

A-Engrossed
Senate Bill 833

Ordered by the Senate April 16
Including Senate Amendments dated April 16

Sponsored by Senators SHIELDS, ROBLAN, THOMSEN, HANSELL, Representatives VEGA PEDERSON, HARKER, JOHNSON, GILLIAM

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.

Directs Department of Transportation to issue [*short term driver license or short term driver permit*] **driver card** to applicant who does not provide proof of legal presence in United States but otherwise has complied with all requirements for license or permit and has resided in Oregon for more than one year.

[*Prohibits use of short term driver license or short term driver permit as identification to obtain Oregon concealed handgun license or purchase firearm from gun dealer.*]

Provides that driver card may be used only as evidence of grant of driving privileges. Provides exceptions.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 366.505, 367.173, 367.605, 802.110, 802.160, 807.130, 807.310 and 807.375.

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

5 **SECTION 1. Sections 2 to 5 of this 2013 Act are added to and made a part of the Oregon**
6 **Vehicle Code.**

7 **SECTION 2. (1) Except as provided in this section, for the purposes of the Oregon Vehicle**
8 **Code a driver card is subject to the same statutes and procedures that govern driver licenses**
9 **and driver permits and shall be issued, renewed or replaced in the same manner as driver**
10 **licenses or driver permits.**

11 **(2) The Department of Transportation shall issue, renew or replace a driver card without**
12 **requiring a person to provide proof of legal presence in the United States if the person meets**
13 **the requirements described in subsection (3) of this section.**

14 **(3) A person is eligible for a driver card under this section if the person:**

15 **(a) Complies with all of the requirements for the license or permit sought to be issued,**
16 **other than the requirement to provide proof of legal presence in the United States;**

17 **(b) Provides proof of identity and date of birth by submitting:**

18 **(A) An unexpired valid passport from the person's country of citizenship;**

19 **(B) An unexpired valid consular identification document issued by the consulate of the**
20 **person's country of citizenship, if the department determines that the procedure used in is-**
21 **ssuing the consular identification document is sufficient to prove the person's identity; or**

22 **(C) Such other valid documentation, as defined by the department by rule;**

23 **(c) Provides proof of residency in this state in excess of one year as of the date of ap-**
24 **plication;**

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 (d) Provides the Social Security number assigned to the person, if any, by the United
2 States Social Security Administration; and

3 (e) Pays the fees required under section 5 of this 2013 Act.

4 (4) The department may issue, renew or replace a driver card for an applicant who has
5 submitted a Social Security number only after the department verifies the Social Security
6 number with the United States Social Security Administration.

7 (5) A person may prove residency in this state in excess of one year by:

8 (a) Providing evidence that the person owns or leases property in Oregon for use as a
9 personal domicile by the person;

10 (b) Providing evidence that the person filed a full-year resident or part-year resident
11 Oregon tax return for the most recent tax year; or

12 (c) Demonstrating such other factors adopted by the department by rule.

13 (6) Notwithstanding ORS 807.130 and 807.150, upon issuance and renewal:

14 (a) A driver card issued under this section that is subject to the same requirements and
15 issued in the same manner as a driver license expires on the anniversary of the licensee's
16 birthday in the fourth calendar year after the date of issuance.

17 (b) A driver card issued under this section that is subject to the same requirements and
18 issued in the same manner as a driver permit is valid for the period of time for which a
19 driver permit of the same type is issued by the department, but no longer than a period of
20 four years.

21 (7) The department may not issue a commercial driver license to a person who holds a
22 driver card issued under this section.

23 (8) The department shall adopt any rules the department considers necessary for the
24 administration of this section.

25 **SECTION 3.** A driver card issued, renewed or replaced under section 2 of this 2013 Act
26 must contain:

27 (1) The words "driver card" and may not contain the words "driver license" or "driver
28 permit."

29 (2) A feature distinguishing the driver card from a driver license and driver permit. The
30 form of the distinguishing feature shall be determined by the department by rule.

