

Chapter 807

1987 REPLACEMENT PART

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REQUIREMENT

807.010 Operating vehicle without driving privileges or in violation of license restrictions prohibited; penalty. (1) A person commits the offense of vehicle operating without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, indorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the division under ORS 807 120, by a court under ORS 809 210 or 809 270, or by the vehicle code

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811 175 or 811 182. Persons who violate ORS 811 175 or 811 182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section

(4) The offense described in subsection (1) of this section, vehicle operating without driving privileges, is a Class B traffic infraction

(5) The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic infraction [1985 c 608 §5 (enacted in lieu of 1983 c 338 §299), 1987 c 730 §10]

STATUTORY PRIVILEGES

807 020 Exemptions from requirement to have Oregon license or permit. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807 010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801 025. The following persons are granted the described driving privileges

(1) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person holds a

current out-of-state license issued to the person by the person's home jurisdiction. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807 060,

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction, or

(c) That exceed the driving privileges granted to the person by the home jurisdiction of the person

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person

(a) Has a current out-of-state license or driver permit issued by the Armed Forces, and

(b) Is operating an official motor vehicle in the course of the person's duties in the Armed Forces

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807 070 for the purpose of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821 150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170

(8) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810 070

(9) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit

issued to the spouse by another state in the spouse's possession

(10) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(11) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is

- (a) Within an enclosed cab, or
- (b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour

(12) A person may operate a bicycle without any grant of driving privileges [1983 c 338 §300, 1985 c 16, 123 1985 c 608 §13 1987 c 217 §5]

LICENSES, ENDORSEMENTS AND PERMITS (Generally)

807.030 Classes of license and endorsement. This section establishes the type of driving privileges granted by the various licenses and endorsements issued by this state. Licenses are established by class with each higher class of license granting a greater range of driving privileges than lower classes of license. The highest class of license is a Class 1 license with the lower classes established in numerical order. No license grants driving privileges for which an endorsement is required. The following licenses and endorsements establish the driving privileges described.

(1) A Class 1 license. A person granted a Class 1 license may exercise driving privileges as described in the following:

(a) The person may operate any vehicle or combination of vehicles.

(b) The person may not operate any vehicle for which an endorsement is required unless the person obtains the endorsement.

(2) A Class 2 license. A person granted a Class 2 license may exercise driving privileges as described in the following:

(a) The person may operate any bus designed to carry 24 or more passengers.

(b) The person may exercise driving privileges granted under Class 3, Class 4 and Class 5 licenses.

(c) The person may not operate vehicles for which an endorsement is required unless the person obtains the endorsement.

(d) The person may not operate a vehicle in violation of ORS 820.200.

(3) A Class 3 license. A person granted a Class 3 license may exercise driving privileges as described in the following:

(a) The person may operate any three-axle vehicle.

(b) The person may tow a single vehicle that has a loaded weight of 8,000 pounds or less.

(c) The person may tow a single vehicle with a loaded weight of more than 8,000 pounds if the combined loaded weight of the power unit and the towed vehicle does not exceed 24,000 pounds.

(d) The person may exercise driving privileges granted by Class 4 and Class 5 licenses.

(e) The person may not operate any vehicle for which an endorsement is required unless the person obtains the endorsement.

(4) A Class 4 license. A person granted a Class 4 license may exercise driving privileges as described in the following:

(a) The person may operate any two-axle vehicle.

(b) The person may operate any bus designed to carry fewer than 24 passengers.

(c) The person may operate any three-axle motor home.

(d) The person may tow a single vehicle that has a loaded weight of 8,000 pounds or less.

(e) The person may tow a single trailer with a loaded weight of more than 8,000 pounds if the combined loaded weight of the power unit and the towed vehicle does not exceed 24,000 pounds.

(f) If the person is a firefighter, as defined in ORS 652.050, the person may operate any emergency fire vehicle.

(g) The person may exercise driving privileges granted by a Class 5 license.

(h) The person may not operate any vehicle for which an endorsement is required unless the person obtains the endorsement.

(5) A Class 5 license. A person granted a Class 5 license may exercise driving privileges as described in the following:

(a) The person may operate a moped.

(b) The person may not operate a vehicle for which an indorsement is required or be granted any indorsements for the license

(6) A Class I motorcycle indorsement A person granted a Class I motorcycle indorsement may operate any motorcycle, regardless of the engine displacement of the motorcycle

(7) A Class II motorcycle indorsement A person granted a Class II motorcycle indorsement may operate any motorcycle powered by an engine with a displacement of 499 cubic centimeters or less [1985 c 608 §8, 1987 c 744 §1]

Note Section 12 chapter 608 Oregon Laws 1985, as amended by section 2, chapter 744 Oregon Laws 1987, provides

Sec 12 (1) The provisions of this section control over any provisions of law that conflict with this section

(2)(a) A license issued before October 1, 1986, shall continue to be valid until its expiration, and shall entitle the holder to operate any vehicle which the holder is authorized to operate under that license

(b) Upon the expiration of a license issued before October 1, 1986, if the holder of the license is eligible to renew the license without appearing in person, the license may be renewed and shall continue to be valid until its expiration. A license renewed under this paragraph shall entitle the holder to operate any vehicle which the holder is entitled to operate under the original license

(3) Upon the expiration of a license issued before October 1, 1986, if the holder of the license is required to appear in person to renew the license, the holder may apply for and receive a license according to the following

(a) The holder of a moped driver permit may receive a Class 5 license

(b) The holder of any other license may receive a Class 4 license. If the license is indorsed for motorcycle operation, the holder may receive a Class 4 license with a Class I motorcycle indorsement

(c) Notwithstanding paragraph (b) of this subsection, if the existing license has a chauffeur indorsement the holder may receive a Class 3 license. If the license is indorsed for motorcycle operation, the holder may receive a Class 3 license with a Class I motorcycle indorsement

(d) The holder of any operator or combined operator chauffeur license may apply for and receive a Class 1 or Class 2 license upon the successful completion of the requirements for the class of license applied for

(e) When a replacement license is issued prior to the expiration of the license, the replacement license shall be of the same type and grant the same driving privileges as were granted by the license replaced

(f) All renewal or replacement licenses issued under this subsection are subject to payment of the fees specified in section 344, chapter 338, Oregon Laws 1983

(4) This section is repealed on October 1, 1995 [1985 c 608 §12, 1987 c 744 §2]

Note Sections 4, 5 and 6, chapter 744, Oregon Laws 1987, provide

Sec 4 (1) Notwithstanding any provision of section 12, chapter 608, Oregon Laws 1985, requiring tests, upon expiration of a license issued or renewed prior to October 1, 1986, if the holder of the license is required to appear in person to renew the license, the holder may apply for and receive a Class 1, Class 2 or Class 3 license without completing any tests if the applicant meets the criteria specified in subsections (2) or (3) of this section and

(a) The division receives written notice from the employer of the applicant, dated no more than one year prior to the expiration date of the applicant's license, stating that the applicant has at least one year of experience operating vehicles that may be operated only by persons holding the class of license applied for, or

(b) The division receives a written statement from the applicant indicating that the applicant is self employed in an occupation that requires operation of vehicles that may be operated only by persons holding the class of license applied for and the applicant has at least one year of experience operating such vehicles

(2) The division shall issue the license applied for under subsection (1) of this section to a person who does not hold a combined operator-chauffeur license if the person qualifies for the license under subsection (1) of this section and the two-part driving record maintained by the division under ORS 802 200 does not show

(a) A conviction for a major traffic offense within five years of the expiration date of the license, or

(b) A traffic accident within two years of the expiration of the license

(3) The division shall issue the license applied for under subsection (1) of this section to a person who holds a combined operator-chauffeur license if the person qualifies for the license under subsection (1) of this section and

(a) The two-part driving record maintained by the division under ORS 802 200 does not show a conviction for a major traffic offense within five years of the expiration date of the operator-chauffeur license, and

(b) The employment driving record does not show a traffic accident within two years of the expiration of the operator-chauffeur license

(4) Notwithstanding subsections (2) and (3) of this section, the division may not issue a Class 1 or Class 2 license under this section unless the person submits a medical certificate that meets the requirements established under ORS 807 040 (7) [1987 c 744 §4]

Sec 5 Section 4 of this Act is repealed October 1, 1995 [1987 c 744 §5]

