

# Senate Bill 416

Sponsored by Senator WOODS (Presession filed.)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs ODOT to issue mobile driver licenses to those who want them and pay a fee. (Flesch Readability Score: 71.0).

Directs the Department of Transportation to provide optional mobile driver licenses, driver permits and identification cards. Provides that the department may contract with private entities to provide mobile credentials and establish fees.

## A BILL FOR AN ACT

1  
2 Relating to electronic credentials issued by the Department of Transportation; creating new pro-  
3 visions; and amending ORS 801.245, 801.250, 802.200, 807.010, 807.040, 807.050, 807.110, 807.400,  
4 807.410 and 807.750.

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

6 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of the Oregon Vehicle**  
7 **Code.**

8 **SECTION 2. (1) The Department of Transportation shall provide, or contract with a pri-**  
9 **private entity to provide, driver licenses, driver permits and identification cards in an electronic**  
10 **format. The department or entity may develop a mobile software application capable of being**  
11 **utilized through a person's electronic device to access the person's driver license, driver**  
12 **permit or identification card. A driver license, driver permit or identification card that is**  
13 **accessed electronically may be known as a mobile driver license, mobile driver permit or**  
14 **mobile identification card.**

15 **(2) The department may contract with one or more private entities to carry out the**  
16 **provisions of this section.**

17 **(3) In addition to any fee for issuing driver licenses, driver permits or identification cards**  
18 **specified in ORS 807.370 or 807.410, the department may charge a fee for services authorized**  
19 **by this section.**

20 **(4) The department shall suspend, disable or terminate a person's access to a driver li-**  
21 **cence or driver permit in an electronic format if:**

22 **(a) The person's driving privileges are suspended, revoked, denied or canceled under the**  
23 **laws of this state; or**

24 **(b) The person reports that the person's electronic device has been lost, stolen or oth-**  
25 **erwise compromised.**

26 **(5) The use of an electronic device to display a driver license, driver permit or identifi-**  
27 **cation card in an electronic format, as provided under this section, does not constitute con-**  
28 **sent for a police officer to access other contents of the electronic device.**

29 **(6) When a person is required to surrender a driver license or driver permit that was**

**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 issued in an electronic format, the person shall follow procedures adopted by the department  
 2 by rule. The department may not require the person to surrender an electronic device that  
 3 holds the license or permit.

4 (7) This section does not apply to the following:

5 (a) A commercial driver license; or

6 (b) A commercial learner driver permit.

7 (8) The department may adopt rules to establish fees and carry out the provisions of this  
 8 section. Before adopting, amending or repealing a rule governing issuance of driver licenses,  
 9 driver permits or identification cards in an electronic format, the department shall consider  
 10 the recommendations of the American Association of Motor Vehicle Administrators.

11 **SECTION 3.** ORS 801.245 is amended to read:

12 801.245. "Driver license" or "license" may have any or all of the meanings provided for the  
 13 terms under this section as required or appropriate under the section referring to the term. The  
 14 term "driver license" may be used interchangeably with "license" and either term may be used in  
 15 any or all of the following ways:

16 (1) It may refer to a document issued **in either a physical or electronic format [by] under**  
 17 **the laws of** this state or any other jurisdiction as evidence of a grant of driving privileges.

18 (2) It may refer to general driving privileges granted by this state or another jurisdiction.

19 **SECTION 4.** ORS 801.250 is amended to read:

20 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction  
 21 that is more limited than those available under a license or that is only available under special or  
 22 limited circumstances. The term may also refer to a document issued **in either a physical or**  
 23 **electronic format** as evidence of a grant of driving privileges under a driver permit. Driver permits  
 24 issued by this state include the following:

25 (1) Applicant temporary driver permit described under ORS 807.310.

26 (2) Court issued temporary driver permit described under ORS 807.320.

27 (3) Disability golf cart driver permit described under ORS 807.210.

28 (4) Emergency driver permit described under ORS 807.220.

