

# House Bill 2465

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Transportation)

## 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 address change be noted on driver license, driver permit or identification card.

Eliminates requirement that applicant under 18 years of age show proof of school enrollment for issuance of driver license unless applicant is suspended for withdrawal from school.

Eliminates moped-restricted driver license.

Eliminates requirement that out-of-state applicant for motorcycle endorsement who already has motorcycle endorsement issued by another state take motorcycle knowledge test in Oregon.

Authorizes Department of Transportation to establish change of address requirements for driver license, driver permit and identification card by rule.

## A BILL FOR AN ACT

Relating to transportation; creating new provisions; and amending ORS 339.257, 807.031, 807.050, 807.066, 807.072, 807.150, 807.160 and 807.400.

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

## CHANGE OF ADDRESS

**SECTION 1.** ORS 807.160 is amended to read:

807.160. (1) The Department of Transportation shall establish by rule the reasons for issuing a replacement driver license or driver permit to a person who submits an application for the replacement. The reasons for **issuing a replacement driver license or driver permit** shall include, but are not limited to, situations when the person:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license or driver permit.

(b) Changes residence address from the address noted on the person's driver license or driver permit.

(c) Is a corrections officer or an eligible employee who has requested, in accordance with ORS 802.250 or 802.253, that department records show the address of the person's employer.

(d) Changes names from the name noted on the person's driver license or driver permit.

(e) Is applying or is required to add or remove a restriction on the driver license or driver permit.

(f) Is applying or is required to add or remove an endorsement other than a motorcycle endorsement on the driver license or driver permit.

(g) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing a driver license or driver permit.

(h) Furnishes proof satisfactory to the department that, for a reason identified by the department by rule, the person needs a replacement driver license or driver permit that bears a different dis-

**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 distinguishing number from the license or permit being replaced.

2 (i) Furnishes proof satisfactory to the department that the person is a veteran, as defined in ORS  
 3 408.225, and the person requests a replacement driver license that includes the fact that the person  
 4 is a veteran.

5 *[(2) Notwithstanding subsection (1)(b) of this section, in lieu of issuing a replacement driver license  
 6 or driver permit upon a change in residence address of a person, the department may note the change  
 7 of residence address on the person's license or permit in a manner determined by the department.]*

8 [(3)] (2) A replacement driver license or driver permit issued under this section:

9 (a) Shall bear the same distinguishing number as the driver license or driver permit replaced  
 10 unless the person applying for the replacement furnishes proof as described in subsection (1)(h) of  
 11 this section.

12 (b) Does not alter or extend the driving privileges granted to the person under the old license  
 13 or permit unless the replacement license or permit was issued for the purpose of changing a re-  
 14 striction or endorsement or for correcting an error involving driving privileges.

15 [(4)] (3) Except for driver permits for which the department does not charge an issuance fee, the  
 16 department shall charge the fee under ORS 807.370 for a replacement license or driver permit issued  
 17 under this section. The replacement fee is in addition to any endorsement or test fee that may apply.  
 18 The department may waive the replacement fee as provided under ORS 807.390.

19 [(5)] (4) The driver license or driver permit replaced under this section is invalid and shall be  
 20 surrendered to the department.

21 [(6)] (5) The department may not issue a replacement driver license or driver permit under this  
 22 section if:

23 (a) The person making application is not qualified to hold a license or permit at the time of  
 24 application.

25 (b) The driving privileges of the person making application are suspended or revoked and have  
 26 not been partially or completely reinstated.

27 [(7)] (6) The department need not issue a replacement driver license or driver permit to a person  
 28 who has not complied with the requirements and responsibilities created by citation for or con-  
 29 viction of a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the  
 30 department to withhold issuance of a replacement license or permit.

31 **SECTION 2.** ORS 807.400 is amended to read:

32 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 33 who:

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

35 (b) As required by ORS 807.021 and 807.730, provides the Social Security number assigned to the  
 36 person by the United States Social Security Administration and proof of legal presence in the United  
 37 States or, if the person is not eligible for a Social Security number, proof of legal presence in the  
 38 United States and proof that the person is not eligible for a Social Security number;

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

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

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

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

1 (3) Every original application for an identification card must be signed by the applicant. The  
2 department *[shall]* **may** require *[at least one document]* **proof** to verify the address of an applicant  
3 for issuance of an identification card in addition to other documents the department may require  
4 of the applicant. If the address of an applicant has changed since the last time an identification card  
5 was issued to or renewed for the applicant, the department *[shall]* **may** require proof to verify the  
6 address of the applicant for renewal of an identification card, in addition to anything else the de-  
7 partment may require. **The department shall adopt rules to identify what constitutes proof of**  
8 **address for purposes of this subsection.**

9 (4) Every identification card shall be issued upon the standard license form described under ORS  
10 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
11 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
12 purposes only. The department shall use the same security procedures, processes, materials and  
13 features for an identification card as are required for a license under ORS 807.110. The identification  
14 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

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

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

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

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

21 (7) Upon request of the person to whom the identification card is issued and presentation of  
22 proof, as determined by the department **by rule**, that the person is a veteran, as defined in ORS  
23 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

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

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

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

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

41 *[(b)]* Note the new address on the old identification card in a manner to be determined by the de-  
42 partment by rule.]