Sec 6 A Class 1 or Class 2 license issued by the Motor Vehicles Division between October 1, 1986, and the effective date of this Act [September 27, 1987] that was issued pursuant to rules adopted by the division to a person who met the requirements of section 12a, chapter 608, Oregon Laws 1985, except that the person did not submit written notice from an employer because the person was self-employed, is valid [1987 c 744 §6]

(Licenses)

807.040 Requirements for issuance; fees. The division shall immediately issue a driver license to any person who complies with all of the following requirements

(1) The person must complete application for a license under ORS 807 050

(2) The person must not be ineligible for the license under ORS 807 060

(3) The person must successfully pass all examination requirements under ORS 807 070 for the class of license sought

(4) The appropriate license issuance fee under ORS 807 370 for the class of license sought must be paid

(5) The Motor Vehicle Accident Fund eligibility fee and the Student Driver Training Fund eligibility fee must be paid The Motor Vehicle Accident Fund eligibility fee charged under this paragraph is an eligibility fee and is not in lieu of or part of any fee required to be paid for the granting of driving privileges

(6) If the application is for a Class 1 license, a Class 2 license or a Class 3 license, the applicant must be the holder of a Class 4 license or any higher class of license

(7) If the application is for a Class 1 license or a Class 2 license, the applicant must submit to the division, on forms provided by the division, the report of a medical examination that establishes, to the satisfaction of the division, that the applicant meets the medical requirements for the particular class of license The division, by rule, shall establish medical requirements for purposes of this subsection The medical requirements established under this subsection may include any requirements the division determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established

(8) If the application is for a Class 1, Class 2 or Class 3 license, the applicant must have at least six months' driving experience

(9) The division shall work with other agencies and organizations to attempt to improve the issuance system for driver licenses [1983 c 338 §301, 1985 c 16 §124, 1985 c 182 §2, 1985 c 608 §14a]

807.050 Application. An application for a license shall be upon forms furnished by the division An application must contain all the following

(1) The applicant's name, age, sex, residence address, except as otherwise provided for police

officers in ORS 802 250, and post-office address other than general delivery The division shall require at least one document to verify the address of an applicant for issuance of a license in addition to other documents the division may require of the applicant

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

(a) When the license or driver permit was granted,

(b) What jurisdiction granted the license or driver permit,

(c) Whether or not the driving privileges under the license or driver permit are currently suspended or revoked, and

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

(3) The class of license sought

(4) Any other information the division deems necessary to assist the division in determining whether the applicant is qualified or eligible to be licensed [1983 c 338 §302, 1985 c 16 §125, 1985 c 563 §5, 1985 c 597 §7, 1985 c 608 §15]

807.060 Eligibility. The division shall not grant driving privileges to a person under a license if the person is not eligible under this section The following are not eligible for a license

(1) A person under 16 years of age

(2) A person under 18 years of age who is not an emancipated minor unless the application of the person is signed by the person's mother, father or guardian or, if the person has no father, mother or guardian, by the person's employer A person who signs an application under this subsection may have the driving privileges canceled as provided under ORS 809 320

(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible for a Class 1, Class 2 or Class 3 license

(4) A person that the division determines has a problem condition involving alcohol or controlled substances as described under ORS 813 040

(5) A person previously committed or admitted to a state institution under ORS 426 005 to 426 360 or ORS chapter 427 and determined to be mentally ill or mentally retarded A person declared not eligible to be issued a license under this subsection may become eligible by establishing to the satisfaction of the division that at the

time of application the person is competent to operate a motor vehicle safely with respect to persons and property and

(a) The person has been declared competent by judicial decree,

(b) The person has been released from the state institution upon a certificate of the superintendent of the institution that the person is competent, or

(c) The person has established eligibility in accordance with ORS 807 090

(6) A person the division reasonably believes is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control that is or may become chronic

(7) A person the division reasonably believes is suffering from a physical or mental disability or disease serving to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways

(8) A person the division reasonably believes is unable to understand highway signs that warn, regulate or direct traffic

(9) A person who is required to make future responsibility filings but has not made filings as required

(10) A person who cannot be issued a license under the Driver License Compact under ORS 802 540

(11) A person who is not subject to the Driver License Compact under ORS 802 540 but whose driving privileges are currently under suspension or revocation in any other state upon grounds which, if committed in this state, would be grounds for the suspension or revocation of the driving privileges of the person

(12) A person who has been declared a habitual offender under ORS 809 640 A person declared not eligible to be licensed under this subsection may become eligible by having eligibility restored under ORS 809 640

(13) A person whose driving privileges are canceled in this state under ORS 809 310 until the person is eligible under ORS 809 310

(14) A person while the person's driving privileges are revoked in this state

(15) A person during a period when the person's driving privileges are suspended in this state

(16) A person who holds a current out-of-state license or driver permit or a valid Oregon

license or driver permit A person who is not eligible under this subsection may become eligible by surrendering the license, driver permit or out-of-state license or driver permit to the division before issuance of the license

(17) A person who cannot be issued a license under ORS 809 300

(18) A person who has not complied with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802 530 authorizes the division to withhold issuance of a license [1983 c 338 §303, 1985 c 16 §126, 1985 c 396 §7, 1985 c 597 §8, 1985 c 608 §16, 1985 c 669 §8, 1987 c 137 §2]

807.070 Examinations. The division shall administer an examination to establish qualification for each class of license and indorsement The examination for each class of license or indorsement shall include all of the following as described

(1) A test of the applicant's eyesight

(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents The following all apply to the test under this subsection

(a) The test shall not cover any subject that is not presented in the publications of the division intended for the instruction of applicants for licenses and driver permits

(b) The test for each class of license and indorsement shall include, but is not limited to, a test of knowledge and understanding of traffic laws that relate specifically to the type of driving privileges granted under the specific class of license or indorsement sought

(c) The test under this subsection shall include, but is not limited to, the following subjects

(A) Rights of blind pedestrians

(B) The meaning of official traffic signs and signals

(C) Proper operating procedure in emergency situations

(D) Vehicle safety equipment and its use

(E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists

(3) An actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property The following apply to this subsection

(a) The division, by rule, may waive the actual demonstration under this subsection for an applicant for a Class 1, Class 2, Class 3 or Class 4 license if the applicant holds a valid out-of-state license

(b) The division may waive the actual demonstration for any applicant for a Class 1, Class 2 or Class 3 license who submits to the division a certificate of competency, issued under ORS 807 080 for the class of license sought or under other circumstances, established by the division by rule, where the applicant establishes the applicant's ability to drive without an actual demonstration

(c) The actual demonstration for each class of license shall be performed in a vehicle that may be operated under the class of license sought, but that may not be operated under lower classes of license

(4) Any other examination or test the division determines may be necessary to assist the division in establishing whether the applicant is eligible for a license under ORS 807 060 or whether the applicant is fit to operate a motor vehicle safely on the highways of this state. In any examination or test under this subsection, the division shall only conduct an investigation for facts relating directly to the ability of the applicant to operate a motor vehicle safely or other facts that are specifically required to show the fitness of the applicant for license [1983 c 338 §304, 1985 c 608 §17]

807.080 Driver competency testing certificates; waiver of demonstration test for persons certified; rules; fees. (1) The division, by rule, shall provide for the following in a manner consistent with this section

(a) The issuance of driver competency testing certificates

(b) The regulation of persons issued driver competency testing certificates

(2) A person issued a driver competency testing certificate under this section may certify, in a manner established by the division, the competency of drivers to safely exercise driving privileges granted only under one or more of the following

(a) A Class 1 license

(b) A Class 2 license

(c) A Class 3 license

(3) The division may waive an actual demonstration of ability to operate a motor vehicle under ORS 807 070 for an applicant who is certified by the holder of a driver competency testing

certificate as competent to exercise the driving privileges in the class of license sought by the applicant

(4) The rules adopted by the division under this section may include any of the following

(a) The rules may establish reasonable fees for the issuance of a certificate or as part of any program of regulating certificate holders that is established by the division

(b) The division may make the certificate renewable upon any basis determined convenient by the division and may include provisions for cancellation, revocation or suspension of certificates or for probation of certificate holders

(c) The division may provide for the issuance of certifications allowing the holder to certify competency in several classes or types of driving privileges or limiting the classes or types of driving privileges for which the holder may certify competency

(d) The division may establish the forms of certificates to be issued

(e) The division may establish and require forms that are to be used by certificate holders in certifying competency

(f) The division may establish any qualifications or requirements for obtaining a certificate that the division determines necessary to protect the interests of persons seeking certification by certificate holders

(g) The division may issue certificates to publicly owned and operated educational facilities to allow programs for certification of competency

