

Chapter 807

1991 EDITION

Driving Privileges, Licenses and Permits

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OREGON VEHICLE CODE

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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 801.026. 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 indorsement 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, INDORSEMENTS AND PERMITS

Note: Chapter 636, Oregon Laws 1989, institutes a commercial driver license law that becomes operative on April 2, 1990. New sections and ORS sections amended by the Act are shown in regular, rather than note, form. If a source note indicates that a particular statute was amended by chapter 636, Oregon Laws 1989, a user who wants to know whether a particular provision of that statute was operative before April 2, 1990, should consult the session laws. Because certain provisions of the Act will not apply to all persons at the same time, the following transitional provisions are set forth for the user's convenience.

Sec. 48. (1) The provisions of this section and sections 49 to 52 of this Act control over any provisions of law that conflict with them.

(2) Except as otherwise provided in this section and sections 49 to 52 of this Act, all driver licenses issued by the Motor Vehicles Division after April 2, 1990, whether issued as new licenses, duplicates or replacements, shall be issued under the provisions of this Act. [1989 c.636 §48]

Sec. 49. (1) A person who has a valid Oregon driver license on the operative date of this Act may convert the license to a commercial driver license prior to April 1, 1992, if the person:

(a) Meets all qualifications for the class of license sought;

(b) Passes a knowledge test for the class of license sought;

(c) If required to do so by the division under the provisions of subsection (2) of this section, gives an actual demonstration of the person's ability to operate a vehicle that may be operated only by a person with the class of license sought; and

(d) Complies with any schedule established by the division under subsection (3) of this section.

(2) The division by rule may establish criteria for determining whether a person is required to give a demonstration prior to being issued a commercial driver license under these conversion provisions.

(3) The division may establish a schedule for conversion by individuals to commercial driver licenses. The goal of the schedule shall be to insure that the conversion process is accomplished with the least possible disruption of service to the general public. [1989 c.636 §49]

Sec. 50. During the period of transition to the commercial driver licensing scheme established by this Act, the Motor Vehicles Division may adjust the required time of renewal for driver licenses. The purpose of such adjustments shall be to avoid hardship to persons converting to a Class A, Class B or Class C commercial driver license. [1989 c.636 §50]

Sec. 51. After the operative date of this Act [April 2, 1990], any person operating a commercial motor vehicle is subject to the provisions of this Act dealing with suspension of a commercial driver license. The following provisions apply as described:

(1) If the person does not have a commercial driver license issued by this state or another jurisdiction and the person commits an act that is grounds for suspension of a commercial driver license, the person's right to apply for a commercial driver license shall be suspended for the time that the person's commercial driver license would have been suspended had the person had one.

(2) If the person has a driver license that grants the person the privilege of operating commercial motor vehicles and the person commits an act that is grounds for suspension of a commercial driver license, the privilege to operate those vehicles shall be suspended for the time that a commercial driver license would have been suspended had the person had one.

(3) If the person is eligible for a Class C license following a suspension under subsection (2) of this section and complies with all requirements for the license, the division shall issue the license to the person.

(4) A suspension under this section shall have the same force and effect as suspension of a commercial driver license. [1989 c.636 §51]

Sec. 52. After April 2, 1990, a person who has a valid Oregon driver license issued before April 2, 1990, and who does not want or is not required to have a commercial driver license is subject to the following:

(1) The license is valid until its expiration except that whenever the person is required to appear in person whether to renew the license or to apply for a duplicate or replacement license, the division shall issue the person either a Class C license or a restricted Class C license, as appropriate.

(2) The license may not be converted to a Class C or restricted Class C license unless the person is required to appear in person to renew the license or to apply for a duplicate or replacement license.

(3) The holder of the license is entitled to operate any vehicle that may be operated under that license except that after April 1, 1992, no license other than a commercial driver license authorizes operation of commercial motor vehicles. [1989 c.636 §52]

Sec. 53. (1) Sections 48 to 51 of this Act are repealed on April 1, 1992.

(2) Section 52 of this Act is repealed on April 1, 1998. [1989 c.636 §53]

Sec. 55. (1) On and after April 1, 1992, each person who operates a commercial motor vehicle in this state must have a commercial driver license.

