

A-Engrossed
Senate Bill 57

Ordered by the Senate May 6
Including Senate Amendments dated May 6

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown 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.

Modifies laws related to transportation.
[Repeals *Habitual Traffic Offenders Act.*]
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 802.010, 802.112, 802.200, 802.210,
3 803.045, 803.360, 803.460, 803.565, 803.600, 803.602, 806.050, 806.150, 806.180, 806.220, 806.240,
4 806.245, 806.300, 807.130, 807.140, 807.160, 807.400, 807.480, 807.560, 809.090, 809.380, 809.415,
5 809.416, 809.430, 809.450, 811.180, 811.725, 811.735, 813.410 and 826.031; repealing ORS 806.160;
6 and declaring an emergency.

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

8
9 **MOTOR VEHICLE INSURANCE**

10
11 **SECTION 1.** ORS 806.150 is amended to read:

12 806.150. The Department of Transportation shall *[provide]* **establish by rule** a program *[of ver-*
13 *ification of compliance]* **to verify compliance** with **the** financial responsibility requirements *[under*
14 *ORS 803.460 and 806.010]* **of operating a motor vehicle in this state.** The program established
15 *[by the department]* under this section shall comply with all of the following:

16 *[(1) The verification shall be based on motor vehicles registered in this state.]*

17 *[(2)]* **(1)** The department may select vehicles **registered in this state** for verification when the
18 department considers the selection necessary or appropriate. The department may emphasize¹, *in*
19 *accordance with rules adopted by the department,*] verification of vehicles registered to individuals
20 who:

21 (a) Have been convicted of violating ORS 806.010;

22 (b) Have *[submitted certifications]* **provided proof** of compliance with financial responsibility re-
23 quirements that *[have]* **has** been previously found to be *[incorrect]* **not correct**; or

24 (c) The department has reasonable grounds to believe are not in compliance with financial re-
25 sponsibility requirements.

26 *[(3) When a vehicle is selected for verification under this section, the department shall mail a letter*

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 and certification form described under ORS 806.180 to the registered owner of the vehicle notifying the
2 owner that the vehicle has been selected for verification and requiring the owner to respond within 30
3 days and certify that the owner is in compliance with financial responsibility requirements as of the
4 date of the letter. In addition, the department may seek verification by communicating directly with an
5 insurer or its designee.]

6 [(4) Failure of an owner either to return the certification of compliance with financial responsibility
7 requirements to the department within 30 days after mailing by the department or to certify compliance
8 as of the date of the letter, or a determination by the department that a certification is not accurate
9 constitutes reasonable grounds for the department to proceed with a demand for verification under ORS
10 806.160.]

11 [(5) The department shall investigate all certifications returned to the department under this section
12 as follows:]

13 **(2) When a vehicle is selected for verification under this section, the department shall**
14 **provide a notice of verification to the registered owner of the vehicle. The notice of verifi-**
15 **cation must:**

16 **(a) Inform the owner that the vehicle has been selected for verification; and**

17 **(b) Require the owner to provide proof of compliance with financial responsibility re-**
18 **quirements within the time specified by the department by rule.**

19 [(a)] **(3) [If the owner certifies the existence of insurance described under ORS 806.080,] After the**
20 **department receives proof of compliance from a registered owner as required under sub-**
21 **section (2) of this section, the department shall forward the [certification] proof of compliance**
22 **to the listed insurer, or use other means, to determine whether the [certification] proof of compli-**
23 **ance is correct. An insurer shall notify the department if the [certification] proof of compliance**
24 **is not correct within the time specified by the department by rule.**

25 [(b) The department may also determine the correctness of certifications of other means of satisfying
26 financial responsibility requirements for the vehicle.]

27 [(6)] **(4) [No] Civil liability [shall] does not** accrue to the insurer or any of its employees for
28 reports made to the department under this section when the reports are made in good faith based
29 on the most recent information available to the insurer.

30 **SECTION 2. ORS 806.050 is amended to read:**

31 806.050. (1) A person commits the offense of falsification of financial responsibility if the person
32 does any of the following:

33 (a) Forges or, without authority, signs any evidence of proof of compliance with financial re-
34 sponsibility requirements.

35 (b) Files or offers for filing any evidence of proof of compliance with financial responsibility
36 requirements knowing or having reason to believe that the proof of **compliance** is forged or signed
37 without authority.

38 (c) Knowingly certifies falsely to the existence of motor vehicle liability insurance meeting the
39 requirements under ORS 806.080 or some other means of satisfying the financial responsibility re-
40 quirements or making a financial responsibility filing.

41 (2) A denial of coverage, signed by an officer or agent of an insurer, returned to the Department
42 of Transportation after inquiry from the department as to [the accuracy of a certification of] the ex-
43 istence of liability insurance under ORS 806.150 or 811.725 is prima facie evidence of false certi-
44 fication.

45 (3) Any person convicted of knowingly certifying falsely to the existence of motor vehicle li-

1 ability insurance or to the existence of some other means of satisfying the financial responsibility
2 requirements shall be imprisoned for no less than three consecutive days. In no case shall the exe-
3 cution of the punishment imposed by this section be suspended by the court, nor shall any person
4 subject to such punishment be sentenced to probation by the court.

5 (4) A person who is convicted for violation of this section is subject to ORS 806.230 if the person
6 does not make future responsibility filings as required by that section.

7 (5) The offense described in this section, falsification of financial responsibility, is a Class B
8 misdemeanor except that violation of subsection (1)(c) of this section is a Class A misdemeanor.

9 **SECTION 3.** ORS 806.180 is amended to read:

10 806.180. A person who is required[,] under ORS 803.460 or 811.725[,] to [*certify*] **provide proof**
11 **of compliance** with financial responsibility requirements shall [*comply with the following*]:

12 [(1) *The person shall*] certify **proof of compliance** in a manner prescribed by the Department
13 of Transportation[,] **by rule and**

14 [(2) *The applicant*] shall provide any information that the department requires.

15 [(3) *If the person certified the existence of a motor vehicle liability insurance policy described under*
16 *ORS 806.080, the person shall report at least the following information*:]

17 [(a) *The name of the insurer issuing the policy; and*]

18 [(b) *The policy number, insurance producer's binder number or any other number that identifies*
19 *the policy*.]

20 **SECTION 4.** ORS 806.220 is amended to read:

21 806.220. (1) A person commits the offense of failure to make future responsibility filing after
22 failing verification if the person **does not**:

23 (a) [*Is unable to*] Provide satisfactory proof of compliance with financial responsibility require-
24 ments [*as of the date*] **within the time specified by the Department of Transportation by rule**
25 **under ORS 806.150** [*of the letter of verification from the Department of Transportation under ORS*
26 *806.150 upon the demand of the department under ORS 806.160 within the time required by that*
27 *section*]; and

28 (b) [*Does not,*] Within 60 days after the date [*of the mailing of the demand by the department*
29 *under ORS 806.160*] **the department sent the notice of verification under ORS 806.150**, make a
30 future responsibility filing.

31 (2) The offense described in this section, failure to make future responsibility filing after failing
32 verification, is a Class B traffic violation.

33 **SECTION 5.** ORS 806.240 is amended to read:

34 806.240. Future responsibility filings required by ORS 806.200, 806.220 or 806.230 or by any other
35 law of this state are subject to all of the following:

36 (1) Except as provided in subsection (3) of this section, the person required to make the filing
37 must file with the Department of Transportation, or have filed with the department for the benefit
38 of the person, **proof of compliance** that meets the requirements of this section and must maintain
39 the **proof of compliance** as required under ORS 806.245. The filing is made on the date it is received
40 by the department if it is received during regular business hours.

41 (2) The **proof of compliance** filed under subsection (1) of this section must be:

42 (a) A certificate or certificates of insurance that meet the requirements under ORS 806.270; or

43 (b) A valid certificate of self-insurance issued by the department under ORS 806.130.

44 (3) The owner of a motor vehicle may make a future responsibility filing under this section on
45 behalf of the owner's employee or a member of the owner's immediate family or household in lieu

1 of the filing being made by the person. Filing under this subsection permits the person on whose
2 behalf the filing is made to operate only a motor vehicle covered by the proof **of compliance** given
3 in the filing. The department shall endorse restrictions, as appropriate, on any license or driver
4 permit the person holds as the department determines necessary to limit the person's ability to op-
5 erate vehicles consistent with this subsection.