29 (5) Instruction driver permit described under ORS 807.280.

30 (6) Hardship driver permit described under ORS 807.240.

31 (7) Special student driver permit described under ORS 807.230.

32 (8) Special temporary instruction driver permit described under ORS 807.290.

33 (9) Court bail driver permit described under ORS 807.330.

34 (10) Temporary driver permit described under ORS 813.110.

35 (11) Commercial learner driver permit described under ORS 807.285.

36 **SECTION 5.** ORS 807.010 is amended to read:

37 807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the  
 38 person operates a motor vehicle upon a highway or premises open to the public in this state and the  
 39 person does not have an appropriate grant of driving privileges from this state in the form of a li-  
 40 cense, driver permit, endorsement or statutory grant of driving privileges allowing the person to  
 41 engage in the particular type of operation.

42 (2) A person to whom a license or driver permit is issued commits the offense of violating license  
 43 restrictions if the person operates a motor vehicle in any manner that violates restrictions that are  
 44 placed upon the person's driving privileges by the Department of Transportation under ORS 807.120  
 45 or 807.122, by a court under ORS 809.270, or by the vehicle code.

1       **(3) When a person presents a driver license or driver permit in an electronic format, as**  
 2 **provided under section 2 of this 2025 Act, and a police officer is unable to immediately verify**  
 3 **the proof of driver license or driver permit, the person shall present the driver license or**  
 4 **driver permit in its physical format.**

5       [(3)] (4) Nothing in this section is applicable to a person who is driving while suspended or re-  
 6 voked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject  
 7 to the provisions and penalties provided therein and are not subject to the penalties and provisions  
 8 of this section.

9       [(4)] (5) Except as provided in subsection [(5)] (6) of this section, the offense described in sub-  
 10 section (1) of this section, operating a vehicle without driving privileges, is a Class B traffic vio-  
 11 lation.

12       [(5)] (6) The offense described in subsection (1) of this section, operating a vehicle without  
 13 driving privileges, that results from a person operating a motorcycle without a motorcycle endorse-  
 14 ment, is a Class A traffic violation.

15       [(6)(a)] (7)(a) The court shall suspend a fine imposed under subsection [(5)] (6) of this section  
 16 on the condition that the person, within 120 days of the date of sentencing:

17       (A) Complete a motorcycle education course established by the department under ORS 802.320;  
 18 and

19       (B) Obtain a motorcycle endorsement issued under ORS 807.170.

20       (b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing  
 21 the court shall:

22       (A) If the person has successfully completed the requirements described in paragraph (a)(A) and  
 23 (B) of this subsection, enter a sentence of discharge; or

24       (B) If the person has not successfully completed the requirements described in paragraph (a)(A)  
 25 and (B) of this subsection:

26       (i) Grant the person an extension based on good cause shown; or

27       (ii) Impose the fine under subsection [(5)] (6) of this section.

28       [(7)] (8) The offense described in subsection (2) of this section, operating in violation of license  
 29 restrictions, is a Class B traffic violation.

30       **SECTION 6.** ORS 807.050 is amended to read:

31       807.050. An application for a driver license shall be in a form approved by the Department of  
 32 Transportation. An application must contain all the following:

33       (1) The applicant's full legal name, sex, date of birth, residence address, except as otherwise  
 34 provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address  
 35 Confidentiality Program participants in ORS 192.846, and post-office address other than general de-  
 36 livery. The department may provide by rule for acceptance of something other than an actual resi-  
 37 dence or post-office address if the department determines that the applicant does not have an actual  
 38 address. The department shall require proof to verify the address in addition to anything else the  
 39 department may require of the applicant. The department shall adopt rules to identify what consti-  
 40 tutes proof of address for purposes of this subsection. Proof of address may include, but is not lim-  
 41 ited to, providing a utility bill, a tax return, a record from a financial institution, a proof of  
 42 insurance card or a health benefits card, a selective service card, a mortgage document or a lease  
 43 agreement. The applicant may provide the proof of address by submitting proof in the form of an  
 44 original document or a copy of a document, use an electronic device to display proof of address, or  
 45 provide proof through the use of a third party address verification system.