(h) The division may issue certificates to employers to allow the employers to establish programs primarily for the certification of employes' competency. The division may provide that programs established under this paragraph may be operated without driver training school certificates under ORS 822 500 and without driver training instructor certificates under ORS 822 525

(i) The division may establish any other provisions or requirements necessary to carry out the purposes of this section [1985 c 608 §36]

807.090 Establishing eligibility notwithstanding disease or disability. (1) If the division determines that a person may be ineligible for a license because the person has a history of any physical or mental disease or disability that may impair the person's ability to safely operate a motor vehicle, the person may establish eligibility for a license, notwithstanding the disability or disease

(a) By personally demonstrating to the satisfaction of the division that notwithstanding the disease or disability the person is qualified to safely operate a motor vehicle, or

(b) If the division reasonably believes that, notwithstanding the demonstration under paragraph (a) of this subsection, the person's disease or disability may impair the ability of the person to safely operate a motor vehicle, by obtaining a certificate of eligibility from the Deputy Assistant Director for Health under this section

(2) The Deputy Assistant Director for Health shall issue to the division a certificate of eligibility required under this section if an applicant for a certificate establishes to the satisfaction of the Deputy Assistant Director for Health that the person's disease or disability does not impair the ability of the person to safely operate a motor vehicle. The Deputy Assistant Director for Health shall use the following to establish qualification for a certificate of eligibility under this subsection

(a) A report submitted by the applicant from the applicant's physician of the applicant's condition

(b) If the applicant's affliction apparently involves only visual deficiencies, the division may require an applicant to submit a report from a licensed optometrist or a licensed physician who specializes in diagnosis and treatment of diseases of the eye

(c) The Deputy Assistant Director for Health may require an examination and a written report of findings and recommendations from a physician designated by the Deputy Assistant Director for Health in addition to other reports submitted

(3) If a person establishes eligibility for a license under this section by obtaining a certificate of eligibility, the division may require the person to reestablish eligibility at reasonable intervals. The frequency of reestablishing eligibility under this subsection shall be established by the Deputy Assistant Director for Health after reviewing recommendations from the physician of the person required to reestablish eligibility [1983 c 338 §305]

807.100 Medical certificates, when required A vehicle that may be operated only by the holder of a Class 1 or Class 2 license may be operated only when a medical certificate approved by the division is in the licensee's immediate possession and has been issued within two years prior to the date of operation of the vehicle. The holder of a Class 1 or Class 2 license who does not have a medical certificate required

by this section may exercise driving privileges granted by a Class 3, Class 4 or Class 5 license [1985 c 608 §8a]

Note 807 100 becomes operative October 1, 1986 See section 38, chapter 608, Oregon Laws 1985

807.110 Contents of license. A license issued by the division shall comply with all of the following

(1) A license shall bear the distinguishing number assigned to the person issued the license by the division

(2) A license shall contain, for the purpose of identification, a brief description of the person to whom the license is issued

(3) A license shall contain the name, date of birth and, except as provided for police officers in ORS 802 250, residence address of the person to whom the license is issued and a space for the person's signature

(4) Upon request of the person to whom the license is issued, a license shall indicate on the license the fact that the person is an anatomical donor

(5) Upon order of the juvenile court, a license shall indicate on the license the fact that the person to whom the license is issued is an emancipated minor

(6) Except as otherwise provided in this subsection, a license shall bear a photograph described in this subsection. The administrator, by rule, may provide for issuance of a valid license without a photograph if the applicant shows good cause. The administrator shall include religious preferences as good cause for issuance of a license without a photograph but shall not limit good cause to religious grounds. A photograph required under this subsection shall

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

(b) Be of a size approved by the division, and

(c) Be taken at the time of application for issuance of the license whether the application is for an original license, replacement of a license under ORS 807 160 or for renewal of a license under ORS 807 150

(7) A license is not valid until signed by the person to whom it is issued

(8) A license shall indicate the class of license issued and any endorsements granted

(9) The division shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any license that prohibit as nearly as possible anyone's abil-

ity to alter, counterfeit, duplicate or modify the license without ready detection. Security procedures shall include the use of tamper-proof laminate on licenses issued to persons who are 16 through 21 years of age. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document [1983 c 338 §306, 1985 c 16 §127, 1985 c 563 §6, 1985 c 608 §18].

807.120 Restrictions. (1) The division may place restrictions on driving privileges granted a person if the division determines that there is good cause to restrict the driving privileges of the person in order to insure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a license by the division under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include

(a) Restrictions on the type of motor vehicle the person may operate,

(b) Requirements for special mechanical control devices on motor vehicles operated by the person, or

(c) Any other restrictions the division determines appropriate to insure the safe operation of a motor vehicle by the person.

(3) The division may impose restrictions under this section by setting forth the restrictions on the regular license form or by issuing a special form for licenses with restrictions.

(4) The division shall place restrictions on driving privileges under this section when ordered by a court under ORS 809 210 or 809 270. Any restriction imposed under this subsection shall be made a part of the person's driving record and shall remain in effect until the court notifies the division in writing that the restrictions are removed.

(5) The division may impose restrictions under this section on driving privileges that are restored after having been suspended or revoked. The restrictions imposed under this subsection may include any restrictions that have been recommended by a convicting magistrate.

(6) The use of the term "restrictions" in this section includes any restrictions, conditions or requirements.

(7) Violation of any restrictions placed on driving privileges under this section is punishable as provided under ORS 807 010 [1983 c 338 §307, 1985 c 16 §128].

807.130 Expiration. (1) Except as otherwise provided in this section, a license that is

issued as an original license and not as a license that is renewed expires

(a) If issued to a person born in a year ending in an odd number, on the anniversary of the person's birthday in the second odd-numbered calendar year after the year of issuance.

(b) If issued to a person born in a year ending in an even number, on the anniversary of the person's birthday in the second even-numbered calendar year after the year of issuance.

(2) If under subsection (1) of this section an original license would expire in less than three years from the date of issuance, the division shall extend the expiration date of the license for two years.

(3) A license that is renewed under ORS 807 150 expires four years from the specified expiration date of the immediately preceding license.

(4) A license that has expired does not grant driving privileges and is not valid evidence of driving privileges [1983 c 338 §308, 1985 c 16 §129].

807.140 Notice prior to expiration; exceptions; effect of failure to notify; records. (1) Before the expiration of any license or a license with an indorsement under the vehicle code, the division shall notify the person to whom the license was issued of the approaching expiration. Within a reasonable time prior to the expiration date, the notice shall be mailed to the person to whom the license was issued at the address shown in the driver license files maintained by the division.

(2) The division is not required to notify the person of an approaching expiration if the person's license has been suspended, canceled or revoked or if the person has failed to notify the division of a change of address as required under ORS 807 560.

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

(4) The division responsibility to maintain records concerning notice under this section is as provided under ORS 802 210 [1983 c 338 §309, 1985 c 16 §130, 1985 c 597 §9].

807.150 Renewal. (1) When a license expires or is about to expire, the division shall renew the license under this section if the holder of the license qualifies for renewal of the license under this section and

(a) Applies for renewal within one year of the expiration of a similar license under ORS 807 130, or

(b) Applies for issuance of a license within six months after the applicant is discharged from the Armed Forces of the United States and was licensed by this state at the time of the applicant's entry into the Armed Forces

(2) To qualify for renewal of a license under this section, a person must meet all of the requirements under ORS 807 040 for the class of license sought to be renewed, except that the division may waive the examination under ORS 807 070 of a person applying for renewal of a license unless the division has reason to believe that the applicant is not qualified to hold the license or unless the applicant for renewal has not previously been examined

(3) To receive a renewal under this section, the license renewal fee, the Motor Vehicle Accident Fund eligibility fee and the Student Driver Training Fund eligibility fee under ORS 807 370 must be paid

(4) If a person who applies for a renewal under this section is not qualified to renew the class of license sought to be renewed, the division may issue the person any lower class of license for which the person qualifies in lieu of renewing the person's license for the class of license held by the person

(5) A license that is renewed under this section may be used on or after the date of issuance. If the division issues a license renewal to a person under this section before the expiration of the license being renewed, the older license is invalid. A license that becomes invalid under this subsection shall be destroyed by the person to whom it was issued

(6) The division shall require at least one document to verify the address of an applicant for renewal of a license in addition to other documents the division may require of the applicant [1983 c 338 §10, 1985 c 16 §131, 1985 c 597 §10, 1985 c 608 §19]