6 (4) Whenever proof **of compliance** filed under this section no longer meets the requirements of
7 this section, the department shall require the furnishing of other proof **of compliance** for the future
8 responsibility filing. If other proof **of compliance** is not furnished, the department shall suspend the
9 driving privileges of the person as provided under ORS 809.415 or, if applicable, any registration as
10 provided under ORS 809.050.

11 **SECTION 6.** ORS 806.245 is amended to read:

12 806.245. A termination of the requirement to maintain a future responsibility filing does not re-
13 move a person's responsibility to comply with financial responsibility requirements. The Department
14 of Transportation shall terminate requirements for a future responsibility filing when any of the
15 following occurs:

16 (1) The person on whose behalf the filing was made dies.

17 (2) More than three years have passed from the date the filing was required.

18 (3) A person on whose behalf the filing was made requests termination and either:

19 (a) The person was required to file because of an error committed by the department; or

20 (b) The person was required to file because of an error committed by an insurance company in
21 notifying the department regarding the correctness of [*a certification*] **proof of compliance with**
22 **financial responsibility requirements provided** under ORS 806.150.

23 (4) A person who was required to file **under ORS 806.150** [*because of failure to respond to a*
24 *department demand under ORS 806.160*] requests termination and the department determines either:

25 (a) That the person was in fact in compliance with financial responsibility requirements as of
26 the date [*of the department's letter of verification*] **specified by the department by rule** under ORS
27 806.150; or

28 (b) That the person reasonably and in good faith believed that the person was in compliance
29 with financial responsibility requirements on the date [*of the department's letter of verification*]
30 **specified by the department by rule under ORS 806.150.**

31 (5) A person who was required to file because of failure to prove under ORS 806.210 that the
32 person was in compliance with financial responsibility requirements requests termination and the
33 department determines either:

34 (a) That the person was in fact in compliance with financial responsibility requirements at the
35 time of the accident; or

36 (b) That the person reasonably and in good faith believed that the person was in compliance
37 with financial responsibility requirements at the time of the accident.

38 (6) A person's hardship permit expires and the filing was required only for issuance of the
39 hardship permit under ORS 807.240.

40 **SECTION 7.** ORS 806.300 is amended to read:

41 806.300. (1) A person commits the offense of failure to surrender license and registration on
42 cancellation of future responsibility filing if the person does not immediately return the person's li-
43 cense or driver permit and registration to the Department of Transportation when any of the fol-
44 lowing occur:

45 (a) A policy of insurance required under ORS 806.240 is canceled or terminated.

1 (b) The person neglects to furnish other proof **of compliance** for a future responsibility filing
2 upon request of the department.

3 (2) If any person fails to return to the department the license, driver permit or registration, the
4 department may request any peace officer to secure possession thereof and return it to the depart-
5 ment.

6 (3) The offense described in this section, failure to surrender license and registration on can-
7 cellation of future responsibility filing, is a Class C misdemeanor.

8 **SECTION 8.** ORS 802.010 is amended to read:

9 802.010. (1) The Department of Transportation shall perform all of the duties, functions and
10 powers with respect to the following:

11 (a) The administration of the laws relating to the motor vehicle fuel license tax, aircraft fuel
12 license tax and use fuel license tax including ORS chapter 319.

13 (b) The administration of the laws relating to motor vehicle registration and titling and the is-
14 suance of certificates to vehicle dealers and dismantlers including but not limited to the adminis-
15 tration of the vehicle code.

16 (c) The administration of the laws relating to driving privileges granted under licenses and
17 permits and under the vehicle code.

18 (d) The administration of the laws relating to operation of vehicles on highways and of vehicle
19 size, weight and use limits under the vehicle code.

20 (e) The administration of ORS 820.130 and 820.140.

21 (f) The administration of the provisions relating to proof of **compliance with** financial respon-
22 sibility **requirements** and future responsibility filings.

23 (2) The Director of Transportation shall act as a reciprocity officer for the purposes of ORS
24 802.500 and 802.520.

25 (3) The director shall have the authority to execute or make such arrangements, agreements or
26 declarations to carry out the provisions of ORS 802.500 and 802.520. The director shall receive no
27 additional compensation for service performed under this subsection but shall be allowed actual and
28 necessary expenses incurred in the performance of the duties to be paid from the account of the
29 department.

30 **SECTION 9.** ORS 803.460 is amended to read:

31 803.460. The Department of Transportation shall not renew the registration of a motor vehicle
32 unless one of the following occurs:

33 (1) The owner of the vehicle [*certifies*] **provides proof of** compliance with financial responsibility
34 requirements for the vehicle and certifies that the owner will remain in compliance with the re-
35 quirements for the term of the registration or until the vehicle is sold. This subsection does not
36 apply if a renewal of registration is accompanied by an application for transfer of title arising from
37 the sale of the vehicle. Exemptions from this subsection are established in ORS 806.020. The form
38 of [*certification*] **proof of compliance** required for this subsection shall be as required under ORS
39 806.180.

40 (2) The department receives satisfactory proof of compliance with financial responsibility re-
41 quirements by some means other than the [*certification*] **the means** described in subsection (1) of
42 this section. The department may determine by rule what constitutes satisfactory proof **of compli-**
43 **ance with financial responsibility requirements** for purposes of this subsection.

44 **SECTION 10.** ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is
45 amended to read:

1 809.380. All of the following apply to a person whose driving privileges have been suspended:

2 (1) The period of suspension shall last as long as provided for that particular suspension by law.

3 (2) During the period of suspension, the person is not entitled to exercise any driving privileges
4 in this state except as provided under this subsection. Unless otherwise specifically provided by law,
5 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship
6 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

7 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-
8 quest of the person, the suspended driving privileges and any license or driver permit that evidences
9 the driving privileges. The reissuance shall be without requalification by the person except that the
10 department may require the person to furnish evidence satisfactory to the department that the per-
11 son is qualified to continue to exercise driving privileges in this state before the department reissues
12 the driving privileges.

13 (4) The department may not issue any driving privileges in contradiction to this section.

14 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
15 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
16 809.500.

17 (6) No reinstatement of suspended driving privileges will be made by the department until the
18 fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or
19 waived by the department. The department may waive the reinstatement fee for any of the following
20 reasons:

21 (a) The suspension occurred under ORS 809.419 for failure to take an examination upon request
22 of the department under ORS 807.340.

23 (b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance
24 upon request of the department under ORS 807.070 or 807.090.

25 (c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or
26 having a mental or physical condition or impairment that affects the person's ability to safely op-
27 erate a motor vehicle.

28 (d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a
29 hospital under ORS 807.700 that a person should not drive.

30 (e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375
31 that a person charged with a traffic offense has been found guilty except for insanity.

32 (f) The department committed an error in issuing the suspension.

33 (g) The suspension was the result of an error committed by an insurance company in issuing or
34 failing to issue a certification of insurance or in canceling a certification of insurance filed with the
35 department under ORS 806.270.

36 (h) The department issued the suspension without error because the person failed to respond as
37 required under ORS [806.160] **806.150** or to furnish proof of exemption under ORS 806.210 from the
38 filing requirement of ORS 806.200, but the department later determines that the person in fact was
39 in compliance with financial responsibility requirements as of the date **specified by the department**
40 **by rule** [of the department's letter of verification] under ORS 806.150 or at the time of an accident
41 described in ORS 806.200.

42 (i) The department issued the suspension without error because the person was not in compli-
43 ance with financial responsibility requirements as of the date **specified by the department by rule**
44 [of the department's letter of verification] under ORS 806.150 or at the time of an accident described
45 in ORS 806.200, but the department later determines that the person reasonably and in good faith

1 believed that the person was in compliance with financial responsibility requirements on the date
2 **specified by the department by rule under ORS 806.150** [of the department's letter of verification]
3 or at the time of the accident.

4 (j) The suspension was the result of an error committed by an insurance company in notifying
5 the department regarding the correctness of [a certification] **proof of compliance with financial**
6 **responsibility requirements provided** under ORS 806.150.

7 (k) The suspension occurred because the person failed to make future responsibility filings but
8 the department later determines that the reason for the failure was that the person was a military
9 reservist or a member of a national guard unit that was ordered to active military duty to a location
10 outside of the United States. The effective date of the military orders must be prior to the effective
11 date of a suspension issued by the department for failure to make a future responsibility filing.

12 (L) The department issued the suspension without error because the department received a no-
13 tice to suspend from a court under ORS 809.210 or 809.220, but the department later determines that
14 the person in fact was in compliance with the requirements of the court prior to the effective date
15 of the suspension.