31 **SECTION 4.** A driver card issued, renewed or replaced under section 2 of this 2013 Act
32 may be used only:

33 (1) To provide evidence of a grant of driving privileges.

34 (2) In the same manner as provided for driver licenses in ORS 97.951 to 97.982 for the
35 purpose of identifying the person as an anatomical donor.

36 (3) To identify the person as an emancipated minor.

37 (4) To identify the person as a veteran.

38 (5) To provide a driver license number as required under ORS 18.042, 18.170 and 25.020.

39 (6) To provide a driver license number to aid a law enforcement agency in identifying a
40 missing person under ORS 146.181.

41 **SECTION 5.** The following are the fees relating to the issuance, replacement and renewal
42 of driver cards:

43 (1) Driver card issuance fee for a Class C driver card issued under section 2 of this 2013
44 Act, \$64.

45 (2) Fee to take the knowledge test for a Class C driver card issued under section 2 of this

1 **2013 Act, \$5.**

2 (3) **Fee to take the skills test for a Class C driver card issued under section 2 of this 2013**
3 **Act, \$9.**

4 (4) **Driver card issuance fee for a restricted Class C driver card issued under section 2**
5 **of this 2013 Act, \$64.**

6 (5) **Driver card renewal fee for a Class C driver card issued under section 2 of this 2013**
7 **Act, \$44.**

8 (6) **Replacement fee for a driver card issued under section 2 of this 2013 Act, \$30.**

9 (7) **Student Driver Training Fund eligibility fee for a driver card issued under section 2**
10 **of this 2013 Act, \$6.**

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

12 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
13 porary driver permits in a manner consistent with this section.

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

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

21 (4) **Except as provided in subsection (5) of this section,** an applicant temporary driver permit
22 is valid for a period of 30 days from the date issued. The department may extend the term of the
23 permit for sufficient cause. An extension of the term of the permit may not exceed an additional 30
24 days.

25 (5) **An applicant temporary driver permit is valid for a period of 90 days from the date**
26 **issued** if an applicant:

27 (a) Has complied with all the requirements for an application for a driver license or driver
28 permit, except that the applicant is unable to produce the documentation required by the department
29 under ORS 807.021 and 807.730[, *the department, at the time of application, may issue to the applicant*
30 *an applicant temporary driver permit as provided in this section if the applicant*]; **and**

31 (b) Certifies that the applicant is, to the best of the applicant's knowledge, legally present in
32 the United States.

33 (6) [*An applicant temporary driver permit issued to an applicant under subsection (5) of this section*
34 *is valid for a period of 90 days from the date issued.*] The department may extend the term of [*the*
35 *permit*] **an applicant temporary driver permit under subsection (4) of this section** up to two
36 times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.

37 (7) Notwithstanding subsection (6) of this section, the department may, in the manner provided
38 by rule, further extend the term of the applicant temporary driver permit **under subsection (4) of**
39 **this section** for an applicant who needs additional time to obtain the documentation required under
40 ORS 807.021 and 807.730.

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

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

45 **SECTION 7.** ORS 807.130 is amended to read:

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

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

6 (3) Notwithstanding subsections (1) and (2) of this section, a **limited term driver** license that
7 is issued **under ORS 807.730** to a person who is not a citizen or permanent legal resident of the
8 United States expires on the date the licensee is no longer authorized to stay in the United States,
9 as indicated by the documentation the person presented to the Department of Transportation to
10 provide proof of legal presence in the United States as required by ORS 807.021 and 807.730, but
11 no longer than eight years from the date of issuance or, if there is no definite end to the authorized
12 stay, after a period of one year.

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

15 **SECTION 8.** ORS 366.505 is amended to read:

16 366.505. (1) The State Highway Fund shall consist of:

17 (a) All moneys and revenues derived under and by virtue of the sale of bonds, the sale of which
18 is authorized by law and the proceeds thereof to be dedicated to highway purposes.

19 (b) All moneys and revenues accruing from the licensing of motor vehicles, operators and
20 chauffeurs.