(2) This Act becomes operative on April 2, 1990. [1989 c.636 §55]

Sec. 56. Notwithstanding subsection (2) of section 55 of this Act, the Motor Vehicles Division may begin offering tests for commercial driver licenses and indorsements on January 1, 1990, and may charge the fees authorized by this Act for the tests. The division may determine by rule categories of persons who are eligible for early testing under this section. [1989 c.636 §56]

807.030 [1985 c.608 §8; 1987 c.744 §1; repealed by 1989 c.636 §54]

(Licenses)

807.031 Classes of license. This section describes the type of driving privileges granted by the various licenses issued by this state. Licenses are established by class with the highest class being Class A commercial. Each class of license grants driving privileges for that class and for all lower classes. No license grants driving privileges for which an indorsement is required. The following licenses grant the driving privileges described:

(1) A Class A commercial driver license authorizes a person to operate any vehicle or combination of vehicles except that the person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.

(2) A Class B commercial driver license authorizes a person to operate any single vehicle and to tow a vehicle that is not in excess of 10,000 pounds gross vehicle weight rating. The person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.

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

(a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;

(b) Any vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;

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

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

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

(5) A restricted Class C licence authorizes a person to operate a moped or to operate under one of the permits described in ORS 807.200 as constituting a restricted Class C license. The person may not operate any vehicle for which an indorsement is re-

quired or be granted any indorsements for the license. [1989 c.636 §12]

807.032 Restricted Class B commercial driver license. The division by rule may provide for the issuance of a restricted Class B commercial driver license. A restricted Class B commercial driver license shall be issued only to drivers of school buses and school activity vehicles and shall grant the privileges specified in the rules of the division. The rules shall include, but need not be limited to, provisions for issuance of the license to persons who have not performed an actual demonstration in a vehicle that may be operated only by holders of a Class B or Class A commercial driver license. [1989 c.636 §12a]

807.035 Kinds of indorsement. This section describes the type of driving privileges granted by various indorsements issued by this state. The following indorsements grant the driving privileges described:

(1) A Class I motorcycle indorsement authorizes a person to operate any motorcycle, regardless of the engine displacement of the motorcycle.

(2) A Class II motorcycle indorsement authorizes a person to operate any motorcycle powered by an engine with a displacement of 499 cubic centimeters or less.

(3) A hazardous materials indorsement authorizes a person to operate a vehicle transporting hazardous materials.

(4) A tank vehicle indorsement authorizes a person to operate tank vehicles.

(5) A passenger indorsement authorizes a person to operate vehicles designed to transport 16 or more persons, including the driver.

(6) A trailer indorsement authorizes a person to operate double and triple trailers.

(7) A combined indorsement authorizes a person to operate a tank vehicle, transport hazardous materials and transport hazardous materials in a tank vehicle.

(8) A Class A farm indorsement authorizes a person to:

(a) Operate or tow any vehicle that can be operated by the holder of a Class A commercial driver license if the vehicle is:

(A) Controlled or operated by a farmer;

(B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(C) Not used in the operation of a common or contract motor carrier; and

(D) Used within 150 miles of the farmer's farm.

(b) Operate any vehicle described in paragraph (a) of this subsection that is trans-

porting hazardous materials if the vehicle is placarded in accordance with law.

(9) A Class B farm indorsement authorizes a person to:

(a) Operate or tow any vehicle that can be operated or towed by the holder of a Class B commercial driver license if the vehicle is:

(A) Controlled or operated by a farmer;

(B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(C) Not used in the operation of a common or contract motor carrier; and

(D) Used within 150 miles of the farmer's farm.

(b) Operate any vehicle described in paragraph (a) of this subsection that is transporting hazardous materials if the vehicle is placarded in accordance with law. [1989 c.636 §13; 1991 c.185 §3]

807.036 Exceptions to indorsement requirement for tow vehicle operator. Notwithstanding any other provision of law, the operator of a tow vehicle is not required to have an indorsement for towing a disabled vehicle that can be operated only by a person with an indorsement if the towing operation is the first move of the disabled vehicle and is performed as an emergency service or if it is a subsequent move of an empty vehicle that requires a passenger indorsement for operation. [1989 c.636 §13a; 1991 c.185 §4]

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 fee under ORS 807.370 for the class of license sought must be paid.

