

House Bill 4011

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person convicted of driving while under influence of intoxicants to submit proof that person completed required treatment program before reinstatement of driving privileges. Authorizes Department of Transportation to provide exceptions for good cause.

Sunset January 2, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to proof of treatment for substance abuse; creating new provisions; amending ORS 807.060;
3 and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) A person who has been convicted of driving while under the influence of**
8 **intoxicants under ORS 813.010 shall provide proof to the Department of Transportation that**
9 **the person completed a treatment program to which the person was referred under ORS**
10 **813.021.**

11 **(2) Except as provided in subsection (3) of this section, the department may not reinstate**
12 **a person's driving privileges unless the person has provided proof of completing a treatment**
13 **program as required under subsection (1) of this section.**

14 **(3) The department may waive the requirement for a person described in subsection (1)**
15 **of this section to provide proof upon a showing of good cause. The department shall by rule**
16 **prescribe the criteria for determining what constitutes good cause.**

17 **SECTION 3. Section 2 of this 2012 Act is repealed on January 2, 2014.**

18 **SECTION 4. ORS 807.060 is amended to read:**

19 807.060. The Department of Transportation may not grant driving privileges to a person under
20 a license if the person is not eligible under this section. The following are not eligible for a license:

21 (1) A person under 16 years of age.

22 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
23 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-
24 plication under this paragraph may have the driving privileges canceled as provided under ORS
25 809.320.

26 (b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

27 (3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible
28 for a commercial driver license.

29 (4) A person that the department determines has a problem condition involving alcohol,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 inhalants or controlled substances as described under ORS 813.040.

2 (5) A person the department reasonably believes has a mental or physical condition or impair-
3 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

4 (6) A person the department reasonably believes is unable to understand highway signs that
5 warn, regulate or direct traffic.

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

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

10 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose
11 driving privileges are currently under suspension or revocation in any other state upon grounds
12 which, if committed in this state, would be grounds for the suspension or revocation of the driving
13 privileges of the person.

14 (10) A person who has been declared a habitual offender under ORS 809.640. A person declared
15 not eligible to be licensed under this subsection may become eligible by having eligibility restored
16 under ORS 809.640.

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

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

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

21 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
22 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
23 rendering the license, driver permit or out-of-state license or driver permit to the department before
24 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
25 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
26 807.062 to obtain an Oregon license or permit.

27 (15) A person who has not complied with the requirements and responsibilities created by cita-
28 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
29 authorizes the department to withhold issuance of a license.

30 **(16) A person who has not complied with the requirements of section 2 of this 2012 Act.**

31 **SECTION 5.** ORS 807.060, as amended by section 4 of this 2012 Act, is amended to read:

32 807.060. The Department of Transportation may not grant driving privileges to a person under
33 a license if the person is not eligible under this section. The following are not eligible for a license:

34 (1) A person under 16 years of age.

35 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
36 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-
37 plication under this paragraph may have the driving privileges canceled as provided under ORS
38 809.320.

39 (b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

40 (3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible
41 for a commercial driver license.

42 (4) A person that the department determines has a problem condition involving alcohol,
43 inhalants or controlled substances as described under ORS 813.040.

44 (5) A person the department reasonably believes has a mental or physical condition or impair-
45 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

1 (6) A person the department reasonably believes is unable to understand highway signs that
2 warn, regulate or direct traffic.

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

5 (8) A person who cannot be issued a license under the Driver License Compact under ORS
6 802.540.

7 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose
8 driving privileges are currently under suspension or revocation in any other state upon grounds
9 which, if committed in this state, would be grounds for the suspension or revocation of the driving
10 privileges of the person.

11 (10) A person who has been declared a habitual offender under ORS 809.640. A person declared
12 not eligible to be licensed under this subsection may become eligible by having eligibility restored
13 under ORS 809.640.

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

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

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

18 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
19 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
20 rendering the license, driver permit or out-of-state license or driver permit to the department before
21 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
22 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
23 807.062 to obtain an Oregon license or permit.

24 (15) A person who has not complied with the requirements and responsibilities created by cita-
25 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
26 authorizes the department to withhold issuance of a license.

27 *[(16) A person who has not complied with the requirements of section 2 of this 2012 Act.]*

28 **SECTION 6. The amendments to ORS 807.060 by section 5 of this 2012 Act become oper-**
29 **ative January 2, 2014.**

30 **SECTION 7. This 2012 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
32 **on its passage.**