16 **SECTION 11.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is
17 amended to read:

18 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
19 who has a judgment of the type described under ORS 806.040 rendered against the person if the
20 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
21 its entry.

22 (b) A suspension under this subsection shall continue until the person does one of the following:

23 (A) Settles the judgment in the manner described in ORS 809.470.

24 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,
25 provided that there has been no final adjudication by a court that the insurer has no such obli-
26 gation.

27 (C) Gives evidence to the department that a period of seven years has elapsed since the entry
28 of the judgment.

29 (D) Receives from the court that rendered the judgment an order permitting the payment of the
30 judgment in installments.

31 (c) A person is entitled to administrative review under ORS 809.440 of a suspension under this
32 subsection.

33 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the
34 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-
35 isfying financial responsibility requirements or of a person who, after certifying the existence of a
36 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
37 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
38 bility requirements.

39 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this
40 subsection only if proof of compliance with financial responsibility requirements as of the date
41 **specified by the department by rule** [of the letter of verification from the department] under ORS
42 806.150 is not submitted within [30 days after the date of the mailing of the department's demand un-
43 der ORS 806.160] **the time specified by the department by rule under this section.**

44 (c) A suspension under this subsection shall continue until the person complies with future re-
45 sponsibility filings.

1 (3)(a) The department shall suspend the driving privileges of a person who fails to comply with
2 future responsibility filings whenever required under the vehicle code or fails to provide new proof
3 **of compliance** for future responsibility filings when requested by the department.

4 (b) A suspension under this subsection shall continue until the person complies with future re-
5 sponsibility filings.

6 (c) A person whose initial obligation to make future responsibility filings is not based upon a
7 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
8 sion under this subsection. A person whose obligation to make future responsibility filings is based
9 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
10 of a suspension under this subsection. A person whose suspension under this subsection is based on
11 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
12 809.440.

13 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
14 suspension shall continue until the earlier of the following:

15 (A) The person establishes to the satisfaction of the department that the person has performed
16 all acts necessary under ORS 809.416 to make the person not subject to suspension.

17 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
18 pension is imposed for a reason described in ORS 809.416 (1) or 20 years from the date the traffic
19 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2).

20 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
21 subsection.

22 (5) Upon determination by the department that a person has committed an act that constitutes
23 an offense described in ORS 809.310, the department may suspend any driving privileges or any
24 identification card of the person determined to have committed the act. A suspension under this
25 subsection shall continue for a period of one year.

26 (6) Upon determination by the department that a person has submitted false information to the
27 department for the purpose of establishing or maintaining qualification to operate a commercial
28 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial
29 driving privileges or the person's right to apply for commercial driving privileges for a period of one
30 year.

31 **SECTION 12.** ORS 809.450 is amended to read:

32 809.450. (1) If a person whose driving privileges have been suspended for one of the reasons
33 specified in subsection (2) of this section requests that the suspension be rescinded and specifies the
34 reason for the request, the Department of Transportation may provide a hearing to determine the
35 validity of the suspension. The department may rescind a suspension only as provided in subsection
36 (3) of this section.

37 (2) This section applies to suspensions under:

38 (a) ORS 809.415 for failure to make a future responsibility filing;

39 (b) ORS 809.415 for false certification of financial responsibility requirements; and

40 (c) ORS 809.417 for involvement in a motor vehicle accident when the department has deter-
41 mined that the person has been operating a vehicle in violation of ORS 806.010.

42 (3) The granting of a hearing under this section shall not stay the suspension. However, the
43 department shall rescind the suspension if the department determines:

44 (a) That an error was committed by the department;

45 (b) That the person in fact was in compliance with financial responsibility requirements [as of]

1 **on** the date [*of the department's letter of verification*] **specified by the department by rule** under
2 ORS 806.150;

3 (c) That an error was committed by an insurance company in notifying the department regarding
4 the correctness of [*a certification*] **proof of compliance with financial responsibility requirements**
5 **provided** under ORS 806.150;

6 (d) That the person was not in compliance with financial responsibility requirements [*as of*] **on**
7 the date [*of the department's letter of verification*] **specified by the department by rule** under ORS
8 806.150 and the department also determines that the person reasonably and in good faith believed
9 that the person was in compliance with financial responsibility requirements on the date [*of the*
10 *department's letter of verification*] **the department sent the notice of verification** and that the
11 person currently is in compliance with financial responsibility requirements; or

12 (e) That at the time of the accident the person reasonably and in good faith believed that the
13 person was in compliance with financial responsibility requirements and the person is currently in
14 compliance with financial responsibility requirements.

15 (4) The hearing shall be held in the manner provided in ORS 809.440.

16 **SECTION 13.** ORS 811.725 is amended to read:

17 811.725. (1) The driver of a vehicle commits the offense of driver failure to report an accident
18 if the driver does any of the following:

19 (a) Is driving any vehicle that is involved in an accident required to be reported under ORS
20 811.720 and does not, within 72 hours of the accident, complete a report of the accident in a form
21 approved by the Department of Transportation and submit the report to the department.

22 (b) Is driving a vehicle that is involved in an accident and does not submit to the department
23 any report required by the department that is other than or in addition to the reports required by
24 this section. The department may request a supplemental report if in the opinion of the department
25 the original report is insufficient.

26 (c) Is driving any vehicle that is involved in an accident required to be reported under ORS
27 811.720 and does not, within 72 hours of the accident, [*certify*] **provide proof of compliance with**
28 **financial responsibility requirements** to the department, in a form furnished by the department,
29 that at the time of the accident the person was in compliance with the financial responsibility re-
30 quirements.

31 (2) The [*certification*] **proof** of compliance with financial responsibility required under this sec-
32 tion is subject to the prohibitions and penalties for false certification under ORS 806.050.

33 (3) The reports described under this section are subject to the provisions of ORS 802.220 and
34 802.240 relating to the use of such reports after submission. Exemptions from requirements to
35 [*certify*] **provide proof of** compliance with financial responsibility are established under ORS
36 806.020.

37 (4) A driver may be required to file additional accident reports with a city as provided under
38 ORS 801.040.

39 (5) The offense described in this section, driver failure to report an accident, is a Class B traffic
40 violation.

41 **SECTION 14.** ORS 811.735 is amended to read:

42 811.735. (1) A person commits the offense of failure of a vehicle occupant to make an accident
43 report if:

44 (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is
45 involved in an accident required to be reported under ORS 811.720;

1 (b) The driver of the vehicle is physically incapable of making an accident report required under
2 ORS 811.725; and

3 (c) The occupant does not make the accident report or cause the accident report to be made.

4 (2) This section does not require an occupant of a vehicle who is not a driver to [*make any*
5 *certification*] **provide proof** of compliance with financial responsibility requirements.

6 (3) The offense described in this section, failure of a vehicle occupant to make an accident re-
7 port, is a Class B traffic violation.

8 **SECTION 15.** ORS 826.031 is amended to read:

9 826.031. (1) The owner of a vehicle that is subject to the tax imposed under ORS 825.474 and
10 that is not registered under the proportional registration provisions of this chapter and is not reg-
11 istered in any other jurisdiction shall register the vehicle with the Department of Transportation if
12 the vehicle is to be operated in this state. Registration under this section is in lieu of registration
13 under ORS chapter 803.

14 (2) The department shall determine the form of application for registration and renewal of reg-
15 istration and may require any information that it determines necessary to facilitate the registration
16 process.

17 (3) A vehicle registered under this section is subject to the insurance requirements of ORS
18 825.160 and not to the financial responsibility requirements of ORS chapter 806. [*Certification*] **Proof**
19 of compliance with financial responsibility requirements as specified in ORS 803.460 is not required
20 for renewal of registration of a vehicle under this section.

21 (4) A vehicle registered under this section shall be deemed to be fully registered in this state
22 for any type of movement or operation, except that in those instances in which a grant of authority
23 is required for intrastate movement or operation, no such vehicle shall be operated in intrastate
24 commerce in this state unless the owner thereof has been granted intrastate authority or right by
25 the department and unless the vehicle is being operated in conformity with such authority and
26 rights.

27 (5) A vehicle may be registered under this section prior to a certificate of title being issued for
28 the vehicle but nothing in this section affects any requirement that a certificate of title be issued.