21 (c) Moneys and revenues derived from any tax levied upon gasoline, distillate, liberty fuel or
22 other volatile and inflammable liquid fuels, except moneys and revenues described in ORS 184.642
23 (2)(a) that become part of the Department of Transportation Operating Fund.

24 (d) Moneys and revenues derived from or made available by the federal government for road
25 construction, maintenance or betterment purposes.

26 **(e) All moneys derived from the issuance of driver cards.**

27 [(e)] **(f)** All moneys and revenues received from all other sources which by law are allocated or
28 dedicated for highway purposes.

29 (2) The highway fund shall be deemed and held as a trust fund, separate and distinct from the
30 General Fund, and may be used only for the purposes authorized by law and is continually appro-
31 priated for such purposes.

32 (3) Moneys in the State Highway Fund may be invested as provided in ORS 293.701 to 293.820.
33 All interest earnings on any of the funds designated in subsection (1) of this section shall be placed
34 to the credit of the highway fund.

35 **SECTION 9.** ORS 367.173 is amended to read:

36 367.173. The principal, interest, premium, if any, and the purchase or tender price of the grant
37 anticipation revenue bonds issued under ORS 367.161 to 367.181 are payable solely from the follow-
38 ing moneys:

39 (1) Federal transportation funds.

40 (2) To the extent affirmatively pledged at the time issuance of revenue bonds is authorized, the
41 following moneys that are lawfully available:

42 (a) Moneys deposited in the State Highway Fund established under ORS 366.505.

43 (b) Except as provided in paragraph (c) of this subsection, moneys, once deposited in the State
44 Highway Fund established under ORS 366.505, from the following sources may be affirmatively
45 pledged:

1 (A) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

2 (B) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

3 (C) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

4 (D) Moneys described under ORS 803.090 from the titling of vehicles.

5 (E) Moneys described under ORS 803.420 from the registration of vehicles.

6 (F) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
7 permits.

8 **(G) Moneys described under section 5 of this 2013 Act relating to issuance of driver cards.**

9 [(G)] **(H)** Moneys received by the Department of Transportation from taxes, fees or charges im-
10 posed after January 1, 2001, or other revenues or moneys received by the department from sources
11 not listed in subparagraphs (A) to [(F)] **(G)** of this paragraph that are lawfully available to be
12 pledged under this section.

13 (c) Moneys described in paragraph (b) of this subsection do not include:

14 (A) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

15 (B) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

16 (C) Moneys in the account established under ORS 366.512 for parks and recreation.

17 **SECTION 10.** ORS 367.605 is amended to read:

18 367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are
19 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

20 (2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway
21 fund from the following sources are subject to the use or pledge described in subsection (1) of this
22 section:

23 (a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

24 (b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

25 (c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

26 (d) Moneys described under ORS 803.090 from the titling of vehicles.

27 (e) Moneys described under ORS 803.420 from the registration of vehicles.

28 (f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
29 permits.

30 **(g) Moneys described under section 5 of this 2013 Act relating to the issuance of driver
31 cards.**

32 [(g)] **(h)** Moneys received by the Department of Transportation from taxes, fees or charges im-
33 posed after January 1, 2001, or other revenues received by the department from sources not listed
34 in paragraphs (a) to [(f)] **(g)** of this subsection that are available for the use or pledge described by
35 this section.

36 (3) Moneys described under subsection (2) of this section do not include:

37 (a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

38 (b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

39 (c) Moneys in the account established under ORS 366.512 for parks and recreation.

40 (4) To the extent affirmatively pledged, moneys from the following sources are subject to the
41 use or pledge described in subsection (1) of this section:

42 (a) Moneys received by the Department of Transportation from the United States government.

43 (b) Any other moneys legally available to the department.

44 (5) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds
45 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state

1 requiring the department to spend moneys for specified highway purposes.