(5) The Motor Vehicle Accident Fund eligibility fee, the Student Driver Training Fund eligibility fee and the Safety Education Fund eligibility fee must be paid. The eligibility fees charged under this paragraph are eligibility fees and are 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 commercial driver license, the applicant must be the holder of a Class C license or any higher class of license.

(7) If the application is for a commercial driver license, the applicant must submit to the division, on forms approved 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 commercial driver license, the applicant must have at least one year's 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; 1989 c.636 §16; 1991 c.709 §1]

807.045 Issuance of commercial license to person who holds out-of-state commercial license. (1) In order to be authorized to drive a commercial motor vehicle in this state, a person who holds a commercial driver license issued by a jurisdiction other than Oregon must, within 30 days of becoming domiciled in Oregon:

(a) Apply to the division for an Oregon commercial driver license;

(b) Certify to the division that the applicant's current commercial driver license is not subject to any disqualification, suspension, revocation or cancellation and that the applicant does not have a commercial driver license from more than one jurisdiction; and

(c) Surrender any commercial driver license issued to the applicant by another jurisdiction.

(2) The division shall issue a commercial driver license to a person who complies with subsection (1) of this section if the division determines that the person is eligible for a commercial driver license. In order to determine eligibility under this section, the division may require from the applicant any additional information that it determines necessary and may require the applicant to pass any examinations, tests or demonstrations that the division determines necessary.

(3) For purposes of this section, a person is domiciled in this state if the person meets the criteria described in ORS 803.355. [1989 c.636 §14]

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 officers or eligible employees 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) The social security number of the applicant or other number or identifying information determined appropriate by the Secretary of the United States Department of Transportation, if the application is for a commercial driver license or if the division by rule requires the social security number on the application.

(5) 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; 1989 c.636 §17; 1991 c.67 §216; 1991 c.523 §5]

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 commercial driver 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 the division reasonably believes is subject to any condition which brings about momentary or prolonged lapses of consciousness or control that is or may become chronic.

(6) A person the division reasonably believes has 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.

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

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

(9) A person who cannot be issued a license under the Driver License Compact under ORS 802.540.

(10) 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.

(11) 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.

(12) A person whose driving privileges are canceled in this state under ORS 809.310 until the person is eligible under ORS 809.310.

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

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

(15) 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.

(16) 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.

(17) A person 18 years of age or older whose provisional driver license was sus-

pending under ORS 809.405, if the division reasonably believes that the person is not adequately reformed. As a requirement for eligibility, the division may require the person to complete a driver improvement program established by the division under ORS 809.480. [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; 1989 c.224 §137; 1989 c.636 §18; 1989 c.715 §5; 1991 c.702 §22; 1991 c.802 §1]

807.065 Additional eligibility requirements for persons under 18 years of age; provisional driver license. (1) The division shall not issue a driver license to a person who is under 18 years of age unless the person complies with the requirements of ORS 807.040 and passes a written examination designed to test the person's knowledge and understanding of safe driving practices. The examination under this subsection is in addition to any examination required under ORS 807.070.

(2) If the person takes but does not pass a test that consists of an actual demonstration of driving ability under ORS 807.070, the division may not allow the person to perform the demonstration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a period of not less than one month.

(3) A driver license issued pursuant to this section shall be a provisional driver license subject to the provisions of ORS 809.405 in addition to any other provision of law.

(4) The division shall prominently identify each driver license issued pursuant to this section as a provisional driver license. [1989 c.715 §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 commercial driver license or a Class C license if the applicant holds a valid out-of-state license. A demonstration may be waived under this paragraph only if the person has applied for the same driving privileges as those granted under the person's out-of-state license or for privileges granted by a lower class of license.

(b) The division may waive the actual demonstration for any applicant for a commercial driver 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 division may issue a Class A farm indorsement without requiring additional tests to a person who has a Class C or 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 that the person is experienced in driving a vehicle that may be driven only by persons who have a Class A commercial driver license and 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 indorsement or a traffic accident within two years of the date of application for the indorsement.