29
30 **CHANGE OF ADDRESS**

31
32 **SECTION 16.** ORS 807.160 is amended to read:

33 807.160. (1) The Department of Transportation shall establish by rule the reasons for issuing a
34 replacement driver license or driver permit to a person who submits an application for the re-
35 placement. The reasons for replacement shall include, but are not limited to, situations when the
36 person:

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

39 (b) Changes residence address from the address noted on the person's driver license or driver
40 permit **or the department's records.**

41 (c) Is a corrections officer or an eligible employee who has requested, in accordance with ORS
42 802.250 or 802.253, that department records show the address of the person's employer.

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

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

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

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

5 (h) Furnishes proof satisfactory to the department that, for a reason identified by the department
6 by rule, the person needs a replacement driver license or driver permit that bears a different dis-
7 tinguishing number from the license or permit being replaced.

8 (i) Furnishes proof satisfactory to the department that the person is a veteran, as defined in ORS
9 408.225, and the person requests a replacement driver license that includes the fact that the person
10 is a veteran.

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

14 [(3)] (2) A replacement driver license or driver permit issued under this section:

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

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

21 [(4)] (3) Except for driver permits for which the department does not charge an issuance fee, the
22 department shall charge the fee under ORS 807.370 for a replacement license or driver permit issued
23 under this section. The replacement fee is in addition to any endorsement or test fee that may apply.
24 The department may waive the replacement fee as provided under ORS 807.390.

25 [(5)] (4) The driver license or driver permit replaced under this section is invalid and shall be
26 surrendered to the department.

27 [(6)] (5) The department may not issue a replacement driver license or driver permit under this
28 section if:

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

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

33 [(7)] (6) The department need not issue a replacement driver license or driver permit to a person
34 who has not complied with the requirements and responsibilities created by citation for or con-
35 viction of a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the
36 department to withhold issuance of a replacement license or permit.

37 **SECTION 17.** ORS 807.560 is amended to read:

38 807.560. (1) A person to whom a license or driver permit is issued commits the offense of failure
39 to notify upon change of driver address or name if the person does not notify the Department of
40 Transportation in a manner authorized by the department by rule upon any change of the person's:

41 (a) Residence **address** from that noted on the person's license or driver permit as issued **or on**
42 **the department's records;**

43 (b) Name from that noted on the person's license or driver permit as issued, including a change
44 of name by marriage; or

45 (c) Place of employment, if the person is a corrections officer, as provided in ORS 802.253, or

1 an eligible employee, as defined in ORS 802.250, whose place of employment address is noted on
2 department records in accordance with ORS 802.250 or 802.253.

3 (2) Notice required under this section:

4 (a) Must be given within 30 days of change of driver address or name.

5 (b) Must be given in person for a change of name.

6 (3) **The department shall note on its records any change reported to the department un-**
7 **der this section.**

8 [(3)] (4) Failure to notify upon change of driver address or name is a Class D traffic violation.

9
10 **VEHICLE TITLES**

11
12 **SECTION 18.** ORS 803.045 is amended to read:

13 803.045. (1) The Department of Transportation shall issue title for a vehicle if the applicant and
14 the vehicle meet the following qualifications:

15 (a) The applicant must satisfy the department that the applicant is the owner of the vehicle and
16 is otherwise entitled to have title issued in the applicant's name.

17 (b) Except as otherwise provided in ORS 803.050 (2), the applicant must submit a completed and
18 signed application for title described in ORS 803.050.

19 (c) The applicant must pay the fee for issuance of a certificate of title under ORS 803.090 or the
20 fee for issuance of title in another form, as established by the department by rule in accordance with
21 ORS 803.012.

22 (d) If the vehicle is a reconstructed vehicle or an assembled vehicle, the applicant must provide
23 the following information in addition to any other information required under this section:

24 (A) The certificate of title last issued for the frame of the vehicle, a salvage title certificate is-
25 sued for the vehicle or other evidence of ownership satisfactory to the department.

26 (B) Bills of sale for major components used to build the vehicle.

27 (e) If the vehicle is covered by an Oregon title or salvage title certificate, the applicant shall
28 surrender the Oregon title or salvage title certificate, submit an application as provided under ORS
29 803.065 or submit other evidence of ownership satisfactory to the department.

30 (f) Unless the department adopts rules to the contrary, if the vehicle is from another jurisdic-
31 tion, the applicant shall surrender to the department with the application the certificate of title is-
32 sued by the other jurisdiction, if such jurisdiction requires certificates of title. If such jurisdiction
33 does not require certificates of title, then the applicant shall surrender the registration cards.

34 (g) If required by the department, the applicant must submit proof of ownership as described
35 under ORS 803.205.

36 (h) Other than a racing activity vehicle as defined in ORS 801.404, if the department has reason
37 to believe a vehicle was not certified by the original manufacturer as conforming to federal vehicle
38 standards, the department may require the applicant to provide proof satisfactory to the department
39 that the vehicle conforms to federal vehicle standards.

40 (i) Unless the vehicle is exempted from odometer disclosure requirements, the applicant shall
41 submit an appropriate odometer disclosure form. The department shall determine what constitutes
42 an appropriate form in any particular situation. The department may make exceptions by rule to the
43 requirement for submission of an odometer disclosure form.

44 (2)(a) The department may not issue title for a vehicle:

45 (A) Required by ORS 803.210 to be inspected unless the vehicle has been inspected as described

1 in ORS 803.212 and the inspection fee paid under ORS 803.215.

2 (B) If the current vehicle title, certificate, [or] ownership document **or the vehicle record**
3 **available through electronic record inquiry:**

4 (i) **Has a junk status;**

5 (ii) Is a junk title, junk certificate or similar ownership document issued by another
6 jurisdiction[,]; or

7 (iii) Has a junk or similar brand or notation.

8 (b) The department may adopt any rules it considers necessary for the administration of this
9 subsection.

10
11 **OUT-OF-STATE DRIVING RECORDS**

12
13 **SECTION 19.** ORS 802.200 is amended to read:

14 802.200. In addition to any other records the Department of Transportation may establish, the
15 department is subject to the following provisions concerning records:

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

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

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

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

24 (C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

2 (B) The name of the vehicle owner;

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

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

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

9 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
10 records required under this subsection shall include the following information about persons issued
11 dealer certificates:

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

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

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

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

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

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

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

25 (a) An index by name and number.

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

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

28 (d) All driver licenses or driver permits that have been suspended, [or] revoked **or canceled**.

29 (e) For each driver license, driver permit or identification card, the Social Security number of
30 the person to whom the driver license, driver permit or identification card is issued or proof that
31 the person is not eligible for a Social Security number.

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

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**
41 **vehicle code. The department shall establish rules for maintaining driving records under this**
42 **subsection.[:]**

43 [(A) *Every person who is granted driving privileges under a driver license, driver permit or a*
44 *statutory grant of driving privileges under ORS 807.020;*]

45 [(B) *Every person whose driving privileges have been suspended, revoked or canceled under this*

1 *vehicle code;*]

2 [(C) *Every person who has filed an accident report under ORS 811.725 or 811.730; and]*

3 [(D) *Every person who is required to provide future responsibility filings under ORS 806.200,*
4 *806.220, 806.230 or 806.240.*]

5 (b) In addition to other information required by this paragraph, the employment driving record
6 shall include all reports of drug test results that are made to the department under ORS 825.410 or
7 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-
8 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in
9 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle
10 accidents that the person is required to report under ORS 811.720, all suspensions of driving privi-
11 leges required to be placed on the record under ORS 809.280, all suspensions of the person's com-
12 mercial driving privileges that result from operation or use of a commercial motor vehicle and all
13 convictions, **as determined by the department by rule**, of the person for violation of motor vehi-
14 cle laws except convictions for offenses requiring mandatory revocation or suspension of driving
15 privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such
16 accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

19 (B) Carrying persons or property for compensation;

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

23 (D) That is an authorized emergency vehicle;

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

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

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

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

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

31 (C) **Judgments and convictions, as determined by the department by rule**, for violation of
32 the motor vehicle laws [*other than those included in the employment driving record*] including, for
33 each violation of ORS 811.100 or 811.111, the speed at which the person was convicted of traveling
34 and the posted speed, the speed limit or the speed that constitutes prima facie evidence of violation
35 of the basic speed rule, as appropriate; and

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

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

40 (e) When a person [*from another jurisdiction applies for a*] **is issued** a driver license or driver
41 permit [*issued*] by this state, the department [*shall*] **may** request a copy of [*the person's*] driving
42 [*record*] **records that exist for the person in any** [*from the*] other jurisdiction. [*At the time the*
43 *person is issued a license in Oregon, the record from the other jurisdiction shall become part of the*
44 *driver's record in this state with the same force and effect as though entered on the driver's record in*
45 *this state in the original instance.*] The department [*by rule may specify methods for converting*] **shall**

1 **adopt rules specifying when the department may request driving records from other juris-**
2 **dictions and may apply** entries from out-of-state records for use in Oregon.