43 (13) An identification card becomes invalid if the holder of the card changes the holder's name  
44 from that shown on the card, including a change of name by marriage, without providing the de-  
45 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and

1 the old identification card, the department shall issue a replacement identification card upon pay-  
 2 ment of the fee required under ORS 807.410.

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

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

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

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

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

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

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

32  
 33 **PROOF OF SCHOOL ENROLLMENT**

34  
 35 **SECTION 3.** ORS 807.066 is amended to read:

36 807.066. The Department of Transportation *[shall]* **may** not issue driving privileges to a person  
 37 who is under 18 years of age **and suspended under ORS 809.423 (3)** unless the person:

38 (1) Has graduated from high school and provides the department with proof of graduation sat-  
 39 isfactory to the department;

40 (2) Has received a General Educational Development (GED) certificate from a community col-  
 41 lege and provides the department with proof of the certificate satisfactory to the department;

42 (3) Provides the department with a form provided by the department and signed by the principal,  
 43 or the designee of the principal, of the secondary school attended by the person that declares that  
 44 the person is enrolled in a secondary school of this state or any other state;

45 (4) Provides the department with a form provided by the department and signed by the author-

1 ized representative of the community college attended by the person that declares that the person  
 2 is making satisfactory progress toward a General Educational Development (GED) certificate;

3 (5) Provides the department with a form provided by the department and signed by the author-  
 4 ized representative of the community college attended by the person that declares that the person  
 5 is making satisfactory progress toward a high school diploma;

6 (6) Provides the department with a form provided by the department and signed by the author-  
 7 ized representative of the education service district or school district having jurisdiction over the  
 8 area of the person's residence that declares that the person is being taught by a private teacher,  
 9 **legal guardian** or parent in compliance with ORS 339.035;

10 (7) Provides the department with documentation satisfactory to the department that indicates  
 11 that the person is exempted from school attendance requirements due to circumstances beyond the  
 12 control of the person; or

13 (8) Provides the department with documentation satisfactory to the department that the person  
 14 is exempt under ORS 339.030 (2) from the requirement to attend school.

15 **SECTION 4.** ORS 339.257 is amended to read:

16 339.257. (1) The principal or a designee of the principal of a secondary school shall provide  
 17 documentation of enrollment status on a form provided by the Department of Transportation to any  
 18 student at least 15 years of age and under 18 years of age who is properly enrolled in the school,  
 19 **whose driving privileges are suspended under ORS 809.423 (3)** and who needs the documentation  
 20 in order to apply for issuance or reinstatement of driving privileges. The form shall be available at  
 21 the administrative offices of the school district for a student who applies for issuance or rein-  
 22 statement of driving privileges during school holidays.

23 (2) A school district board may establish a policy authorizing the superintendent of the school  
 24 district or the board to notify the department of the withdrawal from school of a student who is at  
 25 least 15 years of age and under 18 years of age. For purposes of this subsection, a student shall  
 26 be considered to have withdrawn from school after more than 10 consecutive school days of unex-  
 27 cused absences or 15 school days total of unexcused absences during a single semester. A policy  
 28 adopted under this subsection shall include a provision allowing a student to appeal a decision to  
 29 notify the department.

30 (3) The governing body of a private school may establish a policy authorizing a representative  
 31 of the school to notify the department of a student's withdrawal. Terms and conditions of the policy  
 32 shall be the same as those described in subsection (2) of this section for a school district board.

33  
 34 **MOPEDS**

35  
 36 **SECTION 5.** ORS 807.031 is amended to read:

37 807.031. *[This section describes the type of driving privileges granted by the various licenses issued*  
 38 *by this state. Licenses are established by class with the highest class being Class A commercial. Each*  
 39 *class of license grants driving privileges for that class and for all lower classes. A license does not*  
 40 *grant driving privileges for which an endorsement is required.]* The following licenses grant the  
 41 driving privileges described:

42 (1) A Class A commercial driver license authorizes a person to operate any vehicle or combi-  
 43 nation of vehicles except that the person may not operate any vehicle for which an endorsement is  
 44 required unless the person obtains the endorsement.

45 (2) A Class B commercial driver license authorizes a person to operate any single vehicle and

1 to tow a vehicle that is not in excess of 10,000 pounds gross vehicle weight rating. The person may  
 2 not operate any vehicle for which an endorsement is required unless the person obtains the  
 3 endorsement.

