

# Enrolled Senate Bill 124

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CHAPTER .....

AN ACT

Relating to operating a vehicle without driving privileges; amending ORS 801.477, 807.010, 807.135 and 810.530.

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

**SECTION 1.** ORS 807.010 is amended to read:

807.010. (1) A person commits the offense of [*vehicle*] operating a **vehicle** without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS 809.210 or 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) **Except as provided in subsection (5) of this section**, the offense described in subsection (1) of this section, [*vehicle*] operating a **vehicle** without driving privileges, is a Class B traffic violation.

**(5) The offense described in subsection (1) of this section, operating a vehicle without driving privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is a Class A traffic violation.**

**(6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condition that the person, within 120 days of the date of sentencing:**

**(A) Complete a motorcycle education course established by the department under ORS 802.320; and**

**(B) Obtain a motorcycle endorsement issued under ORS 807.170.**

**(b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing the court shall:**

**(A) If the person has successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection, dismiss the fine imposed under subsection (5) of this section; or**

**(B) If the person has not successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection:**

**(i) Grant the person an extension based on good cause shown; or**

**(ii) Impose the fine under subsection (5) of this section.**

~~[(5)] (7)~~ The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic violation.

**SECTION 2.** ORS 801.477 is amended to read:

801.477. "Serious traffic violation" means:

(1) A violation, while operating a motor vehicle and holding a commercial driver license, of:

(a) ORS 811.140, reckless driving;

(b) Any law establishing a speed limit, if the person is operating the vehicle 30 miles per hour or more above the posted limit and a court imposes a suspension under ORS 811.109; or

(c) Any law establishing a speed limit, if the person is operating the vehicle at a speed of 100 miles per hour or greater.

(2) A violation, while operating a commercial motor vehicle, of:

(a) Any law establishing a speed limit, if the person is operating the vehicle 15 miles per hour or more above the posted limit.

(b) The basic speed rule established in ORS 811.100 if the person is operating the vehicle 15 miles per hour or more above the speeds established in ORS 811.105 as prima facie evidence of violation of the basic speed rule.

(c) ORS 807.010 (1), [*vehicle*] operating **a vehicle** without driving privileges.

(d) ORS 807.570, failure to carry a license or to present a license to a police officer.

(e) ORS 811.140, reckless driving.

(f) ORS 811.305, driving on the left on a curve or grade or at an intersection or rail crossing.

(g) ORS 811.370, failure to drive within a lane.

(h) ORS 811.410, unsafe passing on the left.

(i) ORS 811.415, unsafe passing on the right.

(j) ORS 811.485, following too closely.

(k) Any law relating to motor vehicle traffic control if the violation is connected to a fatal accident. This paragraph does not apply to violations of parking laws or laws regulating vehicle weight or equipment.

(L) Any law of another jurisdiction that corresponds to an Oregon law described in this section.

**SECTION 3.** ORS 807.135 is amended to read:

807.135. (1) Notwithstanding ORS 807.130, a license held by a member of the Oregon National Guard or a military reservist ordered on active duty and deployed to a location outside the United States that expires while the holder is on active duty shall remain valid and grant driving privileges for 90 days following the termination of active duty.

(2) The court shall dismiss the charge of [*vehicle*] operating **a vehicle** without driving privileges under ORS 807.010 if, when charged, a member of the Oregon National Guard or a military reservist held a valid license pursuant to subsection (1) of this section.

**SECTION 4.** ORS 810.530 is amended to read:

810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense described in this subsection is committed may arrest or issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer. This subsection applies to the following offenses:

(a) Violation of maximum weight limits under ORS 818.020.

(b) Violation of posted weight limits under ORS 818.040.

(c) Violation of administratively imposed weight or size limits under ORS 818.060.

(d) Violation of maximum size limits under ORS 818.090.

- (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
- (f) Violation of posted limits on use of road under ORS 818.130.
- (g) Violation of towing safety requirements under ORS 818.160.
- (h) Operating with sifting or leaking load under ORS 818.300.
- (i) Dragging objects on highway under ORS 818.320.
- (j) Unlawful use of devices without wheels under ORS 815.155.
- (k) Unlawful use of metal objects on tires under ORS 815.160.
- (L) Operation without pneumatic tires under ORS 815.170.
- (m) Operation in violation of vehicle variance permit under ORS 818.340.
- (n) Failure to carry and display permit under ORS 818.350.
- (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
- (p) Violation of any provision of ORS chapter 825.
- (q) Operation without proper fenders or mudguards under ORS 815.185.
- (r) [*Vehicle*] Operating a **vehicle** without driving privileges in violation of ORS 807.010 if the person is operating a commercial motor vehicle and the person does not have a commercial driver license or does not have an appropriate permit.

(s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is operating a commercial motor vehicle while the person's commercial driver license is suspended or revoked.

(t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is operating a motor vehicle subject to ORS chapter 825 or 826.

(2) A weighmaster or motor carrier enforcement officer in whose presence an offense described in this subsection is committed by a person operating a commercial motor vehicle may issue a citation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that an offense described in this subsection has been committed by a person operating a commercial motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation issued under this subsection to the operator of a commercial motor vehicle shall be considered to have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not the owner. This subsection applies to the following offenses, all of which are Class A traffic violations under ORS 825.990 (1):

- (a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.
- (b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service authorized by certificate.
- (c) Refusing or failing to file the annual report as required by ORS 825.320.
- (d) Refusing or failing to maintain records required by the department or to produce such records for examination as required by the department.
- (e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under investigation.
- (f) Filing with the department an application that is false with regard to the ownership, possession or control of the equipment being used or the operation being conducted.
- (g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS chapter 825 or 826.
- (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.
- (i) Failing to comply with the applicable requirements for attendance at a motor carrier education program as required by ORS 825.402.

(3) A weighmaster or motor carrier enforcement officer who finds evidence that a person operating a commercial motor vehicle has committed the offense of failure to pay the appropriate registration fee under ORS 803.315 may issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

(4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or arrest under this section is subject to ORS chapter 153.

(5)(a) A person is a weighmaster for purposes of this section if the person is a county weighmaster or a police officer.

(b) A person is a motor carrier enforcement officer under this section if the person is duly authorized as a motor carrier enforcement officer by the Department of Transportation.

(6) A weighmaster or motor carrier enforcement officer may accept security in the same manner as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in addition to other security permitted under this section, the sum fixed as the base fine for the offense.

(7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a citation for any offense described in subsection (1) or (3) of this section except those described in subsection (1)(p) of this section.

(8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this subsection is subject to penalty under ORS 818.400.

**Passed by Senate March 5, 2009**

**Repassed by Senate June 3, 2009**

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Secretary of Senate

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President of Senate

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Speaker of House

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Governor

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