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

7 (g) The Department of Transportation, in consultation with the Department of State Police, shall
8 devise and implement a method of noting suspensions and revocations of driving privileges on the
9 record in such a way that police agencies can determine directly from the record what class of of-
10 fense, as provided by law, is committed by a person who drives in violation of the suspension or
11 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
12 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
13 vocation and the consequences of its violation, the implementation of that method shall satisfy the
14 duty of the Department of Transportation under this paragraph.

15 *[(10) The Department of Transportation shall maintain records of judgments or convictions sent to*
16 *the department under ORS 810.375.]*

17 *[(11)]* (10) The department shall maintain accident reports filed with the department under ORS
18 810.460 and 811.725 to 811.735.

19 *[(12)]* (11) The department shall maintain records of bank checks or money orders returned un-
20 der ORS 802.110.

21 *[(13)]* (12) The department shall maintain records of trip permits issued by the department under
22 ORS 803.600, as provided under this subsection. The records required by this subsection shall in-
23 clude the following:

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

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

26 (c) When the permit was issued.

27 (d) The type of permit issued.

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

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

31
32 **NOTICE OF EXPIRATION OF DRIVER LICENSES**
33 **OR IDENTIFICATION CARDS**
34

35 **SECTION 20.** ORS 807.140 is amended to read:

36 807.140. (1) Before the expiration of any license or a license with an endorsement under the
37 vehicle code, the Department of Transportation shall notify the person to whom the license was is-
38 sued of the approaching expiration. Within a reasonable time prior to the expiration date, *[the notice*
39 *shall be mailed to the person to whom the license was issued at the address shown in the files main-*
40 *tained by]* the department **shall notify the person to whom the license was issued in the manner**
41 **determined by the department by rule.**

42 (2) The department is not required to notify the person of an approaching expiration if the
43 person's license has been suspended, canceled or revoked or if the person has failed to notify the
44 department of a change of address as required under ORS 807.560.

45 (3) Notwithstanding subsection (1) of this section, the department is not required to notify the

1 person of an approaching expiration if the person received a limited term driver license, limited term
2 commercial driver license, limited term driver permit, limited term commercial learner driver permit
3 or limited term identification card under ORS 807.730 for a period of less than one year.

4 (4) Failure to receive a notice of expiration from the department is not a defense to a charge
5 of driving with an expired license. However, the court may dismiss the charge if the person renews
6 the license before the scheduled court appearance.

7 (5) The department's responsibility to maintain records concerning notice under this section is
8 as provided under ORS 802.210.

9 **SECTION 21.** ORS 802.210 is amended to read:

10 802.210. The Department of Transportation is not required to maintain records on any of the
11 following:

12 (1) The preparation and [*sending of notices*] **notification** required on approaching expiration of
13 registration under ORS 803.450.

14 (2) The preparation and [*mailing of notices*] **notification** required on approaching expiration of
15 driver license or driver permit under ORS 807.140.

16
17 **REQUEST FOR IMPLIED CONSENT HEARINGS**

18
19 **SECTION 22.** ORS 813.410 is amended to read:

20 813.410. (1) If the Department of Transportation receives from a police officer a report that is
21 in substantial compliance with ORS 813.120, the department shall suspend the driving privileges of
22 the person in this state on the 30th day after the date of arrest or, if the report indicates that the
23 person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described
24 under this section, the department determines that the suspension would not be valid as described
25 in this section. A suspension of driving privileges imposed under this subsection shall be for a period
26 of time established under ORS 813.420.

27 (2) If the department receives from a police officer a report [*pursuant to*] **under** ORS 813.120 and
28 the person holds commercial driving privileges and the person was driving a motor vehicle or com-
29 mercial motor vehicle and refused to submit to a test under ORS 813.100 or the person was driving
30 a commercial motor vehicle and submitted to a breath or blood test and the person's blood, as shown
31 by the test, had 0.04 percent or more by weight of alcohol, the department shall suspend the person's
32 commercial driving privileges on the 30th day after the date of arrest or, if the report indicates that
33 the person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing de-
34 scribed under this section, the department determines that the suspension would not be valid as
35 described in this section. A commercial driving privileges suspension imposed under this subsection
36 shall be for a period of time established under ORS 809.510 or 809.520.

37 (3) If within 10 days from the date of arrest, or, if the person fails a blood test, within 10 days
38 from the date the department sends notice of suspension, the department receives a [*written*] request
39 for a hearing from a person whose driving privileges or commercial driving privileges the depart-
40 ment proposes to suspend under this section, the department shall provide a hearing in accordance
41 with this section. **The person shall request a hearing in the form and manner prescribed by**
42 **the department by rule.** Except as otherwise provided under this section, a hearing held by the
43 department under this section [*shall be*] **is** subject to the provisions for contested cases, other than
44 appeal provisions, under ORS chapter 183. The applicable appeal provisions are as provided under
45 ORS 813.450 and section 24, chapter 672, Oregon Laws 1985. Notwithstanding ORS 809.430, the de-

1 partment is not required to give any notice of intent to suspend or suspension in addition to that
2 provided under ORS 813.100.

3 (4) Except as provided in subsection (5) of this section, a hearing required by this section is
4 subject to all of the following:

5 (a) The hearing shall be conducted by an administrative law judge assigned from the Office of
6 Administrative Hearings established under ORS 183.605.

7 (b) The administrative law judge shall conduct the hearing by telephone or other two-way elec-
8 tronic communication device.

9 (c) The department may authorize the administrative law judge to issue a final order in any
10 case.

11 (d) A person who requests a hearing under this section and who fails, without just cause, to
12 appear personally or through an attorney waives the right to a hearing. If a person waives a right
13 to a hearing under this paragraph, the department is not required to make any showing at hearing.

14 (e) Except as provided in ORS 813.440 or upon remand under ORS 813.450, the department shall
15 hold the hearing and issue a final order within 30 days of the date of the arrest or, if the person fails
16 a blood test, within 60 days from the date the department received the report of the failure.

17 (f) In connection with the hearing, the department or its authorized representative may admin-
18 ister oaths and shall issue subpoenas for the appearance of witnesses by telephone or other two-way
19 electronic communication device at the hearing requested by the person or the department and the
20 production of relevant documents.

21 (g) The hearing shall be recorded by whatever means may be determined by the department and
22 shall include testimony and exhibits, if any. The record of the proceedings may not be transcribed
23 unless requested by a party to the proceeding.

24 (5)(a) A person or a police officer may request that a hearing required by this section be con-
25 ducted in person.

26 (b) The department, by rule, shall establish the manner and time limitation requirements by
27 which a person or a police officer may request that a hearing be conducted in person.

28 (c) Unless there is an agreement between the person and the department that the hearing be
29 conducted elsewhere, a hearing requested under this subsection shall be held either in the county
30 where the alleged offense occurred or at any place within 100 miles of the place where the offense
31 is alleged to have occurred, as established by the department by rule.

32 (d) In connection with the hearing, the department or its authorized representative may admin-
33 ister oaths and shall issue subpoenas for the attendance of witnesses at the hearing requested under
34 this subsection by the person and the production of relevant documents.

35 (6) This subsection shall be narrowly construed so as to effect the legislative purpose of limiting
36 the scope of hearings under this section. The scope of a hearing under this section shall be limited
37 to whether the suspension is valid as described in this subsection. A suspension under this section
38 is valid if all of the following requirements have been met:

39 (a) The person, at the time the person was requested to submit to a test under ORS 813.100,
40 was under arrest for driving while under the influence of intoxicants in violation of ORS 813.010 or
41 a municipal ordinance.

42 (b) The police had reasonable grounds to believe, at the time the request was made, that the
43 person arrested had been driving under the influence of intoxicants in violation of ORS 813.010 or
44 of a municipal ordinance.

45 (c) The person refused a test under ORS 813.100, or took a breath or blood test and the test

1 disclosed that the level of alcohol in the person's blood at the time of the test was:

2 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

3 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

4 (C) Any amount if the person was under 21 years of age.

5 (d) If the report under ORS 813.120 indicates that the person was driving a commercial motor
6 vehicle, the vehicle was in fact a commercial motor vehicle as defined in ORS 801.208.

7 (e) The person had been informed under ORS 813.100 of rights and consequences as described
8 under ORS 813.130.