4 (3) A Class C commercial driver license authorizes a person to operate:

5 (a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the  
 6 gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has the proper  
 7 endorsement to operate a vehicle described in this paragraph;

8 (b) Any vehicle that is used in the transportation of hazardous materials if the gross vehicle  
 9 weight rating of the vehicle is less than 26,001 pounds and the person has the proper endorsement;  
 10 and

11 (c) Any vehicle that may be operated by the holder of a Class C license.

12 (4) A Class C driver license authorizes a person to operate any vehicle for which a commercial  
 13 driver license is not required except that the person may not operate any vehicle for which an  
 14 endorsement is required unless the person obtains the endorsement.

15 (5) A restricted Class C license authorizes a person to operate [*a moped or to operate*] **a vehicle**  
 16 under one of the permits described in ORS 807.200 as constituting a restricted Class C license. The  
 17 person may not operate any vehicle for which an endorsement is required or be granted any  
 18 endorsements for the license.

19  
 20 **MOTORCYCLE ENDORSEMENT REQUIREMENTS**

21  
 22 **SECTION 6.** ORS 807.072 is amended to read:

23 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or  
 24 demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives  
 25 satisfactory proof that the person required to take the examination, test or demonstration has  
 26 passed an examination, test or demonstration approved by the department that:

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

29 (b) Is given in conjunction with a motorcycle rider education course established under ORS  
 30 802.320;

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

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

35 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070  
 36 (3) for a person who is applying for a commercial driver license or a Class C license if the person  
 37 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration  
 38 of a valid out-of-state license. A demonstration may be waived under this subsection only if the  
 39 person has applied for the same driving privileges as those granted under the person's out-of-state  
 40 license or for privileges granted by a lower class of license.

41 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-  
 42 son who is applying for a commercial driver license or for an endorsement related to a commercial  
 43 driver license if the person submits to the department a certificate of competency issued under ORS  
 44 807.080 for the class of license or for the endorsement sought or under other circumstances, estab-  
 45 lished by the department by rule, that establish the person's ability to drive without an actual

1 demonstration.

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

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

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

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

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

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

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

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

26 **(7) The department by rule may waive the test required under ORS 807.070 (2) for a per-**  
 27 **son who applies for a motorcycle endorsement if the person:**

28 **(a) Holds a valid out-of-state driver license that authorizes the person to operate a mo-**  
 29 **torcycle; or**

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

32  
 33 **PROOF OF ADDRESS REQUIREMENTS**

34  
 35 **SECTION 7.** ORS 807.050 is amended to read:

36 807.050. An application for a license shall be in a form approved by the Oregon Department of  
 37 Transportation. An application must contain all the following:

38 (1) The applicant’s full legal name, age, sex, residence address, except as otherwise provided for  
 39 corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality  
 40 Program participants in ORS 192.846, and post-office address other than general delivery. The de-  
 41 partment may provide by rule for acceptance of something other than an actual residence or post-  
 42 office address if the department determines that the applicant does not have an actual address. The  
 43 department *[shall]* **may** require proof to verify the address in addition to anything else the depart-  
 44 ment may require of the applicant. **The department shall adopt rules to identify what consti-**  
 45 **tutes proof of address for purposes of this subsection.**

1 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the  
2 applicant has been issued any license or driver permit:

3 (a) When the license or driver permit was granted;

4 (b) What jurisdiction granted the license or driver permit;

5 (c) Whether or not the driving privileges under the license or driver permit are currently sus-  
6 pended or revoked; and

7 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension  
8 or revocation.

9 (3) The class of license sought.

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

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

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

17 **SECTION 8.** ORS 807.050, as amended by section 40, chapter 237, Oregon Laws 2013, is  
18 amended to read:

19 807.050. An application for a license shall be in a form approved by the Oregon Department of  
20 Transportation. An application must contain all the following:

21 (1) The applicant's full legal name, age, sex, residence address, except as otherwise provided for  
22 corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality  
23 Program participants in ORS 192.846, and post-office address other than general delivery. The de-  
24 partment may provide by rule for acceptance of something other than an actual residence or post-  
25 office address if the department determines that the applicant does not have an actual address. The  
26 department [*shall*] **may** require proof to verify the address in addition to anything else the depart-  
27 ment may require of the applicant. **The department shall adopt rules to identify what consti-  
28 tutes proof of address for purposes of this subsection.**

29 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the  
30 applicant has been issued any license or driver permit:

31 (a) When the license or driver permit was granted;

32 (b) What jurisdiction granted the license or driver permit;

33 (c) Whether or not the driving privileges under the license or driver permit are currently sus-  
34 pended or revoked; and

35 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension  
36 or revocation.

37 (3) The class of license sought.

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

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

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

45 **SECTION 9.** ORS 807.150 is amended to read:



