

Committee on Judiciary
Reference Paper
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SUBJECT: REEXAMINATION OF DRIVERS' LICENSES, PHOTOS ON LICENSES.

AUTHORITY AND BACKGROUND

The Highway Safety Act of 1966, Chapter 4 of Title 23, U.S.C., directs the Secretary of Transportation to issue standards for state and community highway safety programs and assist in the implementation of standards. The Driver Licensing Standard thereafter formulated and issued is the product of this authorization. The Driver Licensing Standard is supplemented by the Highway Safety Program Manual. The Manual of January 17, 1969, has been supplemented as of March 1972 and provides the current minimum requirements for license renewal recommended for adoption by the states.

Section 402(a) of Title 23 states that each state should establish programs to improve driver performance, testing, examinations and licensing.

REEXAMINATION OF DRIVERS, MINIMUM STANDARDS

The Highway Safety Program Manual, Volume 5, Supplement 1, March 1972, at chapter IV, paragraph 3, states the Driver Licensing Standard minimum requirement is that "each driver be reexamined at an interval not to exceed four years, for at least visual acuity and knowledge of rules of the road."

The Manual proposes implementation of a statewide reexamination program by enactment of a provision analogous to UVC § 6-115(b). This subsection provides that a person applying for renewal of a driver's license take and successfully pass a test of his eyesight and knowledge of the state's traffic laws, plus such additional tests as the department finds necessary to determine the applicant's qualifications to drive.

The tests may include any or all of the tests required upon original application. The Manual also proposes that where renewal is required every two years, that a state may wish to modify the UVC provision so that the tests would be required every four years or on every second renewal.

The UVC was changed to provide for mandatory reexamination of eyesight and knowledge of traffic laws in 1968. As of the publication of Driver Licensing Laws Annotated, 1973, 17 states require periodic reexamination upon license renewal. Only four of these require a knowledge of traffic laws. The other states require testing of vision plus other tests under particular circumstances which may be authorized or may be required.

Seventeen states provide for discretionary reexamination upon license renewal, as was provided by the UVC from 1938 to 1968. Oregon is one of these. Under subsection (2), ORS 482.260, the division may waive the reexamination of any person applying for renewal of an operator or chauffeur's license except when the division has reason to believe the applicant is not qualified to hold an operator's license.

Six states provide for reexamination upon license renewal only when there is good cause to require the examination. Seven states have comparable laws. Four states have no law dealing with reexamination.

LICENSEE PHOTOGRAPH ON LICENSE

Under the provisions of subsection (a), UVC § 6-111, a color photograph of the licensee is required to be on the license of a driver.

The analogous UVC provision in the 1926 code required a photograph on a chauffeur's license but not on an operator's license. In 1968 distinctions between operator and chauffeur licenses were deleted.

In 1971 the photograph requirement was changed to specify a color photograph.

Twenty-four jurisdictions require a photograph on licenses. Of these, 13 require a color photo. There are exemptions on the grounds of religious beliefs in the laws of several states. Twenty-three states have no provision for photographs on licenses. Oregon is in this category.