

House Bill 3226

Sponsored by COMMITTEE ON HUMAN SERVICES AND HOUSING

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**.

Authorizes Department of Transportation to issue driver license, driver permit or identification card to person issued deferred action status by United States Department of Homeland Security.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; amending ORS 807.021, 807.040,
3 807.130, 807.310, 807.400 and 807.730.

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

5 **SECTION 1.** ORS 807.021 is amended to read:

6 807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4), prior to issuing, renewing or
7 replacing any driver license, driver permit or identification card, the Department of Transportation
8 shall require a person to provide the Social Security number assigned to the person by the United
9 States Social Security Administration and proof of legal presence in the United States or[,] **proof**
10 **of deferred action status granted by the United States Department of Homeland Security**
11 **through the Deferred Action for Childhood Arrivals Program.** If the person is not eligible for
12 a Social Security number, **the person must provide proof that the person is not eligible for a**
13 **Social Security number and must provide proof of:**

14 (a) Legal presence in the United States [*and proof that the person is not eligible for a Social*
15 *Security number*]; **or**

16 (b) **Deferred action status granted by the United States Department of Homeland Secu-**
17 **riety through the Deferred Action for Childhood Arrivals Program.**

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

19 (a) A person provides proof of legal presence in the United States **or proof of deferred action**
20 **status granted by the United States Department of Homeland Security through the Deferred**
21 **Action for Childhood Arrivals Program** by submitting valid documentation, as defined by the de-
22 partment by rule, that the person is a citizen or permanent legal resident of the United States,
23 [*or*] is otherwise legally present in the United States in accordance with federal immigration laws
24 **or has been granted deferred action status by the United States Department of Homeland**
25 **Security through the Deferred Action for Childhood Arrivals Program.**

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

30 (c) If a person is not eligible for a Social Security number, the person shall provide proof, as
31 defined by the department by rule, that the person is not eligible for a Social Security number.

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

6 (4) This section does not apply if the department previously verified the Social Security number
 7 as required by subsection (3) of this section and the person applying for the driver license, driver
 8 permit or identification card is a citizen or permanent legal resident of the United States.

9 **SECTION 2.** ORS 807.130 is amended to read:

10 807.130. (1) A license that is issued as an original license and not as a license that is renewed
 11 expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of
 12 issuance.

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

15 (3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a person
 16 who is not a citizen or permanent legal resident of the United States expires on the date the
 17 licensee is no longer authorized to stay in the United States, as indicated by the documentation the
 18 person presented to the Department of Transportation to provide proof of legal presence in the
 19 United States **or proof of deferred action status granted by the United States Department of**
 20 **Homeland Security through the Deferred Action for Childhood Arrivals Program**, as required
 21 by ORS 807.021 and 807.730, but no longer than eight years from the date of issuance or, if there is
 22 no definite end to the authorized stay, after a period of one year.

23 (4) A license that has expired does not grant driving privileges and is not valid evidence of
 24 driving privileges.

25 **SECTION 3.** ORS 807.730 is amended to read:

26 807.730. (1) The Department of Transportation may issue or replace a limited term driver li-
 27 cense, limited term driver permit or limited term identification card only for a person who provides
 28 proof, as determined by the department by rule, that the person is legally present in the United
 29 States on a temporary basis **or proof of deferred action status granted by the United States**
 30 **Department of Homeland Security through the Deferred Action for Childhood Arrivals Pro-**
 31 **gram.**

32 (2) A limited term driver license or limited term identification card is valid:

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

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

36 (3) A limited term driver permit is valid:

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

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

41 (4) A limited term driver license, limited term driver permit or limited term identification card
 42 may be renewed only upon presentation of valid documentation, as determined by the department
 43 by rule, that the status by which the applicant qualified for the limited term driver license, limited
 44 term driver permit or limited term identification card has been extended or is still in effect.

45 (5) A limited term driver license or limited term driver permit grants the same privileges as a

1 driver license or driver permit.