807.160 Duplicate or replacement license. (1) Except as provided in subsection (5) of this section, upon application by a person to whom a license is issued, the division shall do the following

(a) If the person furnishes proof satisfactory to the division of the loss, destruction or mutilation of the person's license, the division shall replace the license by issuing a duplicate or replacement license

(b) If the person has changed residence address from that noted on the person's license, the division shall

(A) Note the change of residence address on the person's license in a manner determined by the division, or

(B) Issue a new license noting the person's new residence address

(c) If the person is a police officer who has requested in accordance with ORS 802 250 that division records show the address of the police agency employing the officer, the division shall issue a new license noting the address of the officer's place of employment

(d) If the person has changed names from the name noted on the person's license, the division shall issue a new license noting the person's new name

(e) If the person has reached 21 years of age since the license was issued, the division shall issue a new license bearing a photograph with a background color for persons 21 years of age or older

(2) If the division issues a new license or a replacement license to replace a person's license under this section

(a) The license shall bear the same distinguishing number as the license replaced

(b) The license replaced is invalid and shall be surrendered to the division or destroyed

(c) The division shall charge the fee for issuance of a replacement license under ORS 807 370. The division may waive the fee as provided under ORS 807 390

(d) The new license does not alter or extend driving privileges granted to the person under the old license

(3) The division shall not issue or replace any license under this section if

(a) The person making application is not qualified to hold a license at the time of application

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

(4) The division may not issue a duplicate or replacement license or permit to a person when prohibited under ORS 809 300

(5) The division need not issue a duplicate or replacement license to a person who has not complied with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction if an agree-

ment under ORS 802 530 authorizes the division to withhold issuance of a duplicate or replacement license [1983 c 338 §313 1985 c 16 §133, 1985 c 174 §9, 1985 c 258 §4, 1985 c 396 §8 1985 c 563 §7 1985 c 597 §12a, 1985 c 669 §9]

(Indorsements)

807.170 Requirements for issuance; fees; cancellation. (1) The division shall provide for the granting of driver license indorsements in a manner consistent with this section

(2) The division shall grant an indorsement to any person who complies with all of the following requirements

(a) The person must hold a valid license other than a Class 5 license issued under the vehicle code

(b) The person must successfully complete any tests and demonstrations referred to in ORS 807 070 that the division determines necessary to determine whether the applicant is qualified for the type of indorsement sought The actual demonstration required under ORS 807 070 must be performed in a vehicle that may be operated under the indorsement sought but that may not be operated without the indorsement Tests shall include, but are not limited to, those tests necessary to determine whether the applicant

(A) Has satisfactory knowledge of laws relating to operation under the type of indorsement sought, defensive driving skills, the common causes of accidents involving vehicles operated under the type of indorsement sought, and

(B) Can operate under the indorsement in a manner that will not jeopardize the safety of persons or property

(c) The appropriate fee under ORS 807 370 for the indorsement, including the fee for the Motorcycle Safety Subaccount, must be paid

(3) An indorsement granted under this section is subject to the following

(a) It is part of the license upon which it is indorsed and is subject to any provisions applicable to the indorsed license under the statutes of this state

(b) It is valid only if the license indorsed is valid

(c) The appropriate fee under ORS 807 370 must be paid upon renewal of the indorsement in addition to any fee for renewal of the license indorsed

(d) Except as provided under ORS 807 350 or as specifically provided under ORS 809 410 an indorsement cannot be canceled, suspended or

revoked separately from the license indorsed When an indorsed license is canceled, suspended or revoked, all indorsements on the license are subject to the same cancellation, suspension or revocation as the license

(4) Before the division may renew any license with a motorcycle indorsement, the applicant shall pay the division the Motorcycle Safety Subaccount fee established under ORS 807 370 in addition to any fee for renewal of the license [1983 c 338 §312, 1985 c 16 §132 1985 c 608 §20]

(Permits)

807.200 Types of permit. (1) The following permits may be issued as restricted Class 4 licenses

(a) Disability golf cart driver permits described under ORS 807 210

(b) Emergency driver permits described under ORS 807 220

(c) Special student driver permits described under ORS 807 230

(2) Hardship driver permits described under ORS 807 240 and probationary driver permits described under ORS 807 270 may be issued as Class 1, Class 2, Class 3, Class 4 or Class 5 licenses The licensee must have qualified for the class of license issued Restrictions on the license shall be as provided under ORS 807 240 and 807 270

(3) Instruction driver permits described under ORS 807 280 may be issued for Class 1, Class 2, Class 3 or Class 4 licenses A person must have a Class 4 license before obtaining a Class 1, Class 2 or Class 3 instruction driver permit

(4) Motorcycle instruction driver permits described under ORS 807 280 may be issued only to persons having a Class 1, Class 2, Class 3 or Class 4 license

(5) Agricultural commodity transport permits may be issued as restricted Class 3 licenses Except as otherwise provided in ORS 807 300, the permit holder must qualify for a Class 3 license Restrictions shall be as provided in ORS 807 300 [1985 c 608 §8b, 1987 c 801 §2]

Note 807 200 becomes operative October 1 1986 See section 38 chapter 608 Oregon Laws 1985

807 210 Disability golf car permit. The division shall provide for issuance of disability golf cart driver permits in a manner consistent with this section A disability golf cart driver permit grants the driving privileges provided in this section or under the permit Except as otherwise provided in this section, a disability golf cart

driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class 4 license. The following apply to a disability golf cart driver permit:

(1) The division shall issue a disability golf cart driver permit only to persons with ambulatory disabilities.

(2) The division shall issue a disability golf cart driver permit to an applicant who would not qualify for a license because of the person's disability if the division determines that the person's disability does not prevent the person from reasonable and ordinary control of vehicles operated under the permit when operated as allowed under the permit.

(3) In addition to any other restrictions placed on the permit by the division, the permit only grants driving privileges for the operation of golf carts or substantially similar vehicles on roads or streets in an area with a speed designation not greater than 25 miles per hour.

(4) The division may require an applicant for the permit to demonstrate that the applicant is qualified to safely exercise the driving privileges granted under a disability golf cart driver permit notwithstanding the disability of the person.

(5) The fees for issuance or renewal of a disability golf cart driver permit are the disability golf cart driver permit issuance or renewal fees established under ORS 807.370. This subsection only affects the fees payable for issuance and renewal and is not an exemption from payment of other fees payable at the time of issuance and renewal of a license.

(6) A person with a disability golf cart driver permit who commits the offense of violation of license restrictions under ORS 807.010 by driving on a road or street in an area with a speed designation greater than 25 miles per hour commits a Class D traffic infraction. [1983 c 338 §321, 1985 c 16 §139, 1985 c 608 §25]

807.220 Emergency driver permit. (1)

The division shall provide for the issuance of emergency driver permits in a manner consistent with this section.

(2) Except as otherwise provided in this section an emergency driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class 4 license.

(3) The following apply to an emergency driver permit:

(a) The division may issue an emergency driver permit to a person 14 years of age or older.

(b) The division shall place restrictions on the permit that designate the routes over which

the permit is valid. The division shall designate routes it determines necessary from the facts creating the emergency.

(c) The permit shall only be issued if the division is satisfied that an emergency exists that requires operation of a motor vehicle by the applicant.

(d) The division may establish a form for the permit that differs from the form required for a license.

(e) The only fee required for issuance of the permit is the emergency driver permit fee under ORS 807.370.

(f) The division may establish a period for the expiration of the permit that coincides with the end of the emergency that is the basis for the permit.

(g) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807.370.

(h) The division shall cancel the permit if the division determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than one approved under the permit.

(i) If an emergency driver permit is canceled, the person issued the permit is ineligible to be issued any license or driver permit until the person is old enough to be eligible for a Class 4 license as provided under ORS 807.060.

(j) In addition to any other application requirements for the emergency driver permit, the applicant must obtain the indorsement on the application of the sheriff of the county in which the applicant resides.