(d) The division may issue a Class B farm indorsement without requiring additional tests to a person who has a Class C or 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 that the person is experienced in driving a vehicle that may be driven only by persons who have a Class B commercial driver license and the person's two-part driv-

ing record does not show either a conviction for a major traffic offense within five years of the date of application for the indorsement or a traffic accident within two years of the date of application for the indorsement.

(e) The division by rule may establish other circumstances under which a farm indorsement may be issued without an actual demonstration. The authority granted by this paragraph includes, but is not necessarily limited to, authority to adopt rules specifying circumstances under which the indorsement may be granted to a person despite the appearance of traffic accidents on the person's record.

(f) Except as otherwise provided in ORS 807.032, 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.

(g) An actual demonstration for a passenger indorsement shall be performed in a vehicle that is designed to transport 16 or more persons, including the driver.

(4) Any other examination or test, including demonstrations, that 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; 1989 c.636 §19]

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 A commercial driver license.

(b) A Class B commercial driver license.

(c) A Class C commercial driver 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 employees' 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; 1989 c.636 §20]

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 condition 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; 1989 c.224 §138]

807.100 Medical certificates; when required. A vehicle that may be operated only by the holder of a commercial driver 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 commercial driver license who does not have

a medical certificate required by this section may exercise driving privileges granted by a Class C license. [1985 c.608 §8a; 1989 c.636 §21]

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 officers or eligible employees 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 indorsements granted. If the license is a commercial driver license, the words "commercial driver license" or the letters "CDL" shall appear on the license.

(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 ability 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; 1989 c.636 §22; 1991 c.67 §217; 1991 c.523 §6]

807.115 Duplicate images of photographs. The division shall retain a duplicate image of each photograph used on a driver license under the provisions of ORS 807.110 or an identification card under ORS 807.400. The duplicates may not be made available to anyone other than law enforcement officials and employees of the division acting in an official capacity. [1989 c.902 §2]

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 shall place a restriction on the commercial driver license of a person who performs the skill demonstration required under ORS 807.070 for issuance of a commercial license in a vehicle that is not equipped with air brakes. A restriction imposed under this subsection prohibits the person from operating commercial motor vehicles equipped with air brakes.

(4) 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.

(5) 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.

(6) 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.

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

(8) 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; 1989 c.636 §23]

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, the Student Driver Training Fund eligibility fee and the Safety Education 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 §310; 1985 c.16 §131; 1985 c.597 §10; 1985 c.608 §19; 1991 c.709 §2]

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 an officer or eligible employee who has requested in accordance with ORS 802.250 that division records show the address of the person's employer, the division shall issue a new license noting the address of the 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) Except as otherwise provided in subsection (3) of this section, 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) If the person applying for a new or replacement license furnishes proof satisfactory to the division that a police agency has reason to believe that the person's lost driver license is being used fraudulently, the division may issue a new license that bears a different number from the license replaced.

(4) 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.

(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 agreement under ORS 802.530 authorizes the division to withhold issuance of a duplicate or replacement license. [1983 c.338 §13; 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; 1989 c.535 §1; 1991 c.67 §218; 1991 c.523 §7; 1991 c.702 §23]

(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 restricted Class C 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, if any, 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.

(d) If the person is 16, 17 or 18 years of age and an applicant for a motorcycle indorsement, the person must comply with ORS 807.175.

(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; 1989 c.427 §4; 1989 c.636 §24]

807.175 Motorcycle education course for persons 16, 17 and 18 years of age. The division may not issue a Class I or Class II motorcycle indorsement to any person who is 16, 17 or 18 years of age unless the person shows to the satisfaction of the division that the person has successfully completed a motorcycle rider education course established by the Traffic Safety Division under ORS 802.320. This requirement is in addition to any other requirement for the indorsement. [1989 c.427 §2; 1991 c.453 §13]

(Permits)

807.200 Types of permit. (1) The following permits may be issued as restricted Class C 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 A commercial, Class B commercial, Class C commercial or Class C 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 any class of commercial driver license and for a Class C license. A person must have a Class C license before obtaining a Class A commercial, Class B commercial or Class C commercial instruction driver permit.

