

Senate Bill 833

Relating to documents issued by the Department of Transportation

Senate Bill 833 provides for creation of a driver card, subject to the same statutes and procedures as driver licenses and permits except for not requiring proof of legal presence in the United States. The measure specifies eligibility requirements, features that must appear on the card, ways in which the card may be used as identification, and fees for the card.

The measure is effective January 1, 2014. In 2013-15 its implementation expense is calculated at \$4,708,505 Other Funds. In the first biennium, the work of setting up systems and managing an expected backlog of demand as well as current applicants will require 6 permanent (5.50 full-time equivalent) and 58 limited duration positions. The fund source is fees paid for the driver cards. Revenue is expected to be \$5.3 million in 2013-15 and \$2.7 million in 2015-17.

The Subcommittee considered proposed amendments that clarify and correct implementing language and that provide \$4,708,505 Other Funds expenditure limitation for the agency in 2013-15.

The Transportation and Economic Development Subcommittee recommends SB 833 be amended and reported out do pass, as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: SB 833-B

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House:
Carrier – Senate:**

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Linda Gilbert, Legislative Fiscal Office

Reviewed By:

Meeting Date: April 19, 2013

Agency

Oregon Department of Transportation

Biennium

2013-15

Budget Summary*

	2011-13 Legislatively Approved Budget ⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$\$ Change	% Change
Other Funds	\$ 0	\$ 0	\$ 4,708,505	\$ 4,708,505	
Total	\$ 0	\$ 0	\$ 4,708,505	\$ 4,708,505	

Position Summary

Authorized Positions	0	0	6	6
Full-time Equivalent (FTE) positions	0.00	0.00	5.50	5.50

(1) Includes adjustments through December 2012.

* Excludes Capital Construction expenditures

Summary of Revenue Changes

Revenue sources for the Driver and Motor Vehicle Services Division (DMV) are primarily fees paid for specific products and services. This measure includes specific fees for driver cards and is expected to produce \$5.3 million in 2013-15 and \$2.7 million in 2015-17.

Summary of Transportation and Economic Development Subcommittee Action

The measure provides for the creation of a driver card, subject to the same statutes and procedures as driver licenses and permits except for not requiring proof of legal presence in the United States. The driver card is to be valid for four years. It specifies eligibility requirements for the card, that distinguishing features must appear on the card, and in what ways the card may be used as identification. The measure also specifies fees for the driver card.

Based on estimates of undocumented immigrants in the country, DMV assumes a 4% increase in ongoing demand over currently forecast driver license/permit transactions. This increased level continues each biennium and is around 41,000 transactions for a full biennium. Additionally, a potential backlog of demand exists, given that the state stopped issuing licenses to undocumented immigrants February 1, 2008. The backlog is assumed to be about 84,000 transactions, to be processed from January through September 2014.

Staffing needs include 6 permanent transportation service representatives at 22 months in 2013-15, for increased transaction workload. In addition, limited duration positions will be needed to process the backlog and perform one-time set up tasks. The total is estimated and priced to include 58 limited duration positions, mostly transportation service representatives with some administrative and phone agent slots. In order to provide flexibility in implementing the legislation, DMV would administratively establish the limited duration positions as they are needed during the biennium. Position and services and supplies costs will stay within the expenditure limitation. The fiscal estimate does not include new field offices or increased overtime expenses. At this funding level, wait times may increase during the time the backlog is being processed. In addition, the information technology work is significant and will need to begin as soon as possible to define business requirements for implementation.

