

Enrolled
House Bill 3125

Sponsored by Representative MORGAN, Senator HANSELL; Representatives BREESE-IVERSON, BYNUM, DEXTER, GRAYBER, HELM, LEIF, LEWIS, PHAM, POWER, REYNOLDS, SANCHEZ, SCHOUTEN, SOLLMAN, WILDE, Senator GOLDEN

CHAPTER

AN ACT

Relating to documents issued by the Department of Transportation; creating new provisions; and amending ORS 802.177 and 802.200.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) As used in this section, “emergency situation” means a situation in which the following occurs:

(a) An individual is killed, seriously injured or rendered unconscious and is unable to independently communicate with police officers; and

(b) The individual’s emergency contact information is not otherwise available.

(2) The Department of Transportation shall create an emergency contact information form and make the form available to individuals.

(3) On the form provided by the department, an individual may provide, for inclusion in the records the department maintains under ORS 802.200 (8), the individual’s emergency contact information of no more than two persons who are 18 years of age or older.

(4) If the individual is an unmarried minor who is not emancipated, the emergency contact information provided under this section:

(a) Must include one person who is the parent or legal guardian of the individual; and

(b) A parent or guardian may complete or update the individual’s emergency contact information on behalf of the individual.

(5) An individual who submits an emergency contact information form shall complete a statement that states that:

(a) The individual is providing the information voluntarily;

(b) The accuracy of the information supplied on the form is the sole responsibility of the individual; and

(c) The individual authorizes the disclosure to, and use of, the emergency contact information by police officers, during or after an emergency situation, for purposes of contacting those listed about the location and general condition of the individual.

(6) The department shall adopt rules for the administration and implementation of this section, including:

(a) The process for submitting and updating emergency contact information;

(b) The contents of the emergency contact information form; and

(c) Any other rule the department determines is necessary to administer and implement this section.

SECTION 3. ORS 802.177 is amended to read:

802.177. (1) Except as otherwise provided in ORS 802.179, neither the Department of Transportation nor any officer, employee or contractor of the department may knowingly disclose or otherwise make available to any person personal information about an individual that is obtained by the department in connection with a motor vehicle record.

(2) Except as provided in section 2 of this 2021 Act, the department may not disclose an individual's emergency contact information that is obtained by the department in connection with a motor vehicle record.

SECTION 4. ORS 802.200, as amended by section 16, chapter 701, Oregon Laws 2019, is amended to read:

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

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

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

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

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

(C) The vehicle description; and

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

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

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

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

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

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

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

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

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

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

(B) The name of the vehicle owner;

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

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

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

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

- (a) The person's application for a vehicle dealer certificate.
- (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.
- (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

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

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

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

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

- (a) An index by name and number.
- (b) Supporting documentation of all driver licenses, driver permits or identification cards issued.
- (c) Every application for a driver license, driver permit or identification card.
- (d) All driver licenses or driver permits that have been suspended, revoked or canceled.

(e)(A) For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or the written statement that the person has not been assigned a Social Security number.

(B) As used in this paragraph, a "driver license," "driver permit" or "identification card" means a driver license, driver permit or identification card that is not a:

- (i) Real ID;
- (ii) Commercial driver license; or
- (iii) Commercial learner driver permit.

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

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

(h) Emergency contact information provided under section 2 of this 2021 Act.

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

(a) The department shall maintain driving records on each person the department determines requires an Oregon driving record to comply with federal regulations or provisions of the vehicle code. The department shall establish rules for maintaining driving records under this subsection.

(b) In addition to other information required by this paragraph, the employment driving record shall include all reports of drug test results that are made to the department under ORS 825.410 or 825.415. Notwithstanding any other provision of law, release of the portion of the employment driving record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in accordance with ORS 802.202. The employment driving record shall also include all motor vehicle accidents that the person is required to report under ORS 811.720, all suspensions of driving privileges required to be placed on the record under ORS 809.280, all suspensions of the person's commercial driving privileges that result from operation or use of a commercial motor vehicle and all convictions, as determined by the department by rule, of the person for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-

leges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

(B) Carrying persons or property for compensation;

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

(D) That is an authorized emergency vehicle;

(E) That is a commercial motor vehicle; or

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

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

(A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than the motor vehicle accidents that are included on the person's employment driving record;

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

(C) Judgments and convictions, as determined by the department by rule, for violation of the motor vehicle laws including, for each violation of ORS 811.100 or 811.111, the speed at which the person was convicted of traveling and the posted speed, the speed limit or the speed that constitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

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

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement programs or other matters concerning the status of the driving privileges of the person.

(e) When a person is issued a driver license or driver permit by this state, the department may request a copy of driving records that exist for the person in any other jurisdiction. The department shall adopt rules specifying when the department may request driving records from other jurisdictions and may apply entries from out-of-state records for use in Oregon.

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

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

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

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

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

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

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

(c) When the permit was issued.

(d) The type of permit issued.

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

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

SECTION 5. (1) The Department of Transportation shall conduct an outreach program to educate individuals about the opportunity to include emergency contact information in an individual’s motor vehicle record under section 2 of this 2021 Act. The outreach program must:

(a) Develop and deploy a communication strategy for dissemination of information that uses a variety of media sources, state agencies, associations and organizations.

(b) Provide communications, including educational materials, in English and in languages other than English that are most commonly spoken by the residents of this state.

(2) To carry out the provisions of this section, the department may enter into a contract with a business or an organization.

SECTION 6. Section 5 of this 2021 Act is repealed on January 2, 2025.

Passed by House June 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 16, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State