1 (2) The class of driver license sought.

2 (3) The Social Security number of the applicant or other number or identifying information de-  
 3 termined appropriate by the Secretary of the United States Department of Transportation, if the  
 4 application is for a commercial driver license or a commercial learner driver permit or if the Oregon  
 5 Department of Transportation by rule requires the Social Security number on the application.

6 (4) Whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953.

7 (5) Any other information the department deems necessary to assist the department in deter-  
 8 mining whether the applicant is qualified or eligible to be licensed.

9 (6) The signature of the applicant.

10 **(7) Whether or not the applicant wants a driver license issued in an electronic format.**

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

12 807.040. (1) The Department of Transportation shall issue a driver license to any person who  
 13 complies with all of the following requirements:

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

15 (b)(A) As required by ORS 807.021, a person applying for a driver license or driver permit must  
 16 provide the Social Security number assigned to the person by the United States Social Security  
 17 Administration or a written statement that the person has not been assigned a Social Security  
 18 number.

19 (B) As used in this paragraph, a “driver license” or “driver permit” means a driver license or  
 20 driver permit that is not a:

21 (i) Real ID;

22 (ii) Commercial driver license; or

23 (iii) Commercial learner driver permit.

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

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

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

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

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

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

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

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

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

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

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

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

5 (E) Submit valid documentation, as defined by the department by rule, that the person is a citi-  
6 zen or lawful permanent resident of the United States or is a citizen of a country with a Compact  
7 of Free Association with the United States; and

8 (F) Provide the Social Security number assigned to the person by the United States Social Se-  
9 curity Administration for verification by the department with the administration.

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

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

15 **(m) If the application is for a driver license or driver permit issued in an electronic for-**  
16 **mat, the person must pay the fee established by the department by rule pursuant to section**  
17 **2 of this 2025 Act.**

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

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

23 (b) An unexpired valid consular identification document issued by the consulate of the person's  
24 country of citizenship, if the department determines that the procedure used in issuing the consular  
25 identification document is sufficient to prove the person's identity;

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

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

29 (A) Is unexpired; or

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

31 (3) The department may refuse to accept any document described in subsection (2) of this section  
32 that is presented as proof of identity, date of birth or address, if the department has reason to be-  
33 lieve that:

34 (a) The document is fraudulent, has been altered or does not belong to the person presenting the  
35 document; or

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

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

40 (5) The department shall work with other agencies and organizations to attempt to improve the  
41 issuance system for driver licenses.

42 **SECTION 8.** ORS 807.110 is amended to read:

43 807.110. (1) A driver license issued by the Department of Transportation shall contain all of the  
44 following:

45 (a) The distinguishing number assigned to the person issued the driver license by the depart-

1 ment.

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

4 (c) The full legal name of the person to whom the driver license is issued, except that the de-  
5 partment may limit the number of characters displayed on the driver license.

6 (d) The date of birth and sex of the person to whom the driver license is issued.

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

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

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

14 (h) Upon order of the juvenile court, the fact that the person to whom the driver license is is-  
15 sued is an emancipated minor.

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

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

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

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

24 (j) The class of driver license issued and any endorsements granted.

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

26 (L) If the driver license is not a Real ID, a design differentiating it from a Real ID.

27 (m) Upon request of the person to whom the driver license is issued, the fact that the person is  
28 deaf or hard of hearing.