9 (f) The person was given written notice required under ORS 813.100.

10 (g) If the person arrested submitted to a test under ORS 813.100, the person administering the
11 test was qualified to administer the test under ORS 813.160.

12 (h) If the person arrested submitted to a test under ORS 813.100, the methods, procedures and
13 equipment used in the test complied with requirements under ORS 813.160.

14 (7) A suspension imposed under this section shall remain in effect pending any appeal or remand
15 of a final order issued under this section and there shall be no stay of the suspension pending appeal
16 or remand.

17 (8) Unless a person fails, without just cause, to appear personally or through an attorney at a
18 hearing requested under this section, a person shall have the right to appeal any final order by the
19 department after a hearing under this section by filing a petition. The following apply to this sub-
20 section:

21 (a) The person shall file the petition in the circuit court for the county where the person resides
22 or, if the person does not reside in Oregon, in the circuit court of the county in which the arrest
23 took place within 30 days after issuance of the final order of the department.

24 (b) The court upon receipt of the petition shall set the matter for hearing upon 10 days' notice
25 to the department and the petitioner unless hearing is waived by both the department and the
26 petitioner.

27
28 **DRIVING PRIVILEGE SUSPENSION NOTICES**

29
30 **SECTION 23.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is
31 amended to read:

32 809.416. This section establishes circumstances that will make a person subject to suspension
33 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
34 suspension. The following apply as described:

35 (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation
36 receives notice from a court to [*apply this section*] **commence suspension** under ORS 809.220. A
37 person who is subject under this subsection remains subject until the person presents the depart-
38 ment with notice issued by the court showing that the person is no longer subject to this section
39 or until 10 years have elapsed from the date the traffic offense or violation of ORS 471.430 occurred,
40 whichever is earlier. This subsection [*shall*] **does** not subject a person to ORS 809.415 (4) for any
41 pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court **to**
42 **commence suspension under ORS 809.220**, the department shall [*send a letter by first class mail*
43 *advising the person*] **notify the person, in a manner determined by the department by rule**, that
44 the suspension will commence 60 days from the date [*of the letter*] **the department sent the no-**
45 **tification** unless the person presents the department with [*the notice required by this subsection*]

1 **notice issued by the court showing that the person is no longer subject to this section.**

2 (2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice
3 of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay
4 a fine or obey an order of the court. A person who is subject under this subsection remains subject
5 until the earlier of the following:

6 (a) The person presents the department with a notice of reinstatement issued by the court
7 showing that the person:

8 (A) Is making payments, has paid the fine or has obeyed the order of the court; or

9 (B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered
10 apprentice under ORS 660.020; or

11 (b) Twenty years have elapsed from the date the traffic offense occurred.

12 (3) *[Subsection (2) of this section does not subject a person to]* **Notwithstanding subsection (2)**
13 **of this section, a person is not subject to suspension under** ORS 809.415 (4) for failure or refusal
14 to pay a fine relating to any pedestrian offense, bicycling offense or parking offense.

15 (4) Upon receipt of a notice of suspension from a court, the department shall *[send a letter by*
16 *first class mail advising]* **notify the person, in the manner provided by the department by rule,**
17 **that the suspension will commence 60 days from the date** *[of the letter]* **the department sent the**
18 **notification** unless the person presents the department with *[the]* **a notice of reinstatement** *[required*
19 *by this]* **as described in subsection (2)(a) of this section.**

20 **SECTION 24.** ORS 809.430 is amended to read:

21 809.430. (1) When the Department of Transportation, as authorized or required, suspends, re-
22 vokes or cancels driving privileges, commercial driving privileges or the right to apply for driving
23 privileges or commercial driving privileges, the department shall give notice under this section of
24 such action to the person whose driving privileges, commercial driving privileges or right to apply
25 is affected.

26 (2) Notice under this section shall state the nature and reason for the action and, in the case
27 of a suspension, whether it was ordered by a court.

28 *[(3) If violation of a suspension or revocation would constitute the offense described in ORS*
29 *811.182, service of notice of the suspension or revocation under this section is accomplished by:]*

30 *[(a) Mailing the notice by certified mail, restricted delivery, return receipt requested, to the person's*
31 *address as shown by driver licensing records of the department; or]*

32 *[(b) Personal service in the same manner as a summons is served in an action at law.]*

33 *[(4) Service of notice under this section for all other actions is accomplished by:]*

34 *[(a) Mailing the notice by first class mail to the person's address as shown by driver licensing re-*
35 *ords of the department; or]*

36 *[(b) Personal service in the same manner as a summons is served in an action at law.]*

37 **(3) The department shall serve the notice in a manner determined by the department by**
38 **rule.**

39 **SECTION 25.** ORS 811.180 is amended to read:

40 811.180. The following establishes affirmative defenses in prosecutions for driving while sus-
41 pended or revoked in violation of ORS 811.175 or 811.182 and describes when the affirmative de-
42 fenses are not available:

43 (1) In addition to other defenses provided by law, including but not limited to ORS 161.200, it
44 is an affirmative defense to the offenses described in ORS 811.175 and 811.182 that:

45 (a) An injury or immediate threat of injury to a human being or animal, and the urgency of the

1 circumstances made it necessary for the defendant to drive a motor vehicle at the time and place
2 in question; or

3 (b) The defendant had not received notice of the defendant's suspension or revocation or been
4 informed of the suspension or revocation by a trial judge who ordered a suspension or revocation
5 of the defendant's driving privileges or right to apply.

6 (2) The affirmative defenses described in subsection (1)(b) of this section are not available to a
7 defendant under the circumstances described in this subsection. Any of the evidence specified in this
8 subsection may be offered in the prosecution's case in chief. This subsection applies if any of the
9 following circumstances exist:

10 (a) The defendant refused to **accept a notification provided by the department, including**
11 **refusing to** sign a receipt for the certified mail containing the notice of suspension or revocation.

12 (b) The notice of suspension or revocation could not be delivered to the defendant because the
13 defendant failed to comply with the requirements under ORS 807.560 to notify the Department of
14 Transportation of a change of address or residence.

15 (c) At a previous court appearance, the defendant had been informed by a trial judge that the
16 judge was ordering a suspension or revocation of the defendant's driving privileges or right to apply.

17 (d) The defendant had actual knowledge of the suspension or revocation by any means prior to
18 the time the defendant was stopped on the current charge.

19 (e) The defendant was provided with notice of intent to suspend under ORS 813.100.

20
21 **IDENTIFICATION CARDS**

22
23 **SECTION 26.** ORS 807.400 is amended to read:

24 807.400. (1) The Department of Transportation shall issue an identification card to any person
25 who:

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

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

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

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

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

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

38 (3) Every original application for an identification card must be signed by the applicant. The
39 department shall require proof to verify the address of an applicant for issuance of an identification
40 card in addition to other documents the department may require of the applicant. If the address of
41 an applicant has changed since the last time an identification card was issued to or renewed for the
42 applicant, the department shall require proof to verify the address of the applicant for renewal of
43 an identification card, in addition to anything else the department may require. The department
44 shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Ver-
45 ification of proof of address may include, but is not limited to, providing a utility bill, a tax return,

1 a record from a financial institution, a proof of insurance card or a health benefits card, a selective
 2 service card, a mortgage document or a lease agreement. The applicant may provide the proof of
 3 address by submitting proof in the form of an original document or a copy of a document, use an
 4 electronic device to display proof of address, or provide proof through the use of a third party ad-
 5 dress verification system.

6 (4) Every identification card shall be issued upon the standard license form described under ORS
 7 807.110 and shall bear a statement to the effect that the identification card is not a license or any
 8 other grant of driving privileges to operate a motor vehicle and is to be used for identification
 9 purposes only. The department shall use the same security procedures, processes, materials and
 10 features for an identification card as are required for a license under ORS 807.110. The identification
 11 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

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

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

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

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

18 (7) Upon request of the person to whom the identification card is issued and presentation of
 19 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS
 20 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

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

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

30 (12) If a person to whom an identification card was issued and who changes the person's resi-
 31 dence address [*appears in person at a department office that issues identification cards,*] **submits an**
 32 **application for a replacement identification card**, the department may [*do any of the following:*]

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

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

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

45 (14) In the event that, for a reason identified by the department by rule, a person needs a re-

1 placement identification card that bears a distinguishing number different from the number on the
 2 card being replaced, the person to whom the card was issued may obtain a replacement card from
 3 the department upon furnishing proof satisfactory to the department of the need for such replace-
 4 ment and payment of the [replacement] fee **established** under ORS 807.410.