2 **SECTION 11.** ORS 802.110 is amended to read:

3 802.110. Any procedures the Department of Transportation establishes for financial adminis-
4 tration of those functions of the department dealing with driver and motor vehicle services and for
5 the disposition and payment of moneys it receives from the provision of driver and motor vehicle
6 services shall comply with all of the following:

7 (1) The department shall deposit all moneys it receives related to driver and motor vehicle ser-
8 vices in the Department of Transportation Driver and Motor Vehicle Suspense Account for approved
9 expenses and disbursements before payment of general administrative expenses of the department related
10 to the provision of driver and motor vehicle services. Notwithstanding this subsection, the depart-
11 ment may return a bank check or money order when received in incorrect or incomplete form or
12 when not accompanied by the proper application.

13 (2) The department shall pay the following approved expenses and disbursements from the Depart-
14 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general
15 administrative expenses of the department related to driver and motor vehicle services:

16 (a) Refunds authorized by any statute administered by the department when such refunds are
17 approved by the department.

18 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-
19 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and
20 Facility Account by ORS 319.415, amounts transferred to the State Aviation Account by ORS 319.417
21 and amounts transferred to the Department of Transportation Operating Fund by ORS 184.643.

22 (c) After deduction of expenses of collection, transfer and administration, the department shall
23 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,
24 807.150 and 807.370 **and section 5 of this 2013 Act** to the State Treasurer for deposit in the Student
25 Driver Training Fund. The moneys deposited in the Student Driver Training Fund under this para-
26 graph are continuously appropriated to the department for the following purposes:

27 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver
28 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,
29 336.810 (2) and 336.815.

30 (B) The remaining moneys, for reimbursing school districts and commercial driver training
31 schools as provided under ORS 336.805.

32 (d) After deduction of expenses of collection, transfer and administration, the department shall
33 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-
34 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys
35 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

36 (e) After deduction of expenses for the administration of the issuance of customized registration
37 plates under ORS 805.240, the department shall place moneys received from the sale of customized
38 registration plates in the Passenger Rail Transportation Account. The moneys placed in the account
39 are continuously appropriated to the department and shall be used for the payment of expenses in-
40 curred in administering passenger rail programs.

41 (f) After deduction of expenses of collection, transfer and administration, the department shall
42 pay moneys from any registration fees established by the governing bodies of counties or a district,
43 as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts.
44 The department shall make the payments on at least a monthly basis unless another basis is estab-
45 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-

1 partment and the governing bodies of a county or a district.

2 (g) After deducting the expenses of the department in collecting and transferring the moneys,
3 the department shall make disbursements and payments of moneys collected for or dedicated to any
4 other purpose or fund except the State Highway Fund, including but not limited to, payments to the
5 Department of Transportation Operating Fund established by ORS 184.642 (1) and (2).

6 (3) The department shall refund from the Department of Transportation Driver and Motor Ve-
7 hicle Suspense Account any excess or erroneous payment to a person who made the payment or to
8 the person's legal representative when the department determines that money has been received by
9 it in excess of the amount legally due and payable or that it has received money in which it has
10 no legal interest. Refunds payable under this subsection are continuously appropriated for such
11 purposes in the manner for payment of refunds under this section. If the department determines that
12 a refund is due, the department may refund the amount of excess or erroneous payment without a
13 claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a
14 refund from the department must be filed within 12 months after the date payment is received by
15 the department.

16 (4) After payment of those expenses and disbursements approved for payment before general admin-
17 istrative expenses related to the provision of driver and motor vehicle services, the department shall
18 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-
19 count its general administrative expenses incurred in the administration of any law related to driver
20 and motor vehicle services that the department is charged with administering and any other ex-
21 penses the department is permitted by law to pay from moneys held by the department before
22 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of
23 administrative expenses under this subsection:

24 (a) The department shall make payment of the expenses of administering the issuance of winter
25 recreation parking permits under ORS 811.595 from those moneys received from issuing the permits.

