

# House Bill 2871

Sponsored by Representative BARKER

## 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**.

Directs Department of Transportation to waive reinstatement fee for person whose driving privileges were suspended for withdrawing from school before age 18 if person provides proof that person graduated from high school or received General Educational Development certificate.

## A BILL FOR AN ACT

1  
2 Relating to reinstatement fee; amending ORS 809.380.

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

4 **SECTION 1.** ORS 809.380 is amended to read:

5 809.380. All of the following apply to a person whose driving privileges have been suspended:

6 (1) The period of suspension shall last as long as provided for that particular suspension by law.

7 (2) During the period of suspension, the person is not entitled to exercise any driving privileges  
8 in this state except as provided under this subsection. Unless otherwise specifically provided by law,  
9 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship  
10 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

11 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-  
12 quest of the person, the suspended driving privileges and any license or driver permit that evidences  
13 the driving privileges. The reissuance shall be without requalification by the person except that the  
14 department may require the person to furnish evidence satisfactory to the department that the per-  
15 son is qualified to continue to exercise driving privileges in this state before the department reissues  
16 the driving privileges.

17 (4) The department may not issue any driving privileges in contradiction to this section.

18 (5) If the person fails to surrender to the department any license or driver permit issued as ev-  
19 idence of driving privileges that are suspended, the person is subject to the penalties under ORS  
20 809.500.

21 (6) No reinstatement of suspended driving privileges will be made by the department until the  
22 fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or  
23 waived by the department. The department may waive the reinstatement fee for any of the following  
24 reasons:

25 (a) The suspension occurred under ORS 809.419 for failure to take an examination upon request  
26 of the department under ORS 807.340.

27 (b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance  
28 upon request of the department under ORS 807.070 or 807.090.

29 (c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or  
30 having a mental or physical condition or impairment that affects the person's ability to safely op-  
31 erate a motor vehicle.

**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 (d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a  
 2 hospital under ORS 807.700 that a person should not drive.

3 (e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375  
 4 that a person charged with a traffic offense has been found guilty except for insanity.

5 (f) The department committed an error in issuing the suspension.

6 (g) The suspension was the result of an error committed by an insurance company in issuing or  
 7 failing to issue a certification of insurance or in canceling a certification of insurance filed with the  
 8 department under ORS 806.270.

9 (h) The department issued the suspension without error because the person failed to respond as  
 10 required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing re-  
 11 quirement of ORS 806.200, but the department later determines that the person in fact was in com-  
 12 pliance with financial responsibility requirements as of the date of the department's letter of  
 13 verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

14 (i) The department issued the suspension without error because the person was not in compli-  
 15 ance with financial responsibility requirements as of the date of the department's letter of verifica-  
 16 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department  
 17 later determines that the person reasonably and in good faith believed that the person was in com-  
 18 pliance with financial responsibility requirements on the date of the department's letter of verifica-  
 19 tion or at the time of the accident.

20 (j) The suspension was the result of an error committed by an insurance company in notifying  
 21 the department regarding the correctness of a certification under ORS 806.150.

22 (k) The suspension occurred because the person failed to make future responsibility filings but  
 23 the department later determines that the reason for the failure was that the person was a military  
 24 reservist or a member of a national guard unit that was ordered to active military duty to a location  
 25 outside of the United States. The effective date of the military orders must be prior to the effective  
 26 date of a suspension issued by the department for failure to make a future responsibility filing.

27 (L) The department issued the suspension without error because the department received a no-  
 28 tice to suspend from a court under ORS 809.210 or 809.220, but the department later determines that  
 29 the person in fact was in compliance with the requirements of the court prior to the effective date  
 30 of the suspension.

31 **(7) The department shall waive the reinstatement fee for a person whose driving privi-**  
 32 **leges were suspended under ORS 809.423 (3) if the person:**

33 **(a) Has graduated from high school and provides the department with proof of graduation**  
 34 **satisfactory to the department; or**

35 **(b) Has received a General Educational Development (GED) certificate from a community**  
 36 **college and provides the department with proof of the certificate satisfactory to the depart-**  
 37 **ment.**

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