HB 2137-1
(LC 453)
2/8/21 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Transportation)

PROPOSED AMENDMENTS TO HOUSE BILL 2137

On page 1 of the printed bill, line 2, after "ORS" delete the rest of the line and delete lines 3 through 5 and insert "807.065, 807.070, 801.072 and 807.150; and declaring an emergency.".

Delete lines 7 through 31.

Delete pages 2 through 15 and insert:

"MORATORIUM ON CERTAIN TRAFFIC OFFENSES

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

"SECTION 2. (1) Notwithstanding any other provision of law, during the period beginning on January 1, 2021, and ending on December 31, 2021, a police officer may not issue a citation for:

"(a) Operating a vehicle without driving privileges under ORS 807.010, based upon a driver license or driver permit that is expired fewer than six months;

"(b) Unlawful parking in space reserved for persons with disabilities under ORS 811.615, based upon a permit that is expired fewer than six months; or

"(c) A traffic offense based upon a vehicle registration or vehicle

permit that is expired fewer than six months.

"(2) If a police officer issues a citation in violation of this section, the court shall dismiss the charge.

"SECTION 3. Section 2 of this 2021 Act is repealed on January 2, 2022.

"**OUT-OF-STATE KNOWLEDGE TEST EXEMPTION**

"SECTION 4. ORS 807.070 is amended to read:

"807.070. The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement must include all of the following as described:

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

"(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. **This subsection does not apply to an applicant who holds a valid driver license from another jurisdiction or whose driver license from another jurisdiction is expired less than one year.** The following all apply to the test under this subsection:

"(a) The test may not cover any subject that is not presented in the publications of the department intended for the instruction of applicants for licenses and driver permits.

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

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

"(A) Rights of pedestrians who are blind.

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

"(C) Proper operating procedure in emergency situations.

"(D) Vehicle safety equipment and its use.

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

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

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

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

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

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

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

"(b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that may be operated under the endorsement.

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

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

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

"(4) Any other examination or test, including demonstrations, that the

department determines may be necessary to assist the department in establishing whether the applicant is eligible for a license under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the highways of this state. In any examination or test under this subsection, the department shall only conduct an investigation for facts relating directly to the ability of the applicant to operate a motor vehicle safely or other facts that are specifically required to show the fitness of the applicant for license.

"**ELIMINATION OF REDUNDANT DRIVER KNOWLEDGE TEST**

"**SECTION 5.** ORS 807.065 is amended to read:

"807.065. (1) The Department of Transportation may not issue a driver license to a person who is under 18 years of age unless the person:

"(a) Complies with the requirements of ORS 807.040 and 807.066;

"[*(b) Passes an examination designed to test the person's knowledge and understanding of safe driving practices, in addition to any examination required under ORS 807.070;*]

"[*(c)*] **(b)** Has had, for at least six months prior to application for the license, an instruction driver permit issued under ORS 807.280 or the equivalent of an instruction driver permit issued by another state of the United States or by the District of Columbia;

"[*(d)*] **(c)** Certifies to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years; and

"[*(e)*] **(d)** Completes a traffic safety education course that meets standards developed by the department under ORS 336.802. In lieu of completion of a traffic safety education course, a person may certify to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a

valid driver license for at least three years, in addition to the 50 hours required by paragraph [*(d)*] **(c)** of this subsection.

"(2) A person under 18 years of age need not comply with the requirements of subsection [*(1)(c), (d) and (e)*] **(1)(b), (c) and (d)** of this section if the person has been issued a driver license by another state and surrenders that license in order to get an Oregon license.

"(3) If the person takes but does not pass a test that consists of an actual demonstration of driving ability under ORS 807.070, the department may not allow the person to perform the demonstration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a period of not less than one month.

"(4) A driver license issued pursuant to this section shall be a provisional driver license.

"(5) The department shall prominently identify each driver license issued pursuant to this section as a provisional driver license.

"SECTION 6. ORS 807.072 is amended to read:

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

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

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

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

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

"(2) The department, by rule, may waive the actual demonstration re-

quired under ORS 807.070 (3) for a person who is applying for a commercial driver license or a Class C license if the person holds a valid out-of-state license or applies for an Oregon license within one year of the expiration of a valid out-of-state license. A demonstration may be waived under this subsection only if the person has applied for the same driving privileges as those granted under the person's out-of-state license or for privileges granted by a lower class of license.

"(3) The department may waive the actual demonstration required under ORS 807.070 for a person who is applying for a commercial driver license, an endorsement related to a commercial driver license or the removal of a restriction from a commercial driver license:

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

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

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

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

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

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

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

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

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

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

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

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

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

"(8) The department by rule may waive the actual demonstration required

under ORS 807.070 (3) for a person who is applying for a restricted motorcycle endorsement that only authorizes the person to operate a motorcycle with more than two wheels.

"ONE-YEAR LIMIT ON DRIVER LICENSE RENEWALS

"SECTION 7. ORS 807.150 is amended to read:

"807.150. (1) When a license expires or is about to expire, the Department of Transportation shall renew the license under this section if the holder of the license qualifies for renewal of the license under this section and:

"(a) Applies for renewal within [*one year*] **two years** of the expiration of a similar license under ORS 807.130; or

"(b) Applies for issuance of a license within six months after the applicant is discharged from the Armed Forces of the United States and was licensed by this state at the time of the applicant's entry into the Armed Forces.

"(2) To qualify for renewal of a license under this section, a person must meet all of the requirements under ORS 807.040 for the class of license sought to be renewed, except that the department may waive the examination under ORS 807.070 of a person applying for renewal of a license unless the department has reason to believe that the applicant is not qualified to hold the license or unless the applicant for renewal has not previously been examined.

"(3) To receive a renewal under this section, the license renewal fee and the Student Driver Training Fund eligibility fee under ORS 807.370 must be paid.

"(4) If a person who applies for a renewal under this section is not qualified to renew the class of license sought to be renewed, the department may issue the person any lower class of license for which the person qualifies in lieu of renewing the person's license for the class of license held by the

person.

"(5) A license that is renewed under this section may be used on or after the date of issuance. If the department issues a license renewal to a person under this section before the expiration of the license being renewed, the older license is invalid. A license that becomes invalid under this subsection shall be destroyed by the person to whom it was issued.

"(6) If the address of the applicant has changed since the last time a license was issued to or renewed for the applicant, the department shall require proof to verify the address of an applicant for renewal of a license in addition to anything else the department may require of the applicant. 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.

"OPERATIVE DATE

"SECTION 8. (1) The amendments to ORS 807.065, 807.070, 807.072 and 807.150 by sections 4 to 7 of this 2021 Act become operative on the 30th day after the effective date of this 2021 Act.

"(2) The Department of Transportation may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by the amendments

to ORS 807.065, 807.070, 807.072 and 807.150 by sections 4 to 7 of this 2021 Act.

"CAPTIONS

"SECTION 9. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

"EMERGENCY CLAUSE

"SECTION 10. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.".