The Subcommittee recommends amending the bill by making technical adjustments to the language and adding \$4,708,505 Other Funds expenditure limitation for implementation during 2013-15.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 833-B

Oregon Department of Transportation
 Linda Gilbert, Legislative Fiscal Office (503.986.1845)

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
SCR 200 - Driver and Motor Vehicles Services									
Personal Services	\$ -	\$ -	\$ 3,980,004	\$ -	\$ -	\$ -	\$ 3,980,004	6	5.50
Services and Supplies	\$ -	\$ -	\$ 728,501	\$ -	\$ -	\$ -	\$ 728,501	0	0.00
TOTAL ADJUSTMENTS	\$ -	\$ -	\$ 4,708,505	\$ -	\$ -	\$ -	\$ 4,708,505	6	5.50

**REVENUE IMPACT OF
PROPOSED LEGISLATION**
Seventy-Seventh Oregon Legislative Assembly
2013 Regular Session
Legislative Revenue Office

Bill Number:	SB 833 - B
Revenue Area:	License Fees
Economist:	Mazen Malik
Date:	04/18/2013

Only Impacts on Original or Engrossed Versions are Considered Official

Measure Description:

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

Revenue Impact (in \$Millions):

	2013-15	2015-17
Highway Fund	\$4,872,876	\$2,441,525
Student Driver Training Fund	\$344,976	\$148,506
Motorcycle Safety Subaccount	\$67,640	\$63,346
Total Other Funds	\$5,285,492	\$2,653,377

Impact Explanation:

This impact assumes a 4% increase from the number of driver license/permit transactions currently forecast as a result of this measure. Transactions are assumed to be on a one for one basis except, it that 50% of motorcycle instruction permits and endorsements are in conjunction with another transaction. The additional transactions for original non-commercial class C driver cards issued are 24,868 for the 13-15 biennium and 24,751 for 15-17 biennium. The total additional transactions after adding instruction driver cards, motorcycle instruction driver cards, motorcycle endorsements, replacement driver cards, and replacement instruction driver cards are 37,414 and 41,422 for the same biennia. The second assumption is about the waiting population or bent up demand. This is based on 1.2% annual growths for the 2008 (since real ID) to 2013 years. This yields about 27,975 transactions in the first biennium.

This statement assumes that all fees that are not specifically mentioned in the measure will be charged at the same rate as the equivalent class of eight-year driver license or driver permit.

The resulting highway fund net revenue (after paying for costs) will be distributed 60.05% to ODOT, 24.38% to counties and 15.57% to cities.

Creates, Extends, or Expands Tax Expenditure: Yes No

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 833**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 In line 3, after “802.160,” insert “802.200,” and after “807.375” insert “; and
3 limiting expenditures”.

4 In line 15, delete “license or permit” and insert “type of driving
5 privileges”.

6 On page 2, line 1, delete “, if any,”.

7 In line 2, after “Administration” insert “or provides a written statement
8 that the person has not been assigned a Social Security number”.

9 On page 3, after line 10, insert:

10 “(8) Fee for reinstatement of revoked driving privileges under ORS
11 809.390, \$75.

12 “(9) Fee for reinstatement of suspended driving privileges under ORS
13 809.380, \$75.

14 “(10) Fee for reinstatement of right to apply for driving privileges after
15 a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for rein-
16 statement of suspended driving privileges.”.

17 In line 35, delete “(4)” and insert “(5)”.

18 In line 38, delete “(4)” and insert “(5)”.

19 On page 9, after line 11, insert:

20 **“SECTION 14.** ORS 802.200 is amended to read:

21 “802.200. In addition to any other records the Department of Transporta-
22 tion may establish, the department is subject to the following provisions

1 concerning records:

2 “(1) The department shall maintain records concerning the titling of ve-
3 hicles in this state. The records under this subsection shall include the fol-
4 lowing:

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

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

11 “(B) The name of any lessor of the vehicle;

12 “(C) The vehicle description; and

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

14 “(b) If the vehicle is an antique vehicle that is reconstructed, the records
15 shall indicate that the vehicle is reconstructed.

16 “(c) If the vehicle is a replica, the records shall indicate that the vehicle
17 is a replica.

18 “(d) Any other information concerning the titling of vehicles that the
19 department considers convenient or appropriate.

20 “(e) All odometer readings for a vehicle that are reported to the depart-
21 ment under provisions of the vehicle code.