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

31 (a) Who objects on religious grounds;

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

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

37 (3) A limited term driver license or a limited term commercial driver license issued under ORS  
38 807.730 shall indicate:

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

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

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

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

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

3 **(5) A driver license shall be issued in a physical format as a card and if a person elects  
4 and pays the required fee, in an electronic format as well.**

5 **SECTION 9.** ORS 807.400 is amended to read:

6 807.400. (1) The Department of Transportation shall issue an identification card to any person  
7 who:

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

9 (b) When applying for an identification card that is not a Real ID, provides the Social Security  
10 number assigned to the person by the United States Social Security Administration or a written  
11 statement that the person has not been assigned a Social Security number, as required under ORS  
12 807.021;

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

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

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

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

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

32 (4) Every identification card shall be issued upon the standard driver license form described  
33 under ORS 807.110 and shall bear a statement to the effect that the identification card is not a  
34 driver license or any other grant of driving privileges to operate a motor vehicle and is to be used  
35 for identification purposes only. The department shall use the same security procedures, processes,  
36 materials and features for an identification card as are required for a driver license under ORS  
37 807.110. The identification card is not required to contain the residence address of persons listed in  
38 ORS 807.110 (1)(e).

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

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

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

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

45 (7) Upon request of the person to whom the identification card is issued and presentation of

1 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS  
2 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

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

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

12 (12) If a person to whom an identification card was issued and who changes the person's resi-  
13 dence address submits an application for a replacement identification card, the department may is-  
14 sue a replacement identification card containing the new address upon receipt of the old  
15 identification card and payment of the fee established under ORS 807.410. Except as otherwise pro-  
16 vided in subsection (14) of this section, the replacement identification card shall bear the same dis-  
17 tinguishing number as the card being replaced.

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

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

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

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

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

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



1 ment may issue identification cards under this subsection for any of the following reasons:

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

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

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

9 **(20) An identification card shall be issued in a physical format as a card and if a person**  
10 **elects and pays the required fee, in an electronic format as well.**

11 **SECTION 10.** ORS 807.410 is amended to read:

12 807.410. (1) The following fees apply to identification cards unless otherwise provided by ORS  
13 807.400 or otherwise provided by law:

14 (a) For issuance of an original identification card, \$47.

15 (b) For renewal of an identification card, \$43.

16 (c) For replacement of an identification card, \$40.

17 (d) For reinstatement of an identification card after suspension, \$85.

18 (e) For issuance of an original limited term identification card, \$20.

19 (f) For renewal of a limited term identification card, \$18.

20 (g) For replacement of a limited term identification card, \$40.

21 **(h) For issuance of an identification card in an electronic format, a fee established by the**  
22 **Department of Transportation by rule pursuant to section 2 of this 2025 Act.**

23 (2) The department [*of Transportation*] may not charge a fee for issuing, renewing or replacing  
24 a parking identification card.

25 (3) The department may not charge a fee for issuing or renewing an identification card, or pro-  
26 viding two replacement identification cards before the expiration of the current identification card,  
27 for an individual who is experiencing homelessness. The individual shall present a form that indi-  
28 cates the individual qualifies for the fee waiver, as determined by a nonprofit organization or state  
29 agency that provides services to individuals experiencing homelessness. Before a nonprofit organ-  
30 ization or state agency issues documentation under this subsection, the organization or state agency  
31 must first meet the standards established by the department by rule. The department, by rule, shall  
32 prescribe the form.

33 (4) As used in this section, "state agency" means an agency of the executive department, as  
34 defined in ORS 174.112.

35 **SECTION 11.** ORS 807.750 is amended to read:

36 807.750. (1) As used in this section:

37 (a) "Driver license" means a license or permit issued by this state or any other jurisdiction as  
38 evidence of a grant of driving privileges.

39 (b) "Financial institution" has the meaning given that term in ORS 706.008.

40 (c) "Identification card" means the card issued under ORS 807.400 or a comparable provision in  
41 another state.

42 (d) "Personal information" means an individual's name, address, date of birth, photograph, fin-  
43 gerprint, biometric data, driver license number, identification card number or any other unique  
44 personal identifier or number.

45 (e) "Private entity" means any nongovernmental entity, such as a corporation, partnership,

1 company or nonprofit organization, any other legal entity or any natural person.