26 (b) The department shall pay its expenses for administering the registration and titling of
27 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those
28 sections. The department shall also pay its expenses for the administration of the snowmobile driver
29 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

30 (c) The department shall pay its expenses for determining the amount of money to be withheld
31 under ORS 802.120 from the fees collected for administering the registration and titling of
32 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary
33 but shall not exceed \$10,000 during each biennium.

34 (d) The department shall retain not more than \$15,000 in any biennium for the expenses of col-
35 lecting and transferring moneys to the Student Driver Training Fund under this section and for the
36 administration of ORS 336.810 (3).

37 (5) Except as otherwise provided in this subsection, the department shall transfer to the State
38 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-
39 proved expenses and disbursements before payment of general administrative expenses. The following
40 apply to this subsection:

41 (a) If the Director of Transportation certifies the amount of principal or interest of highway
42 bonds due on any particular date, the department may make available for the payment of such in-
43 terest or principal any sums that may be necessary to the extent of moneys on hand available for
44 the State Highway Fund regardless of the dates otherwise specified under this section.

45 (b) Notwithstanding paragraph (a) of this subsection the department shall not make available for

1 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when
2 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds
3 issued under ORS 367.615.

4 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-
5 ferred to the State Highway Fund at the times described:

6 (a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses
7 of the department shall be transferred before July 31 of each year.

8 (b) Moneys received from the registration of snowmobiles that is not to be used for payment of
9 administrative expenses of the department shall be transferred within 30 days after the end of the
10 quarter.

11 (c) Moneys received from the issuance of winter recreation parking permits that is not used for
12 payment of administrative expenses of the department shall be transferred within 30 days after the
13 end of the quarter.

14 (7) The following moneys transferred to the State Highway Fund under this section may be used
15 only for the purposes described as follows:

16 (a) Moneys collected from the issuance of winter recreation parking permits, and the interest
17 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and
18 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-
19 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

20 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170
21 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-
22 tion;

23 (B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

24 (C) Be carried over to be used in subsequent years for the purposes and in the manner described
25 in this paragraph.

26 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 may be used for
27 development and maintenance of multiuse trails within urban growth boundaries described in ORS
28 367.017 or for the development and maintenance of snowmobile facilities, including the acquisition
29 of land therefor by any means other than the exercise of eminent domain. Moneys received under
30 ORS 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140,
31 821.150, 821.190, 821.210 and 821.240 to 821.290.

32 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-
33 rate from other moneys described in this section. From the account, the department may pay for the
34 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency
35 cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund.
36 The department shall at all times be accountable for the amount of the account, either in cash or
37 unreimbursed items and advances. The moneys in the account are continuously appropriated for the
38 purposes of this subsection. The amount of the account under this subsection shall not exceed
39 \$40,000 from moneys received by the department in the performance of its driver and motor vehicle
40 services functions and moneys otherwise appropriated for purposes of this subsection. The account
41 under this subsection shall be kept on deposit with the State Treasurer. The State Treasurer is au-
42 thorized to honor and pay all properly signed and indorsed checks or warrants drawn against the
43 account.

44 **SECTION 12.** ORS 802.160 is amended to read:

45 802.160. The fees collected under ORS 807.370 **and section 5 of this 2013 Act** for the rein-

1 statement of suspended and revoked driving privileges shall be applied by the Department of
2 Transportation to the cost of preparing and serving notices of suspension or revocation and to the
3 cost of administering the driver improvement program authorized under ORS 809.480.

4 **SECTION 13.** ORS 807.375 is amended to read:

5 807.375. (1) In addition to any fee imposed under ORS 807.370 and 807.410 **or section 5 of this**
6 **2013 Act**, the Department of Transportation may impose a fee for each driver license, driver
7 permit, **driver card** and identification card that is issued, renewed or replaced, for the purpose of
8 covering the costs of purchasing equipment and establishing and maintaining a database used for
9 collecting and verifying biometric data.

10 (2) A fee imposed under this section may not be more than \$3 per driver license, driver
11 permit, **driver card** or identification card.

12