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

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

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

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

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

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

29 **SECTION 27.** ORS 807.400, as amended by section 18, chapter 568, Oregon Laws 2017, is
 30 amended to read:

31 807.400. (1) The Department of Transportation shall issue an identification card to any person
 32 who:

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

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

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

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

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

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

44 (3) Every original application for an identification card must be signed by the applicant. The
 45 department shall require proof to verify the address of an applicant for issuance of an identification

1 card in addition to other documents the department may require of the applicant. If the address of
 2 an applicant has changed since the last time an identification card was issued to or renewed for the
 3 applicant, the department shall require proof to verify the address of the applicant for renewal of
 4 an identification card, in addition to anything else the department may require. The department
 5 shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Proof
 6 of address may include, but is not limited to, providing a utility bill, a tax return, a record from a
 7 financial institution, a proof of insurance card or a health benefits card, a selective service card, a
 8 mortgage document or a lease agreement. The applicant may provide the proof of address by sub-
 9 mitting proof in the form of an original document or a copy of a document, use an electronic device
 10 to display proof of address, or provide proof through the use of a third party address verification
 11 system.

12 (4) Every identification card shall be issued upon the standard driver license form described
 13 under ORS 807.110 and shall bear a statement to the effect that the identification card is not a
 14 driver license or any other grant of driving privileges to operate a motor vehicle and is to be used
 15 for identification purposes only. The department shall use the same security procedures, processes,
 16 materials and features for an identification card as are required for a driver license under ORS
 17 807.110. The identification card is not required to contain the residence address of persons listed in
 18 ORS 807.110 (1)(e).

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

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

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

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

25 (7) Upon request of the person to whom the identification card is issued and presentation of
 26 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS
 27 408.225, the department shall include on the card the fact that the person is a veteran.

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

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

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

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

37 (12) If a person to whom an identification card was issued and who changes the person's resi-
 38 dence address [*appears in person at a department office that issues identification cards,*] **submits an**
 39 **application for a replacement identification card**, the department may [*do any of the following:*]

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

45 [(b) Note the new address on the old identification card in a manner to be determined by the de-

1 *partment by rule.]*

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

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

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

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

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

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

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

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

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

38 39 CANCELLATION NOTICES

40
41 **SECTION 28.** ORS 809.090 is amended to read:

42 809.090. (1) The Department of Transportation may cancel the registration or title or both of a
43 vehicle if the department determines that:

44 (a) A holder is not entitled [*thereto*] **to the registration or title or both;** or

45 (b) All fees applicable to a vehicle, payable to the department under any provision of law have

1 not been paid.

2 (2) Before cancellation under this section, the department must give opportunity for a hearing
3 upon 10 days' notice. *[The notice shall be served in person or by first class mail.]* **The department**
4 **shall serve notice in a manner determined by the department by rule.**

5
6 **VEHICLE TRIP PERMITS**
7

8 **SECTION 29.** ORS 803.600 is amended to read:

9 803.600. A trip permit grants authority to temporarily operate a vehicle on the highways of this
10 state under circumstances where the operation would not otherwise be legal because the vehicle is
11 not registered by this state or because provisions relating to the vehicle's registration do not allow
12 the operation. The Department of Transportation shall provide for the issuance of trip permits in a
13 manner consistent with this section. All of the following apply to permits issued under this section:

14 (1) The department shall issue the following types of trip permits to authorize the described type
15 of operation and, except as provided in subsection (2) of this section, may not issue trip permits for
16 any other purpose:

17 (a) A heavy motor vehicle trip permit may be issued for *[a]* **the following vehicles that are**
18 **not registered in this state:**

19 **(A) Motor *[vehicle]* vehicles** with a combined weight or loaded weight of more than *[8,000]*
20 **10,000** pounds;

21 **(B) Truck tractors that are more than 8,000 pounds;** or *[that is a]*

22 **(C) Fixed load motor *[vehicle, and that is not registered in this state]* vehicles.**

23 **(b)** A permit described in *[this]* paragraph **(a) of this subsection** is valid for 10 consecutive
24 days.

25 *[(b)]* **(c)** A heavy trailer trip permit may be issued for a trailer that will be operated on the
26 highways at a loaded weight of more than 8,000 pounds or that is a fixed load vehicle, and that is
27 not registered to allow operation of the vehicle in this state. A permit described in this paragraph
28 is valid for 10 consecutive days. This paragraph does not apply to travel trailers.

29 *[(c)]* **(d)** A light vehicle trip permit may be issued for a vehicle with a combined weight or loaded
30 weight of less than *[8,001]* **10,001** pounds that is not a fixed load vehicle and that is not registered
31 to allow operation of the vehicle in this state. Permits described in this paragraph may be issued
32 for a period of 21 consecutive days. The department may not issue more than two permits under this
33 paragraph in a 12-month period for any one vehicle unless all registered owners of the vehicle are
34 replaced by new owners. If there is a complete change in ownership of the vehicle, as shown by the
35 registration records for the vehicle, a new owner may receive permits for the vehicle under this
36 paragraph as if no permits had been issued for the vehicle. This paragraph does not apply to
37 campers, travel trailers or motor homes, which are eligible for recreational vehicle trip permits
38 under paragraph *[(d)]* **(e)** of this subsection.

39 *[(d)]* **(e)** A recreational vehicle trip permit may be issued for a period of up to 10 consecutive
40 days for a camper, travel trailer or motor home that is not registered for operation in this state.
41 A person buying a recreational vehicle trip permit must show proof satisfactory to the department
42 *[of Transportation]* that the person is the owner of the camper, travel trailer or motor home for
43 which the permit will be granted. A person may not receive recreational vehicle trip permits au-
44 thORIZING more than 10 days of operation in any 12-month period. *[A person who applies for a recre-*
45 *ational vehicle trip permit must certify that the person has not been granted permits that together, and*

1 *including the permit applied for, exceed the maximum number of days of operation allowed by this*
 2 *paragraph.] The department may determine by rule the method for ensuring a person has not*
 3 **exceeded the maximum number of days of operation allowed by the permit.**

4 [(e)] (f) A registration weight trip permit may be issued for a vehicle that is registered in this
 5 state, to allow the vehicle to be operated with a greater combined weight or loaded weight than is
 6 permitted by the registration weight established for the vehicle or at a greater combined weight or
 7 loaded weight than is otherwise permitted under the registration for the vehicle if the vehicle is not
 8 required to establish a registration weight. A permit issued under this paragraph does not authorize
 9 movements or operations for which a variance permit is required under ORS 818.200. A permit is-
 10 sued under this paragraph shall show the maximum registration weight allowed for operation under
 11 the permit. A permit issued under this paragraph is valid for 10 consecutive days.

12 [(f)] (g) A registered vehicle trip permit may be issued for a vehicle that is registered in this
 13 state to allow the vehicle to operate under conditions or in ways not permitted by the terms of the
 14 vehicle registration. The department shall determine by rule the kinds of operation for which per-
 15 mits may be issued under this paragraph. A permit issued under this paragraph is valid for 10 con-
 16 secutive days.

17 (2) The department shall allow a person issued a vehicle dealer certificate under ORS 822.020
 18 or a towing business certificate under ORS 822.205 to issue a 10-day trip permit to a person who
 19 buys a motor vehicle from the person with the certificate if the registration stickers are removed
 20 in accordance with ORS 803.565. The following apply to trip permits issued under this subsection:

21 (a) A permit issued under this subsection allows operation of the motor vehicle in this state for
 22 the purpose of registering the vehicle.

23 (b) A permit issued under this subsection is valid for a period of 10 consecutive days.

24 (c) A person with a vehicle dealer certificate or a towing business certificate may not issue
 25 more than two permits under this subsection for the same motor vehicle.

26 (3) The following requirements for records are established concerning permits issued under this
 27 section:

28 (a) Any carrier regulated by the department shall maintain records of heavy motor vehicle and
 29 heavy trailer trip permits and registration weight trip permits issued to the carrier as required by
 30 the department by rule.

31 (b) Requirements for the department to maintain records concerning trip permits are established
 32 under ORS 802.200.

33 (4) An owner or operator of a vehicle may obtain a trip permit. The fees for issuance of trip
 34 permits are as provided under ORS 803.645.

35 (5) The department shall make the trip permits available to all field offices and agents main-
 36 tained by the department and may make arrangements for the issuance of the permits by designated
 37 individuals, firms or associations for the convenience of the motoring public. This subsection does
 38 not require the department to make trip permits described in subsection (2) of this section available
 39 to anyone other than persons with vehicle dealer certificates or towing business certificates.