(4) The division may issue an emergency driver permit, if the person qualifies for the permit, to a person whose driving privileges are suspended under ORS 809.280 because the division has received an order of denial of driving privileges under ORS 809.260. For purposes of this subsection an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of this section in addition to other emergency situations. [1983 c 338 §322, 1985 c 16 §140, 1985 c 174 §10, 1985 c 608 §26, 1987 c 262 §1]

807.230 Special student driver permit.

The division shall provide for issuance of special student driver permits in a manner consistent with this section. A special student driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise

provided in this section, a special student driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class 4 license. The following apply to a special student driver permit:

- (1) The division may issue a special student driver permit to a person 14 years of age or older.
- (2) The division shall place restrictions on the permit to limit operation of a vehicle under the permit to operation necessary as a means of transportation to or from the school, college or other educational institution attended by the person to whom the driver permit is issued.
- (3) The permit shall only be issued if the applicant has no other available means of transportation by which to continue the applicant's education.
- (4) The permit shall only be issued if the division is satisfied that the applicant has had sufficient experience in the operation of motor vehicles to operate a motor vehicle without endangering the safety of the public.
- (5) The division may establish a form for the permit that differs from the form required for a license that is issued.
- (6) The only fee required for issuance of the permit is the special student driver permit fee under ORS 807.370.
- (7) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807.370.
- (8) The division shall cancel the permit if the division determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than as approved under the permit.
- (9) If a special student driver permit is canceled, the person issued the permit is ineligible to be issued any license or driver permit until the person is old enough to be eligible for a license.
- (10) In addition to any other application requirements for the special student driver permit, the applicant must:
 - (a) Certify that the applicant has no other available means of transportation that would enable the applicant to continue the applicant's education,
 - (b) Specify the road or highway over which the applicant desires to operate motor vehicles,
 - (c) Obtain the indorsement of the sheriff of the county in which the applicant resides and of the principal of the school the applicant attends, and

(d) Provide any other information required by the division [1983 c 338 §323, 1985 c 174 §11, 1985 c 597 §17a, 1985 c 608 §27]

807.240 Hardship permit. The division shall provide for issuance of hardship driver permits in a manner consistent with this section. A hardship driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a hardship driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license. The following apply to a hardship driver permit:

(1) The division shall only issue a permit to a person whose driving privileges under the vehicle code have been suspended.

(2) Except as provided in ORS 813.520, the division may reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended by issuing the person a hardship permit described under this section if such person qualifies under this section, ORS 807.250 and 813.500.

(3) To qualify for a hardship permit, a person must do all of the following in addition to any applicable provisions under ORS 807.250 and 813.500:

(a) The person must submit to the division a written application for the permit that is signed and affirmed by the person to be true and that demonstrates the person's need for the permit. The penalties under ORS 807.520 are applicable to this paragraph.

(b) The person must present satisfactory evidence, as determined by the division by rule:

(A) That the person must operate a motor vehicle as a requisite of the person's occupation or employment,

(B) That the person must operate a motor vehicle to get to or from a place of employment,

(C) That the person must operate a motor vehicle to get to or from an alcohol treatment or rehabilitation program;

(D) That the person or a member of the person's immediate family requires medical treatment on a regular basis and that the person must operate a motor vehicle in order that the treatment may be obtained, or

(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS 806.010 and are not suspended for any other reason and that the person must operate a motor vehicle in order to provide necessary services to the person or to a member of the person's family.

The division shall determine by rule what constitutes necessary services for purposes of this subparagraph. The rule may include as necessary services, but need not be limited to, grocery shopping, driving children to school, driving to medical appointments and caring for elderly family members.

(c) If the person is applying for a permit because the person or a member of the person's immediate family requires medical treatment on a regular basis, the person must present, in addition to any evidence required by the division under paragraph (b) of this subsection, a statement signed by a licensed physician that indicates that the person or a member of the person's immediate family requires medical treatment on a regular basis.

(d) The person must show that the person is not incompetent to drive nor a habitual incompetent, reckless or criminally negligent driver as established by the person's driving record in this or any other jurisdiction.

(e) The person must make a future responsibility filing.

(f) The person must submit any other information the division may require for purposes of determining whether the person qualifies under this section, ORS 807 250, 813 500 and 813 520.

(4) If the division finds that the person meets the requirements of this section and any applicable requirements under ORS 807 250, 813 500 and 813 520, the division may issue the person a hardship permit, valid for the duration of the suspension or for a shorter period of time established by the division unless sooner suspended or revoked under this section. If the division issues the permit for a period shorter than the suspension period, renewal of the permit shall be on such terms and conditions as the division may require. The permit

(a) Shall limit the holder to operation of a motor vehicle only during specified times.

(b) May bear other reasonable limitations relating to the hardship permit or the operation of a motor vehicle that the division deems proper or necessary. The limitations may include any limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS 811 175 or 811 182.

(5) The division, upon receiving satisfactory evidence of any violation of the limitations of a permit issued under this section or limitations placed on a hardship permit under ORS 813 510, may suspend or revoke the hardship permit. A person issued a permit under this section is

entitled to the hearings provided under ORS 809 360 and 809 440 upon suspension or revocation of the hardship permit.

(6) The fee charged for application or issuance of a hardship driver permit is the hardship driver permit application fee under ORS 807 370. The fee shall not be refunded if the application is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit shall be the same fee as that charged for renewal of a license. The application fee charged under this subsection is in addition to any fee charged for reinstatement of driving privileges under ORS 807 370.

(7) The division may issue a permit granting the same driving privileges as those suspended or may issue a permit granting fewer driving privileges, as the division determines necessary to assure safe operation of motor vehicles by the permit holder [1983 c 338 §327, 1985 c 16 §144, 1985 c 608 §29, 1987 c 730 §11, 1987 c 801 §3].

807.250 Restrictions on issuance of hardship permit. In addition to any requirements under ORS 807 240 and any applicable conditions under ORS 813 500 and 813 520, the division shall not issue a hardship permit under ORS 807 240 to a person whose suspension of driving privileges is based upon a conviction of any of the following unless the person submits to the division a recommendation from the judge before whom the person was convicted:

(1) ORS 811 140

(2) ORS 811 540

(3) Driving while under the influence of intoxicants. If a person's driving privileges are suspended for a conviction for driving while under the influence of intoxicants and the person is determined under ORS 813 500 to have a problem condition involving alcohol or controlled substances as described in ORS 813 040, the judge must

(a) Make the recommendation with reference to the best interest of the public as well as of the defendant and the recommendation must be in writing.

(b) Recommend times, places, routes and days minimally necessary for the person to retain employment, to attend any alcohol treatment or rehabilitation program or to receive necessary medical treatment for the person or a member of the person's immediate family [1985 c 16 §150, 1987 c 262 §2, 1987 c 801 §4].

807.260 Notice to police about hardship permit holders and limitations on permits. The Motor Vehicles Division may make arrange-

ments with police agencies in communities to provide the police agencies with information concerning the issuance of hardship permits under ORS 807 240 to people within the communities and concerning conditions or limits placed upon such permits [1985 c 16 §152, 1987 c 801 §5]

807.270 Probationary driver permit.

The division shall provide for issuance of probationary driver permits in a manner consistent with this section. A probationary driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a probationary driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to the corresponding class of license. The following apply to a probationary driver permit

(1) The division may issue a probationary driver permit to a person whose driving privileges have been revoked as a habitual offender under ORS 809 640

(2) A probationary driver permit expires one year after issuance and may be renewed for only one-year or shorter periods

(3) A probationary driver permit shall only be issued to a person while that person's driving privileges and right to apply for driving privileges are otherwise revoked under ORS 809 640 because the person has been determined to be a habitual offender

(4) The fee charged for application or issuance of a probationary driver permit is the probationary driver permit application fee under ORS 807 370. The fee shall not be refunded if the application is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit shall be the fee charged for renewal of a probationary driver permit under ORS 807 370. The application fee charged under this subsection is in addition to any fee charged for reinstatement of driving privileges under ORS 807 370

(5) Before an applicant may be issued a probationary driver permit, the applicant must meet the following qualifications in addition to any other qualifications for the permit

(a) The applicant must successfully complete a driver improvement course approved by the division, and

(b) The applicant must submit a report of a diagnostic examination conducted by a private physician showing to the satisfaction of the Assistant Director for Health that the applicant is physically and mentally competent to operate a motor vehicle

(6) A person who is issued a probationary driver permit must continually satisfy the conditions of the permit

(7) If a person issued a probationary driver permit is convicted of or forfeits bail for one offense described in ORS 809 600 (1) or more than one offense described in ORS 809 600 (2) within any 12-month period, the permit shall be revoked and no license or permit may be issued for one year from the date of the revocation

(8) The division may establish by rule additional limitations for a probationary driver permit. The limitations may include any limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS 811 175 and 811 182 [1983 c 338 §326, 1985 c 16 §143, 1985 c 597 §18, 1985 c 608 §28, 1987 c 730 §12]

807.280 Instruction driver permit.

The division shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or indorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or indorsement granting the same driving privileges. The following apply to an instruction driver permit