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

5 **SECTION 4.** 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) As required by ORS 807.021 and 807.730, provides the Social Security number assigned to the
10 person by the United States Social Security Administration and proof of legal presence in the United
11 States or[,] **proof of deferred action status granted by the United States Department of**
12 **Homeland Security through the Deferred Action for Childhood Arrivals Program.** If the person
13 is not eligible for a Social Security number, **the person must provide proof that the person is**
14 **not eligible for a Social Security number and proof of:**

15 (A) Legal presence in the United States [*and proof that the person is not eligible for a Social*
16 *Security number*]; **or**

17 (B) **Deferred action status granted by the United States Department of Homeland Secu-**
18 **rity through the Deferred Action for Childhood Arrivals Program;**

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

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

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

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

26 (3) Every original application for an identification card must be signed by the applicant. The
27 department shall require at least one document to verify the address of an applicant for issuance
28 of an identification card in addition to other documents the department may require of the applicant.
29 If the address of an applicant has changed since the last time an identification card was issued to
30 or renewed for the applicant, the department shall require proof to verify the address of the appli-
31 cant for renewal of an identification card, in addition to anything else the department may require.

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

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

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

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

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

44 (7) Upon request of the person to whom the identification card is issued and presentation of
45 proof, as determined by the department, that the person is a veteran, as defined in ORS 408.225, the

1 department shall include on the card the fact that the person is a veteran.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 expire at the same time as the surrendered driver license or driver permit would have expired. An
 2 identification card issued under this subsection is subject to the same requirements and fees for
 3 renewal or upon expiration as any other identification card issued under this section. The depart-
 4 ment may issue identification cards under this subsection for any of the following reasons:

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

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

10 **SECTION 5.** ORS 807.040, as amended by section 30, chapter 43, Oregon Laws 2012, is amended
 11 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) As required by ORS 807.021 and 807.730, the person must provide the Social Security number
 16 assigned to the person by the United States Social Security Administration and proof of legal pres-
 17 ence in the United States or, *if the person is not eligible for a Social Security number, proof of legal*
 18 *presence in the United States and proof that the person is not eligible for a Social Security number.*]

19 **proof of deferred action status granted by the United States Department of Homeland Secu-**
 20 **urity through the Deferred Action for Childhood Arrivals Program. If the person is not eligible**
 21 **for a Social Security number, the person must provide proof that the person is not eligible**
 22 **for a Social Security number and must provide proof of:**

23 **(A) Legal presence in the United States; or**

24 **(B) Deferred action status granted by the United States Department of Homeland Secu-**
 25 **urity through the Deferred Action for Childhood Arrivals Program.**

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

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

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

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

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

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

37 (i) If the application is for a commercial driver license, the person must submit to the depart-
 38 ment, in a form approved by the department, the report of a medical examination that establishes
 39 that the person meets the medical requirements for the particular class of license. The department,
 40 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
 41 ments established under this paragraph may include any requirements the department determines
 42 are necessary for the safe operation of vehicles permitted to be operated under the class of license
 43 for which the requirements are established.

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

45 (A) Have at least one year's driving experience, including relevant experience obtained in the

1 military;

2 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

3 (C) Not be otherwise ineligible to hold a commercial driver license.

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

6 **SECTION 6.** ORS 807.310 is amended to read:

7 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
8 porary driver permits in a manner consistent with this section.

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

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

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

19 (5) If an applicant has complied with all the requirements for an application for a driver license
20 or driver permit, except that the applicant is unable to produce the documentation required by the
21 department under ORS 807.021 and 807.730, the department, at the time of application, may issue to
22 the applicant an applicant temporary driver permit as provided in this section if the applicant cer-
23 tifies that the applicant is, to the best of the applicant's knowledge, legally present in the United
24 States **or has been granted deferred action status by the United States Department of**
25 **Homeland Security through the Deferred Action for Childhood Arrivals Program.**

26 (6) An applicant temporary driver permit issued to an applicant under subsection (5) of this
27 section is valid for a period of 90 days from the date issued. The department may extend the term
28 of the permit up to two times for sufficient cause. Each extension of the term of the permit may not
29 exceed 90 days.

30 (7) Notwithstanding subsection (6) of this section, the department may, in the manner provided
31 by rule, further extend the term of the applicant temporary driver permit for an applicant who needs
32 additional time to obtain the documentation required under ORS 807.021 and 807.730.

33 (8) An applicant temporary driver permit automatically becomes invalid if the applicant's license
34 or permit is issued or refused for good cause.

35 (9) The department may not charge a fee for issuance of an applicant temporary driver permit
36 under this section.

37