symbol or designation on a driver license, identification card or donor
19 registry.

20 (8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

21 (9) "Donor registry" means a centralized database that contains records of anatomical gifts and
22 amendments to or revocations of anatomical gifts.

23 (10) "Driver license" means a license or permit issued under ORS [807.021,] 807.040, 807.200,
24 807.280 or 807.730, regardless of whether conditions are attached to the license or permit.

25 (11) "Eye bank" means an organization licensed, accredited or regulated under federal or state
26 law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes
27 or portions of human eyes.

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

30 (13) "Hospital" means a facility licensed as a hospital under the law of any state or a facility
31 operated as a hospital by the United States, a state or a subdivision of a state.

32 (14) "Identification card" means the card issued under ORS [807.021,] 807.400 or 807.730, or a
33 comparable provision of the motor vehicle laws of another state.

34 (15) "Know" means to have actual knowledge.

35 (16) "Minor" means an individual who is under 18 years of age.

36 (17) "Organ procurement organization" means an organization designated by the Secretary of
37 the United States Department of Health and Human Services as an organ procurement organization.

38 (18) "Parent" means a parent whose parental rights have not been terminated.

39 (19) "Physician" means an individual authorized to practice medicine under the law of any state.

40 (20) "Procurement organization" means an eye bank, organ procurement organization or tissue
41 bank.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 16.** ORS 802.200 is amended to read:

26 802.200. In addition to any other records the Department of Transportation may establish, the
 27 department is subject to the following provisions concerning records:

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

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

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

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

36 (C) The vehicle description; and

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

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

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

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

43 (e) All odometer disclosures and readings for a vehicle that are reported to the department un-
 44 der provisions of the vehicle code. The department shall keep the most recent version of records
 45 required under this paragraph in electronic form.

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

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

7 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
 8 cerning the registration of vehicles required to be registered by the department. The records con-
 9 cerning the registration of vehicles may be stored along with records concerning the titling of
 10 vehicles. The records under this subsection shall include the following:

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

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

14 (B) The name of the vehicle owner;

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

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

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

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

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

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

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

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

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

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

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

37 (a) An index by name and number.

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

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

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

41 (e)(A) For each driver license, driver permit or identification card, the Social Security number
 42 of the person to whom the driver license, driver permit or identification card is issued or [*proof that*
 43 *the person is not eligible for a Social Security number*] **the written statement that the person has**
 44 **not been assigned a Social Security number.**

45 (B) **As used in this paragraph, a "driver license," "driver permit" or "identification**

1 **card” means a driver license, driver permit or identification card that is not a:**

2 **(i) Real ID;**

3 **(ii) Commercial driver license; or**

4 **(iii) Commercial learner driver permit.**

5 (f) For each commercial driver license and commercial learner driver permit, the Social Security
6 number of the person to whom the license or permit is issued, or any other number or identifying
7 information that the Secretary of the United States Department of Transportation determines ap-
8 propriate to identify the person.

9 **(g) For each Real ID, the Social Security number of the person to whom the Real ID is**
10 **issued, or proof that the person is not eligible for a Social Security number.**

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

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

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

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

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

20 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
21 806.220, 806.230 or 806.240.

22 (b) In addition to other information required by this paragraph, the employment driving record
23 shall include all reports of drug test results that are made to the department under ORS 825.410 or
24 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-
25 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in
26 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle
27 accidents that the person is required to report under ORS 811.720, all suspensions of driving privi-
28 leges required to be placed on the record under ORS 809.280, all suspensions of the person’s com-
29 mercial driving privileges that result from operation or use of a commercial motor vehicle and all
30 convictions of the person for violation of motor vehicle laws except convictions for offenses requir-
31 ing mandatory revocation or suspension of driving privileges under ORS 809.409, 809.411, 809.510 to
32 809.545 and 813.400, but shall include only such accidents, suspensions and convictions that occur
33 while the person is driving a motor vehicle:

34 (A) In the course of the person’s employment when the person is employed by another for the
35 principal purpose of driving a motor vehicle;

36 (B) Carrying persons or property for compensation;

37 (C) In the course of the person’s employment in the collection, transportation or delivery of mail
38 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
39 in accordance with government rules;

40 (D) That is an authorized emergency vehicle;

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

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

44 (c) The nonemployment driving record shall include the person’s:

45 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than

1 the motor vehicle accidents that are included on the person's employment driving record;

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

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

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

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

11 (e) When a person from another jurisdiction applies for a driver license or driver permit issued
12 by this state, the department shall request a copy of the person's driving record from the other ju-
13 risdiction. At the time the person is issued a license in Oregon, the record from the other jurisdic-
14 tion shall become part of the driver's record in this state with the same force and effect as though
15 entered on the driver's record in this state in the original instance. The department by rule may
16 specify methods for converting entries from out-of-state records for use in Oregon.

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

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

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

31 (11) The department shall maintain accident reports filed with the department under ORS
32 810.460 and 811.725 to 811.735.

33 (12) The department shall maintain records of bank checks or money orders returned under ORS
34 802.110.

35 (13) The department shall maintain records of trip permits issued by the department under ORS
36 803.600, as provided under this subsection. The records required by this subsection shall include the
37 following:

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

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

40 (c) When the permit was issued.

41 (d) The type of permit issued.

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

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

45 **SECTION 17.** ORS 807.130 is amended to read:

1 807.130. (1) A license that is **not a limited term driver license and is** issued as an original
2 license and not as a license that is renewed expires on the anniversary of the licensee's birthday in
3 the eighth calendar year after the year of issuance.

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

6 (3) Notwithstanding subsections (1) and (2) of this section, a **limited term commercial driver**
7 license that is issued to a person who is not a citizen or **lawful** permanent [*legal*] resident of the
8 United States **or a citizen of a country with a Compact of Free Association with the United**
9 **States** expires on the date the licensee is no longer authorized to stay in the United States, as in-
10 dicated by the documentation the person presented to the Department of Transportation to provide
11 proof of [*legal presence*] **lawful status** in the United States as required by ORS [*807.021 and*] 807.730,
12 but no longer than eight years from the date of issuance or, if there is no definite end to the au-
13 thorized stay, after a period of one year.

14 [(4) Subsection (3) of this section does not apply to a person who is a citizen of a country with a
15 Compact of Free Association with the United States and who provides proof of legal presence in the
16 United States as defined by the department by rule.]

17 [(5)] (4) A license that has expired does not grant driving privileges and is not valid evidence
18 of driving privileges.

19 **SECTION 18.** ORS 807.130, as amended by section 20, chapter 568, Oregon Laws 2017, is
20 amended to read:

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

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

26 (3) Notwithstanding subsections (1) and (2) of this section, a **limited term commercial driver**
27 license **or a limited term Real ID** that is issued to a person who is not a citizen or **lawful** per-
28 manent [*legal*] resident of the United States **or a citizen of a country with a Compact of Free**
29 **Association with the United States** expires on the date the licensee is no longer authorized to
30 stay in the United States, as indicated by the documentation the person presented to the Department
31 of Transportation to provide proof of [*legal presence*] **lawful status** in the United States as required
32 by ORS [*807.021 and*] **807.455 and** 807.730 [*or proof of lawful status in the United States as required*
33 *by ORS 807.455*], but no longer than eight years from the date of issuance or, if there is no definite
34 end to the authorized stay, after a period of one year.

35 [(4) Subsection (3) of this section does not apply to a person who is a citizen of a country with a
36 Compact of Free Association with the United States and who provides proof of legal presence in the
37 United States as defined by the department by rule.]

38 [(5) Notwithstanding subsection (4) of this section, a Real ID issued to a person who is a citizen
39 of a country with a Compact of Free Association with the United States expires on the date the licensee
40 is no longer authorized to stay in the United States, as indicated by the documentation the person
41 presented to the department or, if there is no definite end to the authorized stay, after a period of one
42 year.]

43 [(6)] (4) A license that has expired does not grant driving privileges and is not valid evidence
44 of driving privileges.