(4) Motorcycle instruction driver permits described under ORS 807.280 may be issued only to persons having a commercial driver license or a Class C license. [1985 c.608 §8b; 1987 c.801 §2; 1989 c.636 §25]

807.210 Disability golf cart 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 C 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; 1989 c.636 §26]

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 C 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 C 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; 1989 c.636 §27]

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 C 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; 1989 c.636 §28]

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. However, the division shall not issue a hardship permit authorizing a person to drive a commercial motor vehicle if the person's commercial driver license is suspended independently of a suspension of the person's Class C license.

(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 or for violation of ORS 165.805 or 471.430 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 shall include as necessary services, but need not be limited to, grocery shopping, driving the person or the person's 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; 1989 c.636 §33; 1991 c.860 §4]

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 alco-

hol 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]

Note: The amendments to 807.250 by section 5, chapter 835, Oregon Laws 1991, take effect October 1, 1992. See section 9, chapter 835, Oregon Laws 1991. The text that is in effect on and after October 1, 1992, is set forth for the user's convenience.

807.250. (1) 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:

(a) ORS 811.140.

(b) ORS 811.540.

(c) 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.

(2) The division shall not issue a hardship permit to a person whose suspension of driving privileges is based on a conviction described in section 2 of this 1991 Act.

Note: Section 8, chapter 835, Oregon Laws 1991, provides:

Sec. 8. Section 2 of this Act and the amendments to ORS 807.250, 807.370, 809.260 and 809.280 by sections 3 to 6 of this Act apply to persons convicted on and after the effective date of this Act [October 1, 1992]. [1991 c.835 §8]

807.260 Notice to police about hardship permit holders and limitations on permits. The Motor Vehicles Division may make arrangements 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 A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle 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 C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C 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) A Class C instruction driver permit shall be valid for 18 months from the date of

issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. A permit issued under this section 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. If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper indorsements for the vehicle being operated by the holder of the permit.

(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; 1989 c.397 §1; 1989 c.636 §29; 1991 c.67 §219]

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 [1985 c.608 §29b; 1987 c.744 §7; repealed by 1989 c.636 §54]

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]

FEES

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) License issuance fee for a Class C license, \$20.

(5) License issuance fee for a restricted Class C license, \$20.

(6) License issuance fee for a commercial driver license, whether or not the license contains indorsements, \$25.

(7) Test fees for a commercial driver license or permit:

(a) To take the knowledge test for a Class A commercial license or permit, \$3.

(b) To take the skills test for a Class A commercial license, \$56.

(c) To take the knowledge test for a Class B commercial license or permit, \$3.

(d) To take the skills test for a Class B commercial license, \$56.

(e) To take the knowledge test for a Class C commercial license or permit, \$3.

(f) To take the skills test for a Class C commercial license, \$56.

(8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license of any class when the division accepts a certificate of competency issued under ORS 807.080, \$33 in addition to the fee under subsection (6) of this section.

(9) For a farm indorsement, \$13.

(10) Test fees for the knowledge test for indorsements other than motorcycle and farm indorsements:

(a) For a hazardous materials indorsement, \$3.

(b) For a tank vehicle indorsement, \$3.

(c) For a passenger indorsement, \$3.

(d) For a trailer indorsement, \$3.

(11) Fee to take an airbrake knowledge test, \$3.

(12) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.

(13) License renewal fee for a commercial driver license, \$14.

(14) License renewal fee for a Class C license, \$10, plus an additional fee of \$1 under ORS 807.380, if applicable.

(15) License replacement fee under ORS 807.160, \$11.

(16) Motor Vehicle Accident Fund eligibility fee under ORS 807.040 and 807.150, \$4.

(17) Original indorsement issuance fee under ORS 807.170 for either class of motorcycle indorsement, \$23, in addition to any fees for the indorsed license.

(18) Permit replacement fee under ORS 807.220, 807.230, 807.280 and 807.290, \$12.

(19) Special student driver permit fee under ORS 807.230, \$11.

(20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$2.

(21) Motorcycle Safety Subaccount fee as follows:

(a) Upon original issuance of motorcycle indorsements under ORS 807.170, \$7.

(b) Upon renewal of a license with a motorcycle indorsement under ORS 807.170, \$7.

(22) Probationary driver permit application fee under ORS 807.270, \$38.