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

26 “(2) If a vehicle that has been registered or titled in another jurisdiction
27 is registered or titled in this state, the department shall retain a record of
28 any odometer readings shown on the title or registration documents submit-
29 ted to the department at the time of registration or title.

30 “(3) Except as otherwise provided in ORS 826.003, the department shall

1 maintain records concerning the registration of vehicles required to be reg-
2 istered by the department. The records concerning the registration of vehi-
3 cles may be stored along with records concerning the titling of vehicles. The
4 records under this subsection shall include the following:

5 “(a) For vehicles registered by the department, the records shall identify
6 the vehicle and contain the following:

7 “(A) The registration plate number assigned by the department to the
8 vehicle;

9 “(B) The name of the vehicle owner;

10 “(C) The vehicle description and vehicle identification number; and

11 “(D) An indication that the vehicle is a totaled vehicle if it has been re-
12 ported to the department as a totaled vehicle under the provisions of ORS
13 819.012 or 819.014, unless the reason for the report was theft and the vehicle
14 has been recovered.

15 “(b) Any other information concerning the registration of vehicles that
16 the department considers convenient or appropriate.

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

20 “(a) The person’s application for a vehicle dealer certificate.

21 “(b) An alphabetical index of the name of each person applying for a ve-
22 hicle dealer certificate.

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

25 “(5) The department shall maintain a file on vehicles for which the title
26 record is canceled under ORS 819.030. The records required under this sub-
27 section shall disclose the last registered owner of each vehicle, any security
28 interest holder or holders and lessors of each vehicle as shown by the can-
29 celed title record for each vehicle and the make and year model for each
30 vehicle.

1 “(6) The department shall maintain a record of each agreement or decla-
2 ration under ORS 802.500 and 802.520.

3 “(7) The department shall maintain separate and comprehensive records
4 of all transactions affecting the Revolving Account for Emergency Cash
5 Advances described under ORS 802.100.

6 “(8) The department shall maintain suitable records of driver licenses,
7 driver permits, **driver cards** and identification cards. The records required
8 under this subsection shall include all of the following:

9 “(a) An index by name and number.

10 “(b) Supporting documentation of all driver licenses, driver permits,
11 **driver cards** or identification cards issued.

12 “(c) Every application for a driver license, driver permit, **driver card** or
13 identification card.

14 “(d) All driver licenses [*or*], driver permits **or driver cards** that have
15 been suspended or revoked.

16 “(e) **Except as provided in paragraph (f) of this subsection**, for each
17 driver license, driver permit or identification card, the Social Security num-
18 ber of the person to whom the driver license, driver permit or identification
19 card is issued or proof that the person is not eligible for a Social Security
20 number.

21 “(f) **For each driver card, the Social Security number of the person**
22 **to whom the driver card is issued or a written statement that the**
23 **person has not been assigned a Social Security number.**

24 “[*f*] (g) For each commercial driver license, the Social Security number
25 of the person to whom the license is issued, or any other number or identi-
26 fying information that the Secretary of the United States Department of
27 Transportation determines appropriate to identify the person.

28 “(9) The Department of Transportation shall maintain a two-part driving
29 record consisting of an employment driving record and a nonemployment
30 driving record for each person as required under this subsection. All of the

1 following apply to the records required under this subsection:

2 “(a) The department shall maintain driving records on:

3 “(A) Every person who is granted driving privileges under a driver li-
4 cense, driver permit, **driver card** or a statutory grant of driving privileges
5 under ORS 807.020;

6 “(B) Every person whose driving privileges have been suspended, revoked
7 or canceled under this vehicle code;

8 “(C) Every person who has filed an accident report under ORS 811.725 or
9 811.730; and

10 “(D) Every person who is required to provide future responsibility filings
11 under ORS 806.200, 806.220, 806.230 or 806.240.