2 (f) "Swipe" means:

3 (A) The act of passing a driver license or identification card through a device that is capable  
4 of deciphering, in an electronically readable format, the information electronically encoded in a  
5 magnetic strip or bar code on the driver license or identification card; or

6 (B) **The act of scanning a driver license or identification card issued in an electronic  
7 format by a device that is capable of deciphering, in an electronically readable format, the  
8 information electronically encoded in the driver license or identification card.**

9 (2) Except as provided in subsection (6) of this section, a private entity may not swipe an  
10 individual's driver license or identification card, except for the following purposes:

11 (a) To verify the authenticity of a driver license or identification card or to verify the identity  
12 of the individual if the individual pays for a good or service with a method other than cash, returns  
13 an item or requests a refund.

14 (b) To verify the individual's age when providing an age-restricted good or service to any person  
15 about whom there is any reasonable doubt of the person's having reached 21 years of age.

16 (c) To prevent fraud or other criminal activity if an individual returns an item or requests a  
17 refund and the private entity uses a fraud prevention service company or system.

18 (d) To transmit information to a check services company for the purpose of approving negotiable  
19 instruments, electronic funds transfers or similar methods of payment.

20 (e) To collect information about the individual for the purpose of processing an application for  
21 a deposit account or loan for the individual, if the private entity is a financial institution.

22 (f) To enable a pharmacist, pharmacy technician or intern, as those terms are defined in ORS  
23 689.005, to submit information to the electronic system described in ORS 475.230 for the purpose of  
24 transferring a drug containing pseudoephedrine or ephedrine or a salt, isomer or salt of an isomer  
25 of pseudoephedrine or ephedrine without a prescription from a practitioner to a person who is 18  
26 years of age or older.

27 (3) A private entity that swipes an individual's driver license or identification card under sub-  
28 section (2)(a) or (b) of this section may not store, sell or share personal information collected from  
29 swiping the driver license or identification card.

30 (4) A private entity that swipes an individual's driver license or identification card under sub-  
31 section (2)(c) or (d) of this section may store or share the following information collected from  
32 swiping an individual's driver license or identification card for the purpose of preventing fraud or  
33 other criminal activity against the private entity:

34 (a) Name;

35 (b) Address;

36 (c) Date of birth; and

37 (d) Driver license number or identification card number.

38 (5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15  
39 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) of  
40 this section may use the personal information received only to prevent fraud or other criminal ac-  
41 tivity against the private entity that provided the personal information.

42 (b) A person who is regulated by the federal Fair Credit Reporting Act and who receives per-  
43 sonal information from a private entity under subsection (4) of this section may use or provide the  
44 personal information received only to effect, administer or enforce a transaction or prevent fraud  
45 or other criminal activity, if the person provides or receives personal information under contract

1 from the private entity.

2 (6)(a) Subject to the provisions of this subsection, a private entity that is a commercial radio  
3 service provider that provides service nationally and that is subject to the Telephone Records and  
4 Privacy Protection Act of 2006 (18 U.S.C. 1039) may swipe an individual's driver license or identifi-  
5 cation card if the entity obtains permission from the individual to swipe the individual's driver li-  
6 cense or identification card.

7 (b) The private entity may swipe the individual's driver license or identification card only for  
8 the purpose of establishing or maintaining a contract between the private entity and the individual.  
9 Information collected by swiping an individual's driver license or identification card for the estab-  
10 lishment or maintenance of a contract shall be limited to the following information from the indi-  
11 vidual:

12 (A) Name;

13 (B) Address;

14 (C) Date of birth; and

15 (D) Driver license number or identification card number.

16 (c) If the individual does not want the private entity to swipe the individual's driver license or  
17 identification card, the private entity may manually collect the following information from the indi-  
18 vidual:

19 (A) Name;

20 (B) Address;

21 (C) Date of birth; and

22 (D) Driver license number or identification card number.