(23) Probationary driver permit renewal fee under ORS 807.270, \$10.

(24) Hardship driver permit application fee under ORS 807.240, \$38.

(25) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$53.

(26) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$53.

(27) Safety Education Fund eligibility fee under ORS 807.040 and 807.150, 25 cents. [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; 1989 c.161 §2; 1989 c.427 §5; 1989 c.636 §30; 1989 c.902 §3a; 1991 c.709 §3]

Note: The amendments to 807.370 by section 6, chapter 835, Oregon Laws 1991, take effect October 1, 1992. See section 9, chapter 835, Oregon Laws 1991. The text that is in effect on and after October 1, 1992, is set forth for the user's convenience.

807.370. 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) License issuance fee for a Class C license, \$20.

(5) License issuance fee for a restricted Class C license, \$20.

(6) License issuance fee for a commercial driver license, whether or not the license contains indorsements, \$25.

(7) Test fees for a commercial driver license or permit:

(a) To take the knowledge test for a Class A commercial license or permit, \$3.

(b) To take the skills test for a Class A commercial license, \$56.

(c) To take the knowledge test for a Class B commercial license or permit, \$3.

(d) To take the skills test for a Class B commercial license, \$56.

(e) To take the knowledge test for a Class C commercial license or permit, \$3.

(f) To take the skills test for a Class C commercial license, \$56.

(8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license of any class when the division accepts a certificate of competency issued under ORS 807.080, \$33 in addition to the fee under subsection (6) of this section.

(9) For a farm indorsement, \$13.

(10) Test fees for the knowledge test for indorsements other than motorcycle and farm indorsements:

(a) For a hazardous materials indorsement, \$3.

(b) For a tank vehicle indorsement, \$3.

(c) For a passenger indorsement, \$3.

(d) For a trailer indorsement, \$3.

(11) Fee to take an airbrake knowledge test, \$3.

(12) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.

(13) License renewal fee for a commercial driver license, \$14.

(14) License renewal fee for a Class C license, \$10, plus an additional fee of \$1 under ORS 807.380, if applicable.

(15) License replacement fee under ORS 807.160, \$11.

(16) Motor Vehicle Accident Fund eligibility fee under ORS 807.040 and 807.150, \$4.

(17) Original indorsement issuance fee under ORS 807.170 for either class of motorcycle indorsement, \$23, in addition to any fees for the indorsed license.

(18) Permit replacement fee under ORS 807.220, 807.230, 807.280 and 807.290, \$12.

(19) Special student driver permit fee under ORS 807.230, \$11.

(20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$2.

(21) Motorcycle Safety Subaccount fee as follows:

(a) Upon original issuance of motorcycle indorsements under ORS 807.170, \$7.

(b) Upon renewal of a license with a motorcycle indorsement under ORS 807.170, \$7.

(22) Probationary driver permit application fee under ORS 807.270, \$38.

(23) Probationary driver permit renewal fee under ORS 807.270, \$10.

(24) Hardship driver permit application fee under ORS 807.240, \$38.

(25) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$53.

(26) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$53.

(27) Safety Education Fund eligibility fee under ORS 807.040 and 807.150, 25 cents.

(28) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280, the same as the fee for reinstatement of suspended driving privileges.

Note: Section 8, chapter 835, Oregon Laws 1991, provides:

Sec. 8. Section 2 of this Act and the amendments to ORS 807.250, 807.370, 809.260 and 809.280 by sections 3 to 6 of this Act apply to persons convicted on and after the effective date of this Act [October 1, 1992].

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 does not have a current, valid driver license and 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 docu-

ments 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; 1989 c.535 §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, \$13. This subsection does not re-

quire 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, \$11.

(3) For replacement of an identification card, \$11. [1983 c.338 §867; 1985 c.16 §438; 1985 c.174 §14; 1985 c.301 §3; 1985 c.736 §7; 1987 c.790 §4; 1989 c.902 §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 an officer or eligible employee, as defined in ORS 802.250, 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) Failure to notify upon change of driver address or name is a Class D traffic infraction. [1983 c.338 §337; 1985 c.563 §8; 1989 c.695 §2; 1991 c.523 §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 [1987 c.744 §9; repealed by 1989 c.636 §54]

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]