

HOUSE AMENDMENTS TO HOUSE BILL 2870

By COMMITTEE ON JUDICIARY

April 2

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “809.235
2 and 809.409.”.

3 Delete line 3.

4 In line 6, restore the bracketed material.

5 In line 7, delete “or of”.

6 In line 8, delete “manslaughter in the first degree”.

7 In line 10, after the comma insert “manslaughter in the first or second degree resulting from the
8 operation of a motor vehicle,”.

9 On page 2, line 3, after “supervision” insert “for the crime for which the person’s driving priv-
10 ileges were revoked and any other crimes arising out of the same criminal episode”.

11 Delete lines 21 through 45 and delete pages 3 through 5.

12 On page 6, delete lines 1 through 15 and insert:

13 “**SECTION 2.** ORS 809.409 is amended to read:

14 “809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
15 Department of Transportation shall revoke the driving privileges of the person convicted.

16 “(b) A person is entitled to administrative review under ORS 809.440 of a revocation under this
17 section.

18 “(c) Except as otherwise provided in subsections (2) and (3) of this section, the revocation shall
19 be for a period of one year from the date of revocation, except that the department may not rein-
20 state driving privileges of any person whose privileges are revoked under this section until the
21 person complies with future responsibility filings.

22 “(2) The department shall take action under subsection (1) of this section upon receipt of a re-
23 cord of conviction of aggravated vehicular homicide or any degree of murder, manslaughter or
24 criminally negligent homicide resulting from the operation of a motor vehicle or assault in the first
25 degree resulting from the operation of a motor vehicle, except that the provisions of this subsection
26 do not apply to a person whose driving privileges are ordered revoked under ORS 809.235. A person
27 whose driving privileges are revoked under this subsection may apply for reinstatement of driving
28 privileges:

29 “(a) If the sentence for the [*offense*] **crime** includes incarceration, [*eight*] **10** years from the date
30 the person is released from incarceration for the [*offense*] **crime for which the person’s driving**
31 **privileges were revoked and any other crimes arising out of the same criminal episode**; or

32 “(b) If the sentence **for the crime for which the person’s driving privileges were revoked**
33 **and any other crimes arising from the same criminal episode** does not include incarceration,
34 [*eight*] **no sooner than 10** years from the date the department revoked the privileges under this
35 subsection.

1 “(3) The department shall take action under subsection (1) of this section upon receipt of a re-
2 cord of conviction of failure to perform the duties of a driver to injured persons under ORS 811.705.
3 The department shall revoke driving privileges under this subsection for a period of five years if the
4 court indicates on the record of conviction that a person was killed as a result of the accident. The
5 person may apply for reinstatement of privileges five years after the date the person was released
6 from incarceration, if the sentence includes incarceration. If the sentence does not include
7 incarceration, the person may apply for reinstatement five years from the date the revocation was
8 imposed under this subsection.

9 “(4) The department shall take action under subsection (1) of this section upon receipt of a re-
10 cord of conviction of perjury or the making of a false affidavit to the department under any law of
11 this state requiring the registration of vehicles or regulating their operation on the highways.

12 “(5) The department shall take action under subsection (1) of this section upon receipt of a re-
13 cord of conviction of any felony with a material element involving the operation of a motor
14 vehicle.”.

15 In line 16, delete “6” and insert “3” and after “ORS” delete the rest of the line and insert
16 “809.235 and 809.409 by sections 1 and 2”.

17 In line 17, delete “to 4”.

18 In line 18, after “first” insert “or second”.

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