(1) An instruction driver permit is subject to the same classifications and indorsements as a license. The division may issue an instruction driver permit to grant the same driving privileges as a Class 1, 2, 3 or 4 license or as any indorsement, but the permit will also be subject to the provisions of this section

(2) The division may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of indorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class 4 license

(b) An applicant must be 16 years of age or older and have a Class 1, Class 2, Class 3 or Class 4 license to receive the same driving privileges as are granted under a motorcycle indorsement

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection

(3) The only fee required for issuance of an instruction driver permit is the instruction driver permit issuance fee under ORS 807 370

(4) The permit shall be valid for one year from the date of issuance and may not be renewed

(5) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an indorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting motorcycle driving privileges, the holder of the permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle

(6) The holder of a permit granting motorcycle driving privileges is subject to the following in addition to any other requirements under this section

(a) The holder may only operate a motorcycle during daylight hours

(b) The holder may not carry any passengers on the motorcycle

(c) The holder of the permit must wear an approved helmet while operating a motorcycle

(7) The fee for issuance of a duplicate or replacement permit because of loss, destruction or mutilation of the permit is the permit replacement fee under ORS 807 370 [1983 c 338 §316, 1985 c 16 §135, 1985 c 608 §23]

807.290 Special temporary instruction driver permit. (1) The division shall provide for the issuance of special temporary instruction driver permits in a manner consistent with this section. Except as provided in this section, a special temporary instruction driver permit is subject to the same fees, provisions, conditions, prohibitions and penalties applicable to an instruction driver permit under ORS 807 280

(2) The division may issue a special temporary instruction driver permit, without charge, to a person who has filed an application for and paid the fee for a special student driver permit or an emergency driver permit but was unable to qualify for the permit because of lack of experience in the operation of motor vehicles. A permit issued under this section shall be valid for only 60 days [1983 c 338 §317]

807.300 Agricultural commodity transport permit. The division shall provide for issuance of agricultural commodity transport permits in a manner consistent with this section. An agricultural commodity transport permit grants the driving privileges provided in this section. Except as otherwise provided in this section, an agricultural commodity transport permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class 3 license. The following apply to an agricultural commodity transport permit

(1) The division may issue the permit without requiring additional tests to a person who has either a Class 4 driver license or a valid driver license issued prior to October 1, 1986, if a farm employer or a self-employed farmer certifies to the division

(a) That the person is experienced in driving a vehicle that may be driven only by persons who have a Class 3 or higher license, and

(b) That the person's two-part driving record does not show either a conviction for a major traffic offense within five years of the date of application for the permit or a traffic accident within two years of the date of application for the permit

(2) The holder of the permit may operate or tow vehicles as authorized by a Class 3 license if

(a) The holder is transporting agricultural commodities from the place the commodities are grown or produced to a place where they are stored, processed, sold or offered for sale,

(b) The holder is returning from transporting agricultural commodities as described in paragraph (a) of this subsection to the place the commodities were grown or produced; or

(c) The operation or towing on a highway is incidental to the use of the vehicles in agricultural operations

(3) The holder of the permit may also exercise driving privileges granted by Class 4 and Class 5 licenses [1985 c 608 §29b, 1987 c 744 §7]

Note 807 300 becomes operative October 1, 1986. See section 38, chapter 608 Oregon Laws 1985

807.310 Applicant temporary permit.

(1) The division shall provide for the issuance of applicant temporary driver permits in a manner consistent with this section

(2) The division may issue an applicant temporary driver permit to an applicant for a license or for a driver permit while the division is determining all facts relative to application for the license or driver permit. The division shall set

forth on the applicant temporary driver permit the driving privileges granted under the permit

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

(4) An applicant temporary driver permit shall be valid for a period of 30 days from the date issued. The division may extend the term of the permit for sufficient cause. An extension of the term of the permit shall not be for more than 30 additional days. An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause

(5) No fee shall be charged for issuance of an applicant temporary driver permit under this section [1983 c 338 §315, 1985 c 16 §134, 1985 c 597 §13, 1985 c 608 §22]

807.320 Court issued temporary driver permit. (1) Courts shall provide for issuance of court issued temporary driver permits in a manner consistent with this section. A court issued temporary driver permit grants only those driving privileges specifically granted under the permit

(2) If a court takes immediate possession of a license or driver permit under ORS 809 250 upon suspension or revocation of the driving privileges under the license or driver permit, the court shall issue a court issued temporary driver permit to the person convicted if the court determines issuance of the permit is necessary to give full effect to the requirement that the court take the license or driver permit under ORS 809 250

(3) A court issued temporary driver permit

(a) Shall be issued on forms provided by the division

(b) Is valid until midnight of the day of conviction of the person issued the permit [1983 c 338 §324]

807.330 Court bail driver permit. (1) Courts shall provide for the issuance of court bail driver permits in a manner and to grant driving privileges consistent with this section

(2) The court bail driver permit shall act as a receipt for a license that is accepted as security for bail by a court under ORS 810 300 and 810 310

(3) The permit confers on the person to whom it is issued the same driving privileges as

the license which was accepted as security for bail

(4) The division shall prepare a form for the permit and all permits issued pursuant to this section shall conform to the form so prepared

(5) Upon issuance of a permit, a court shall promptly notify the division of the fact

(6) The driving privileges granted under the permit are valid only until the time fixed for appearance or the expiration of 30 days from the date the permit is issued, whichever first occurs

(7) No fee shall be charged for issuance of the permit [1983 c 338 §325]

(Continuing Eligibility)

807.340 Reestablishment of eligibility; when required; effect of failure to reestablish. (1) The division may require any person to whom a license, driver permit or indorsement is issued to appear before the division and reestablish the person's eligibility by taking either an examination under ORS 807 070 or following the procedures in ORS 807 090, as appropriate. The division may act under this section if the division has reason to believe that the person may

(a) No longer be qualified to hold a license, driver permit or indorsement; or

(b) No longer be able to safely operate a motor vehicle

(2) If a person does not appear before the division within a reasonable time after receiving notice from the division under this section or is unable to reestablish eligibility to the satisfaction of the division under this section, the division may take action to suspend the person's driving privileges under ORS 809 410 [1983 c 338 §314, 1985 c 608 §21]

807.350 Cancellation of privileges for failure to meet qualifications; issuance of more limited license or permit. (1) The division, at any time, may cancel the driving privileges or part of the driving privileges granted any person under any class of license or under any indorsement or any driver permit if the division determines that the person no longer meets the qualifications or requirements for the license, indorsement or permit

(2) Upon cancellation under this section, a person whose privileges are canceled shall surrender to the division any license or driver permit issued for the driving privileges. Failure to comply with this subsection is subject to penalty as provided under ORS 809 500

(3) If the division cancels driving privileges under this section, the division may provide for the issuance of a license, driver permit or license with indorsement or limitations granting driving privileges for which the person does qualify or meet the requirements. The division may provide for the waiver of all or part of the fees relating to the issuance of a license or driver permit when the division issues a driver permit or license under this subsection, as the division determines equitable.

(4) A person whose driving privileges are canceled under this section may only regain the canceled driving privileges by reapplying for the privileges and establishing eligibility and qualification for the driving privileges as provided by law [1985 c 608 §33]

Note 807 350 becomes operative October 1, 1986. See section 38, chapter 608, Oregon Laws 1985.

FEEES

807.370 License, indorsement and permit fees. The following are the fees relating to the issuance and renewal of licenses, driver permits and indorsements

(1) Disability golf cart driver permit fees under ORS 807 210, as follows

(a) For issuance, \$15

(b) For renewal fee under ORS 807 210, \$9 plus an additional fee of \$1 under ORS 807 380, if applicable

(2) Emergency driver permit fee under ORS 807 220, \$11

(3) Instruction driver permit issuance fee under ORS 807 280, \$13

(4) Original license issuance fee under ORS 807 040, as follows

(a) For a Class 1 license, \$32

(b) For a Class 2 license, \$32

(c) For a Class 3 license, \$32

(d) For a Class 4 license, \$19.