23 (d) The private entity may not withhold the provision of goods or services solely as a result of  
24 the individual requesting the collection of the following information from the individual through  
25 manual means:

26 (A) Name;

27 (B) Address;

28 (C) Date of birth; and

29 (D) Driver license number or identification card number.

30 (7) A governmental entity may swipe an individual's driver license or identification card only  
31 if:

32 (a) The individual knowingly makes the driver license or identification card available to the  
33 governmental entity;

34 (b) The governmental entity lawfully confiscates the driver license or identification card;

35 (c) The governmental entity is providing emergency assistance to the individual who is uncon-  
36 scious or otherwise unable to make the driver license or identification card available; or

37 (d) A court rule requires swiping of the driver license or identification card to facilitate accu-  
38 rate linking of court records pertaining to the individual.

39 (8) In addition to any other remedy provided by law, an individual may bring an action to re-  
40 cover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if equitable  
41 relief is available, against an entity that swipes, stores, shares, sells or otherwise uses the  
42 individual's personal information in violation of this section. A court shall award a prevailing  
43 plaintiff reasonable costs and attorney fees. If a court finds that a violation of this section was  
44 willful or knowing, the court may increase the amount of the award to no more than three times the  
45 amount otherwise available.

1 (9) Any waiver of a provision of this section is contrary to public policy and is void and  
2 unenforceable.

3 **SECTION 12.** ORS 802.200 is amended to read:

4 802.200. In addition to any other records the Department of Transportation may establish, the  
5 department is subject to the following provisions concerning records:

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

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

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

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

14 (C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

37 (B) The name of the vehicle owner;

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

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

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

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

1 dealer certificates:

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

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

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

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

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

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

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

15 (a) An index by name and number.

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

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

18 (d) All driver licenses or driver permits that have been suspended, revoked or canceled.

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

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

24 (i) Real ID;

25 (ii) Commercial driver license; or

26 (iii) Commercial learner driver permit.

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

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

33 (h) Emergency contact information provided under ORS 802.275.

34 (i) **For each driver license, driver permit or identification card, whether the applicant is**  
35 **issued the driver license, driver permit or identification card in an electronic format.**

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

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

42 (b) In addition to other information required by this paragraph, the employment driving record  
43 shall include all reports of drug test results that are made to the department under ORS 825.410 or  
44 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-  
45 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in

1 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle  
2 accidents that the person is required to report under ORS 811.720, all suspensions of driving privi-  
3 leges required to be placed on the record under ORS 809.280, all suspensions of the person's com-  
4 mercial driving privileges that result from operation or use of a commercial motor vehicle and all  
5 convictions, as determined by the department by rule, of the person for violation of motor vehicle  
6 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-  
7 leges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such acci-  
8 dents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

11 (B) Carrying persons or property for compensation;

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

15 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

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

28 (d) The department may record other entries to indicate correspondence, interviews, partic-  
29 ipation in driver improvement programs or other matters concerning the status of the driving privi-  
30 leges of the person.

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

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

39 (g) The Department of Transportation, in consultation with the Department of State Police, shall  
40 devise and implement a method of noting suspensions and revocations of driving privileges on the  
41 record in such a way that police agencies can determine directly from the record what class of of-  
42 fense, as provided by law, is committed by a person who drives in violation of the suspension or  
43 revocation. If the Department of Transportation and the Department of State Police devise a mutu-  
44 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-  
45 vocation and the consequences of its violation, the implementation of that method shall satisfy the

1 duty of the Department of Transportation under this paragraph.

2 (10) The department shall maintain accident reports filed with the department under ORS  
3 810.460 and 811.725 to 811.735.

4 (11) The department shall maintain records of bank checks or money orders returned under ORS  
5 802.110.

6 (12) The department shall maintain records of trip permits issued by the department under ORS  
7 803.600, as provided under this subsection. The records required by this subsection shall include the  
8 following:

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

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

11 (c) When the permit was issued.

12 (d) The type of permit issued.

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

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