45 **SECTION 19.** ORS 807.173 is amended to read:

1 807.173. (1) Notwithstanding ORS 807.170, the Department of Transportation may not issue or
 2 renew a commercial driver license with a hazardous materials endorsement and may cancel a com-
 3 mercial driver license with a hazardous materials endorsement if a person:

4 (a) Does not complete and pass a security threat assessment from the federal Transportation
 5 Security Administration, including receipt by the department of a notice from the federal Transpor-
 6 tation Security Administration showing that the person does not pose a security threat. The de-
 7 partment shall establish by rule the process and frequency for obtaining a security threat
 8 assessment.

9 (b) Is assessed as a security threat by the federal Transportation Security Administration. The
 10 assessment must be received by the department in the form of a notice from the federal Transpor-
 11 tation Security Administration.

12 (c) Is not a U.S. citizen or **lawful** permanent [*legal*] resident as defined by the department by
 13 rule.

14 (2) A person is entitled to administrative review under ORS 809.440 when the department does
 15 not issue or renew a commercial driver license with a hazardous materials endorsement under this
 16 section or cancels a commercial driver license with a hazardous materials endorsement under this
 17 section.

18 (3) To the extent possible, rules promulgated by the department under this section should be
 19 uniform with any applicable federal regulations related to the holding of a commercial driver license
 20 with a hazardous materials endorsement.

21 **SECTION 20.** ORS 807.285 is amended to read:

22 807.285. (1) The Department of Transportation shall issue commercial learner driver permits in
 23 the manner provided by this section. Except as provided in this section, a person who is issued a
 24 commercial learner driver permit may exercise the same driving privileges as those under the class
 25 of commercial driver license or endorsement for which the permit is issued. Except as provided in
 26 this section, a commercial learner driver permit is subject to the provisions, conditions, prohibitions
 27 and penalties applicable to a license or endorsement granting the same driving privileges.

28 (2) The department may issue commercial learner driver permits under this section that grant
 29 the driving privileges of a Class A commercial, Class B commercial or Class C commercial driver
 30 license, subject to the requirements and restrictions described in this section.

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

33 (4) In addition to meeting the requirement of providing [*proof of legal presence*] **proof of lawful**
 34 **status** under ORS [*807.021 and*] 807.040, an applicant for a commercial learner driver permit must
 35 submit valid documentation, as defined by the department by rule, that the person is a citizen or
 36 **lawful** permanent [*legal*] resident of the United States **or a citizen of a country with a Compact**
 37 **of Free Association with the United States.** The requirements of this subsection do not apply
 38 to[:]

39 [(a)] an applicant for a limited term commercial learner driver permit issued under ORS 807.730.

40 [(b) *A person who is a citizen of a country with a Compact of Free Association with the United*
 41 *States.*]

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

44 (6) Except as provided in subsection (7) of this section, the holder of the commercial learner
 45 driver permit may not operate a commercial motor vehicle unless the holder has the permit in the

1 holder's immediate possession and is accompanied by a person who:

2 (a) Is at least 21 years of age;

3 (b) Holds a class of commercial driver license and endorsements that grant the driving privileges
4 required to operate the vehicle;

5 (c) Has no restrictions on the person's driving privileges that would make operation of the ve-
6 hicle unlawful under ORS 807.010 (2);

7 (d) Has the permit holder under observation and direct supervision; and

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

10 (7) When taking an examination as described in ORS 807.070 (3) with an examiner employed by
11 the department, the holder of a commercial learner driver permit is not required to be accompanied
12 by a commercial driver license holder as otherwise required under subsection (6) of this section.

13 (8) The holder of a commercial learner driver permit may not operate:

14 (a) Any vehicle transporting hazardous materials.

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

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

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

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

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

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

28 **SECTION 21.** ORS 807.310 is amended to read:

29 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
30 porary driver permits in a manner consistent with this section.

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

35 (3) The holder of an applicant temporary driver permit must have the temporary driver permit
36 on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver
37 permit must operate within the driving privileges granted under the temporary driver permit.

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

41 *[(5) If an applicant has complied with all the requirements for an application for a driver license
42 or driver permit, except that the applicant is unable to produce the documentation required by the de-
43 partment under ORS 807.021 and 807.730, the department, at the time of application, may issue to the
44 applicant an applicant temporary driver permit as provided in this section if the applicant certifies that
45 the applicant is, to the best of the applicant's knowledge, legally present in the United States.]*