(e) For a Class 5 license, \$19

(5) Notwithstanding subsection (4) of this section, for an original Class 1, Class 2 or Class 3 license when the division accepts a certificate of competency issued under ORS 807 080 or otherwise waives the actual driving demonstration, \$22

(6) License renewal fee for all classes of license under ORS 807 150, \$9, plus an additional fee of \$1 under ORS 807 380, if applicable

(7) License replacement fee under ORS 807 160, \$10

(8) Motor Vehicle Accident Fund eligibility fee under ORS 807 040 and 807 150, \$4

(9) Original indorsement issuance fee under ORS 807 170 for either class of motorcycle indorsement, \$23, in addition to any fees for the indorsed license

(10) Permit replacement fee under ORS 807 220, 807 230, 807 280 and 807 290, \$12

(11) Special student driver permit fee under ORS 807 230, \$11

(12) Student Driver Training Fund eligibility fee under ORS 807 040 and 807 150, \$2

(13) Motorcycle Safety Subaccount fee as follows

(a) Upon original issuance of motorcycle indorsements under ORS 807 170, \$2

(b) Upon renewal of a license with a motorcycle indorsement under ORS 807 170, \$3

(14) Probationary driver permit application fee under ORS 807 270, \$38

(15) Probationary driver permit renewal fee under ORS 807 270, \$10

(16) Hardship driver permit application fee under ORS 807 240, \$38

(17) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$44

(18) Fee for reinstatement of suspended driving privileges under ORS 809 380, \$44 [1983 c 338 §344, 1985 c 16 §161, 1985 c 279 §2, 1985 c 736 §4a, 1985 c 608 §31 1987 c 790 §3, 1987 c 801 §6]

Note Section 4b, chapter 736, Oregon Laws 1985, provides

Sec 4b If Senate Bill 213 becomes law, the amendments to section 344, chapter 338, Oregon Laws 1983, [ORS 807 370] by section 4a of this Act become operative October 1, 1986

807.380 Additional fee for renewal; waiver. (1) In addition to any fee charged for renewal of a license under ORS 807 150, the division shall collect the additional renewal fee established under ORS 807 370 if

(a) A license is renewed and a new license is issued with a new photograph on the license as described under ORS 807.110, and

(b) The license could have been renewed by the procedures established by the division under subsection (3) of this section without obtaining a new license with a new photograph

(2) The division may waive the fee required by subsection (1) of this section as provided by ORS 807 390

(3) The division may renew a license without issuance of a new license with a new photograph subject to the following

(a) The division may only renew under this subsection without issuance of a new license with a new photograph if a new license with photograph was issued to the person for the immediate preceding renewal of the license

(b) When a license is renewed as provided under this subsection without issuance of a new license with photograph, the division shall provide some other means the division determines appropriate for indicating on the license that it has been renewed

(c) The division shall provide procedures for renewal of licenses by mail for those times under this subsection that licenses may be renewed without issuance of a new license with photograph [1985 c 16 §157, 1985 c 258 §3]

807.390 Waiver of certain fees. (1) The Motor Vehicles Division, by rule, may provide for a waiver of the following fees under circumstances described under this section

(a) The fee under ORS 807 380 for issuance of a new license with a new photograph upon renewal of a license

(b) The fee under ORS 807 160 for issuance of a replacement or duplicate license

(2) Rules adopted by the division under this section may only provide for waiver of the described fees when all of the following apply

(a) A person requests a change in information contained on a license or the division determines such change is necessary

(b) The type of change is generally accomplished under procedures that do not require the issuance of a new license

(c) The division decides to issue a new license

(A) For purposes of convenience, or

(B) Under circumstances when the division does not generally issue a new license [1985 c 258 §2]

IDENTIFICATION CARDS

807.400 Issuance; application; contents; renewal; fee; validity; replacement; cancellation. (1) The division shall issue an identification card to any person who furnishes such bona fide documentary evidence of the person's age and identity as the division may require. The division shall work with other agencies and organizations to attempt to improve the issuance system for identification cards

(2) Every original application for an identification card must be signed and verified by the applicant before a representative of the division. The division shall require at least one document to verify the address of an applicant for issuance or renewal of an identification card in addition to other documents the division may require of the applicant

(3) Every identification card shall be issued upon the standard license form described under ORS 807 110 and shall bear a statement to the effect that the identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only. The division shall use the same security procedures, processes, materials and features for an identification card as are required for a license under ORS 807 110

(4) Upon order of the juvenile court, the division shall include on the card the fact that the person issued the identification card is an emancipated minor

(5) Each original identification card shall expire on a date consistent with the expiration dates of licenses as set forth in ORS 807 130

(6) Identification cards shall be renewed under the terms for renewal of licenses as set forth in ORS 807 150

(7) The fee for an original identification card or a renewal thereof shall be the fee established under ORS 807 410. In no event shall the issuance or renewal of an identification card be subject to any fee in addition to that set forth in ORS 807 410

(8) An identification card becomes invalid if the holder of the card changes residence address from that shown on the identification card and does not provide the division with notice of the change as required under ORS 807.420

(9) If a person to whom an identification card was issued and who changes residence address appears in person at a division office, the division may do any of the following

(a) Issue a new identification card containing the new address but bearing the same distinguishing number as the old identification card upon receipt of the old identification card and payment of the fee established for issuing a new identification card with a changed address under ORS 807 410

(b) Note the new address on the old identification card in a manner to be determined by the division

(10) An identification card becomes invalid if the holder of the card changes the person's name

from that shown on the card, including a change of name by marriage, without providing the division with notice of the change as required under ORS 807 420 Upon receiving such notice and the old identification card, the division shall issue a new identification card upon payment of the fee required under ORS 807 410

(11) In the event an identification card is lost, destroyed or mutilated, the person to whom it was issued may obtain a duplicate or replacement identification card from the division upon furnishing proof satisfactory to the division of such fact and payment of the duplicate or replacement fee under ORS 807 410

(12) Upon cancellation of an identification card, the card is terminated and must be surrendered to the division An identification card may be canceled for any of the reasons that a license may be canceled under ORS 809 310 The division shall not, within one year following the date of such cancellation, issue another identification card to a person whose identification card has been canceled

(13) Notwithstanding any other provision of this section, the division may issue an identification card to a person under this subsection without charge when the person surrenders a license or driver permit to the division for reasons described in this subsection If the division issues an identification card under this subsection, the identification card shall expire at the same time as the surrendered driver license or driver permit would have expired An identification card issued under this subsection is subject to the same requirements and fees for renewal or upon expiration as any other identification card issued under this section The division may issue identification cards under this subsection as described under any of the following:

(a) The division may issue an identification card under this subsection to a person who voluntarily surrenders a license or driver permit to the division based upon the person's recognition that the person is no longer competent to drive

(b) The division may issue an identification card to a person under this subsection when the person's driving privileges are suspended under a provision of ORS 809 410 or 813 400 that provides the division may issue an identification card for purposes of identification This paragraph only applies if the person voluntarily surrenders the person's license or driver permit to the division as provided under ORS 809 500 [1983 c 338 §866, 1985 c 16 §437, 1985 c 174 §13, 1985 c 301 §2]

807.410 Fees. This section establishes the fees relating to identification cards under ORS

807 400 The following fees apply to identification cards unless otherwise provided by ORS 807 400 or otherwise provided by law

(1) For issuance of an original identification card, \$12 This subsection does not require a fee for issuance when ORS 807 400 provides for issuance of an identification card without charge of a fee

(2) For renewal of an identification card, \$10

(3) For replacement of an identification card, \$10 [1983 c 338 §867, 1985 c 16 §438, 1985 c 174 §14, 1985 c 301 §3, 1985 c 736 §7, 1987 c 790 §4]

807.420 Failure to notify division on change of name or address; penalty. (1) A person to whom an identification card is issued under ORS 807 400 commits the offense of failure to notify the division on change of identification card holder name or address if the person does not notify the division in the manner described in subsection (2) of this section upon any change of the person's

(a) Residence address from that noted on the person's identification card as issued, or

(b) Name from that noted on the person's identification card as issued, including a change of name by marriage

(2) Notice required under this section

(a) Must be given within 30 days of the change

(b) Must be in writing and contain the old and new residence address or name

(c) Must contain the number of the old identification card

(d) Must be given in person for a change of name

(e) May be given in person or by mail for a change of residence

(3) The division shall note on its records any change reported to the division under this section

(4) The offense described in this section, failure to notify division on change of identification card holder name or address, is a Class D traffic infraction [1983 c 338 §868]

807.430 Misuse of identification card; penalty. (1) A person commits the offense of misuse of an identification card if the person performs any act in relation to an identification card issued under ORS 807.400 that is prohibited in relation to a license under ORS 807 530, 807 580 to 807 600 or 809 500 or fails to perform any act in relation to an identification card issued under ORS 807 400 that is required in relation to

a license under ORS 807 530, 807 580 to 807 600 or 809 500

(2) The offense described by this section, misuse of identification card, is a Class A misdemeanor [1983 c 338 §869, 1985 c 393 §67, 1987 c 262 §3]