12 “(b) In addition to other information required by this paragraph, the em-
13 ployment driving record shall include all reports of drug test results that are
14 made to the department under ORS 825.410. Notwithstanding any other pro-
15 vision of law, release of the portion of the employment driving record that
16 shows drug test results reported under ORS 825.410 is permitted only in ac-
17 cordance with ORS 802.202. The employment driving record shall also include
18 all motor vehicle accidents that the person is required to report under ORS
19 811.720, all suspensions of driving privileges required to be placed on the
20 record under ORS 809.280, all suspensions of the person’s commercial driver
21 license that result from operation or use of a commercial motor vehicle and
22 all convictions of the person for violation of motor vehicle laws except con-
23 victions for offenses requiring mandatory revocation or suspension of driving
24 privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
25 only such accidents, suspensions and convictions that occur while the person
26 is driving a motor vehicle:

27 “(A) In the course of the person’s employment when the person is em-
28 ployed by another for the principal purpose of driving a motor vehicle;

29 “(B) Carrying persons or property for compensation;

30 “(C) In the course of the person’s employment in the collection, trans-

1 portation or delivery of mail if the vehicle is government owned or marked
2 for the collection, transportation or delivery of mail in accordance with
3 government rules;

4 “(D) That is an authorized emergency vehicle;

5 “(E) That is a commercial motor vehicle; or

6 “(F) In the course of the person’s employment with a federal, state or lo-
7 cal government in a public works project involving repair or maintenance
8 of water, sewer or road systems.

9 “(c) The nonemployment driving record shall include the person’s:

10 “(A) Motor vehicle accidents that the person is required to report under
11 ORS 811.720, other than the motor vehicle accidents that are included on the
12 person’s employment driving record;

13 “(B) Suspensions, cancellations and revocations of licenses, permits and
14 driving privileges;

15 “(C) Convictions for violation of the motor vehicle laws other than those
16 included in the employment driving record including, for each violation of
17 ORS 811.100 or 811.111, the speed at which the person was convicted of
18 traveling and the posted speed, the speed limit or the speed that constitutes
19 prima facie evidence of violation of the basic speed rule, as appropriate; and

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

22 “(d) The department may record other entries to indicate correspondence,
23 interviews, participation in driver improvement programs or other matters
24 concerning the status of the driving privileges of the person.

25 “(e) When a person from another jurisdiction applies for a driver license
26 or driver permit issued by this state, the department shall request a copy of
27 the person’s driving record from the other jurisdiction. At the time the per-
28 son is issued a license in Oregon, the record from the other jurisdiction shall
29 become part of the driver’s record in this state with the same force and effect
30 as though entered on the driver’s record in this state in the original in-

1 stance. The department by rule may specify methods for converting entries
2 from out-of-state records for use in Oregon.

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

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

18 “(10) The Department of Transportation shall maintain records of judg-
19 ments or convictions sent to the department under ORS 810.375.

20 “(11) The department shall maintain accident reports filed with the de-
21 partment under ORS 810.460 and 811.725 to 811.735.

22 “(12) The department shall maintain records of bank checks or money
23 orders returned under ORS 802.110.

24 “(13) The department shall maintain records of trip permits issued by the
25 department under ORS 803.600, as provided under this subsection. The re-
26 cords required by this subsection shall include the following:

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

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

29 “(c) When the permit was issued.

30 “(d) The type of permit issued.

1 “(e) For registration weight trip permits, the maximum allowable regis-
2 tration weight permitted for operation under the permit.

3 “(f) Any other information the department determines appropriate or
4 convenient.

5 **“SECTION 15. Notwithstanding any other law limiting expenditures,
6 the amount of \$4,708,505 is established for the biennium beginning July
7 1, 2013, as the maximum limit for payment of expenses for the purpose
8 of carrying out section 2 of this 2013 Act from fees, moneys or other
9 revenues, including Miscellaneous Receipts, but excluding lottery
10 funds and federal funds, collected or received by the Department of
11 Transportation under section 5 of this 2013 Act.”.**

12