40 (6) The department may also sell heavy motor vehicle, heavy trailer and registration weight trip
 41 permits in advance of issuance to contractors, transportation companies and other users for issuance
 42 to their own vehicles or vehicles under their control.

43 (7) The department shall adopt rules for the issuance, sale and control of trip permits.

44 (8) Trip permits are not required for the operation of unregistered vehicles where such operation
 45 is permitted as follows:

1 (a) By vehicle dealers as permitted under ORS 822.040.

2 (b) By vehicle transporters as permitted under ORS 822.310.

3 (c) By towing businesses as permitted under ORS 822.210.

4 (9) Trip permits are not required for the operation of unregistered vehicles where such operation
5 is permitted under ORS 803.305.

6 (10) Unregistered vehicles that are operated without a trip permit are subject to the prohibitions
7 and penalties for operation of unregistered vehicles under ORS 803.300 or 803.315, as appropriate.

8 (11) A trip permit may be issued to a school vehicle registered under ORS 805.050 for use of the
9 vehicle for purposes not permitted under ORS 805.050.

10 **SECTION 30.** ORS 803.602 is amended to read:

11 803.602. An applicant for a light vehicle trip permit, a recreational vehicle trip permit for a
12 motor vehicle or a trip permit issued under ORS 803.600 (2) must submit, at the time of application,
13 [a statement] **proof** indicating that the vehicle that will be operated under the permit is covered by
14 an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered by
15 the policy for as long as the permit is valid. The [statement shall] **proof must** include the name of
16 the insurer and the policy number. The Department of Transportation or, if the permit is issued
17 under ORS 803.600 (2), the person with the vehicle dealer certificate or towing business certificate
18 shall refuse to issue a permit to a person who does not [submit the statement] **present the proof**
19 required by this section.

20
21 **REGISTRATION**

22
23 **SECTION 31.** ORS 803.360 is amended to read:

24 803.360. (1) [No person may] **A person may not** register or renew the registration of a vehicle
25 in this state unless the person is domiciled in this state, as described in ORS 803.355. This section
26 does not apply to persons required by ORS 803.200 or any other provision of law, to register vehicles
27 in this state.

28 (2) Notwithstanding subsection (1) of this section, a person who is not domiciled in this state
29 may register or renew the registration of a vehicle that:

30 (a) Is usually left within the state when the registered owner is absent from the state;

31 (b) Is used primarily for personal transportation within the state;

32 (c) Is a private passenger vehicle or a vehicle with a loaded weight of [less] **no more** than 10,000
33 pounds; and

34 (d) Is not a motor home or a camper.

35 **SECTION 32.** ORS 803.565 is amended to read:

36 803.565. (1) Except as provided in subsections (2) and (3) of this section, when a person who has
37 a vehicle dealer certificate issued under ORS 822.020 or a towing business certificate issued under
38 ORS 822.205 sells a motor vehicle that has valid Oregon registration plates, the person shall remove
39 the registration stickers from the registration plates of the vehicle if the vehicle:

40 (a) Has a gross vehicle weight rating of [8,000] **10,000** pounds or less;

41 (b) Is designed to carry passengers; and

42 (c) Is not a motorcycle, moped or snowmobile.

43 (2) A person who has a vehicle dealer certificate issued under ORS 822.020 need not remove
44 registration stickers under subsection (1) of this section if:

45 (a) The person submits title and registration documents to the Department of Transportation on

1 behalf of the buyer of the vehicle; or

2 (b) The person sells the vehicle to another person who has a vehicle dealer certificate issued
3 under ORS 822.020.

4 (3) A person who has a towing business certificate issued under ORS 822.205 need not remove
5 registration stickers under subsection (1) of this section if the person sells the vehicle to a person
6 who has a vehicle dealer certificate issued under ORS 822.020 or to a person who has a dismantler
7 certificate issued under ORS 822.110.

8
9 **REAL ID**

10
11 **SECTION 33.** ORS 807.130, as amended by section 20, chapter 568, Oregon Laws 2017, is
12 amended to read:

13 807.130. (1) A license that is issued as an original license and not as a license that is renewed
14 expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of
15 issuance.

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

18 (3) Notwithstanding subsections (1) and (2) of this section, a license that is issued to a person
19 who is not a citizen or permanent legal resident of the United States expires on the date the
20 licensee is no longer authorized to stay in the United States, as indicated by the documentation the
21 person presented to the Department of Transportation to provide proof of legal presence in the
22 United States as required by ORS 807.021 and 807.730 or proof of lawful status in the United States
23 as required by ORS 807.455, but no longer than eight years from the date of issuance or, if there is
24 no definite end to the authorized stay, after a period of one year.

25 (4) Subsection (3) of this section does not apply to a person who is a citizen of a country with
26 a Compact of Free Association with the United States and who provides proof of legal presence in
27 the United States as defined by the department by rule.

28 *[(5) Notwithstanding subsection (4) of this section, a Real ID issued to a person who is a citizen*
29 *of a country with a Compact of Free Association with the United States expires on the date the licensee*
30 *is no longer authorized to stay in the United States, as indicated by the documentation the person*
31 *presented to the department or, if there is no definite end to the authorized stay, after a period of one*
32 *year.]*

33 *[(6)]* (5) A license that has expired does not grant driving privileges and is not valid evidence
34 of driving privileges.

35 **SECTION 34.** ORS 807.480 is amended to read:

36 807.480. (1) The Department of Transportation shall verify an applicant's Social Security number
37 before issuing an original or renewal Real ID.

38 (2) The department shall verify the applicant's lawful status in the United States before issuing
39 an original Real ID.

40 (3) The department shall verify the lawful status in the United States of an applicant who is not
41 a citizen of the United States when the applicant is applying to renew a Real ID.

42 (4) Notwithstanding the requirements of subsections (2) and (3) of this section, the department
43 may verify the lawful status in the United States of any applicant applying for renewal or replace-
44 ment of a Real ID, as determined by the department by rule.

45 **(5) The department shall determine, by rule, expiration dates for a Real ID issued to a**

1 **person who is not a citizen or permanent legal resident of the United States. To the extent**
2 **possible, rules adopted by the department under this section must be uniform with any ap-**
3 **licable federal regulations related to Real ID.**

4
5 **SURCHARGE FOR TRANSACTIONS**
6

7 **SECTION 35.** ORS 802.112 is amended to read:

8 802.112. The Department of Transportation may impose a surcharge on any fee the department
9 is authorized to collect if the fee is imposed for a transaction that can be accomplished by a cus-
10 tomer of the department in more than one way and the customer chooses the more expensive way.
11 A surcharge imposed under this section may **be added to the amount tendered by the customer**
12 **to offset fees charged to the department for acceptance and use of a credit card** [*not exceed*
13 *the lesser of the additional cost to the department, rounded to the nearest dollar, or \$10*]. [No] A sur-
14 charge may **not** be imposed under this section until the department adopts rules specifying trans-
15 actions for which the surcharge will be imposed.

16
17 **REPEAL**
18

19 **SECTION 36.** ORS 806.160 is repealed.
20

21 **OPERATIVE DATES**
22

23 **SECTION 37.** (1) The amendments to ORS 802.010, 802.112, 802.200, 802.210, 803.360,
24 803.565, 803.460, 803.600, 803.602, 806.050, 806.180, 806.240, 806.300, 807.160, 807.400, 807.560,
25 809.430, 811.180, 811.725, 811.735, 813.410 and 826.031 by sections 2, 3, 5, 7 to 9, 13 to 17, 19, 21,
26 22, 24 to 27, 29 to 32 and 35 of this 2019 Act and the repeal of ORS 806.160 by section 36 of
27 this 2019 Act become operative on January 1, 2020.

28 (2) The amendments to ORS 806.150, 806.220, 806.245, 807.130, 807.140, 807.480, 809.090,
29 809.380, 809.415, 809.416 and 809.450 by sections 1, 4, 6, 10 to 12, 20, 23, 28, 33 and 34 of this
30 2019 Act become operative on July 1, 2020.

31
32 **CAPTIONS**
33

34 **SECTION 38.** The unit captions used in this 2019 Act are provided only for the conven-
35 ience of the reader and do not become part of the statutory law of this state or express any
36 legislative intent in the enactment of this 2019 Act.

37
38 **EMERGENCY CLAUSE**
39

40 **SECTION 39.** This 2019 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
42 on its passage.
43