OFFENSES

807.500 Unlawful production of license forms or camera cards; penalty. (1) A person commits the offense of unlawful production of license forms or camera cards if the person, without the authority of the division, advertises for the production of, produces in any way or causes to be produced any facsimiles of the forms or camera cards upon which the division issues licenses or driver permits under the vehicle code

(2) The offense described in this section, unlawful production of license forms or camera cards, is a Class A misdemeanor [1983 c 338 §330, 1985 c 597 §19]

807.510 Sale of documents for purposes of misrepresentation; penalty. (1) A person commits the offense of sale of documents for the purposes of misrepresentation if the person

(a) Manufactures, produces, sells, offers for sale or transfers to another person any document purporting to be a certificate of birth, certificate of baptism or driver license, and

(b) Knows or has reason to know that the document may be used to represent a person as another person in obtaining documents issued by a government agency to grant driving privileges or for identification purposes

(2) The offense described in this section, sale of documents for purposes of misrepresentation, is a Class A misdemeanor [1983 c 338 §331, 1985 c 597 §20]

807.520 False swearing to receive license; penalty. (1) A person commits the offense of false swearing to receive a driver license if the person makes any false affidavit or knowingly swears or affirms falsely to any matter required to be sworn to or affirmed in the process of applying for, receiving and holding a license or driver permit under the vehicle code

(2) The offense described in this section, false swearing to receive a driver license, is a Class A misdemeanor [1983 c 338 §332]

807 530 False application for license; penalty. (1) A person commits the offense of providing a false application for a license if the person in applying for a license or driver permit

or for renewal or duplication thereof under the vehicle code knowingly

(a) Uses or gives a false or fictitious name or identity,

(b) Gives or uses a false or fictitious address,

(c) Gives or uses a false age,

(d) Makes a false statement,

(e) Conceals a material fact, or

(f) Otherwise commits fraud in the application

(2) The offense described in this section, providing a false application for a license, is a Class A misdemeanor [1983 c 338 §333, 1985 c 16 §153]

807.540 Failure to surrender prior license; penalty. (1) A person commits the offense of failing to surrender a prior license if the person accepts a license or driver permit issued by the division to that person without first surrendering all out-of-state licenses or driver permits issued to that person

(2) The offense described in this section, failure to surrender a prior license, is a Class B traffic infraction [1983 c 338 §334, 1985 c 16 §154, 1985 c 597 §21]

807.550 Holding multiple licenses; penalty. (1) A person commits the offense of holding multiple licenses if the person applies for and accepts a license or driver permit, other than an instruction driver permit, when the person holds an existing license or driver permit

(2) The offense described in this section, holding multiple licenses, is a Class B traffic infraction [1983 c 338 §335, 1985 c 608 §30]

807.560 Failure to notify division upon change of address or name; penalty. (1) A person to whom a license or driver permit is issued commits the offense of failure to notify upon change of driver address or name if the person does not notify the division in the manner described in subsection (2) of this section upon any change of the person's

(a) Residence from that noted on the person's license or driver permit as issued,

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

(c) Place of employment, if the person is a police officer whose place of employment address is noted on division records in accordance with ORS 802 250

(2) Notice required under this section

(a) Must be given within 30 days of change

(b) Must be in writing and contain the old and new residence address or name

(c) Must contain the number of the license or driver permit held

(d) Must be given in person for a change of name

(e) May be given in person or by mail for a change of residence

(3) The offense described in this section, failure to notify upon change of driver address or name, is a Class D traffic infraction [1983 c 338 §337, 1985 c 563 §8]

807.570 Failure to carry or present license; penalty. (1) A person commits the offense of failure to carry a license or to present a license to a police officer if the person either

(a) Drives any motor vehicle upon a highway in this state without a license, driver permit or out-of-state license in the person's possession, or

(b) Does not present and deliver such license or permit to a police officer when requested by the police officer under any of the following circumstances

(A) Upon being lawfully stopped or detained when driving a vehicle

(B) When the vehicle that the person was driving is involved in an accident

(2) This section does not apply to any person expressly exempted under ORS 807.020 from the requirement to have a driver license or driver permit

(3) Except as provided in ORS 813.110, it is a defense to any charge under this section that the person so charged produce a license, driver permit or out-of-state license that had been issued to the person and was valid at the time of violation of this section

(4) A police officer may detain a person arrested or cited for the offense described in this section only for such time as reasonably necessary to investigate and verify the person's identity

(5) The offense described in this section, failure to carry a license or to present a license to a police officer, is a Class C misdemeanor [1983 c 338 §339 1985 c 16 §158, 1987 c 217 §6]

807.580 Using invalid license; penalty.

(1) A person commits the offense of using an invalid license if the person knowingly displays or permits to be displayed or possesses any license or driver permit that the person knows is fictitious, canceled, revoked, suspended or fraudulently altered

(2) The offense described in this section, using an invalid license, is a Class A misdemeanor. [1983 c 338 §340]

807.590 Permitting misuse of license; penalty. (1) A person commits the offense of permitting misuse of a license if the person has been issued a license or driver permit and the person knowingly lends the license or driver permit to another or knowingly permits another person to use the license or driver permit

(2) The offense described in this section, permitting misuse of a license, is a Class A misdemeanor [1983 c 338 §341]

807.600 Using another's license; penalty. (1) A person commits the offense of using another's license if the person knowingly displays or represents as the person's license or driver permit a license or driver permit that has not been issued to the person

(2) The offense described in this section, using another's license, is a Class A misdemeanor [1983 c 338 §342, 1985 c 16 §159]

807.610 Employing or providing vehicle to unqualified driver; penalty. (1) A person commits the offense of employing or providing a vehicle to an unqualified driver if the person does any of the following

(a) Employs another person for the purpose of engaging in a particular type of operation of a vehicle for which the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, indorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation

(b) Rents, leases or otherwise furnishes a motor vehicle owned or controlled by the person to any other person without first seeing the other person's license, driver permit or license with indorsement allowing the person, under the vehicle code, to operate the particular type of vehicle being furnished

(2) The offense described in this section, employing or providing a vehicle to an unqualified driver, is a Class B traffic infraction [1985 c 608 §7]

807.620 Giving false information to police officer; penalty. (1) A person commits the offense of giving false information to a police officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any police officer who is enforcing motor vehicle laws

(2) The offense described in this section, giving false information to a police officer, is a

Class A misdemeanor [1983 c 338 §343, 1985 c 16 §160, 1985 c 597 §22]

807.630 False certification regarding agricultural commodity transport permit; penalty. (1) A person commits the offense of false certification regarding an agricultural commodity transport permit if the person falsely certifies to the division the information required by ORS 807 300 (1)

(2) The offense described in this section, false certification regarding an agricultural commodity transport permit, is a Class B traffic infraction [1987 c 744 §9]

MISCELLANEOUS

807.700 Notification to division as to released mentally ill or retarded licensed operators. (1) It shall be the duty of the superintendent of the hospital for the mentally ill or mentally retarded to notify the division as to released licensed operators who, in the opinion of the superintendent, should not drive because of their mental condition

(2) Upon receipt of information submitted under this section, the division is subject to the provisions relating to this section under ORS 809 410 [1985 c 16 §436]

807.710 Reports of persons suffering from chronic nervous disorders; forms; forwarding information to division; reports confidential. (1) All persons authorized by the State of Oregon to diagnose and treat disorders of the nervous system shall report

immediately to the Health Division every person over 14 years of age diagnosed as having a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic

(2) Reports required under this section shall be upon forms prescribed or provided by the Health Division, which shall publish names of the disorders to be reported. Each report shall include the person's name, address, date of birth, sex, and the name of the disorder

(3) On or before the 15th day of each month the State Health Officer shall forward to the division a copy of each report or a list of the information in all reports received in the preceding calendar month as required by subsection (1) of this section. The reports are confidential and shall be used by the division only to determine the qualifications of persons to operate motor vehicles upon the highways [1983 c 338 §872]

807.720 Death certificates to be filed with division. On or before the 15th day of each month, the Assistant Director for Health shall forward to the division a copy of the death certificate covering the death, resulting from a motor vehicle accident, of any persons within the assistant director's jurisdiction during the preceding calendar month [1983 c 338 §871, 1985 c 16 §440]

Chapter 808

[Reserved for expansion]