

# Enrolled Senate Bill 208

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force)

CHAPTER .....

AN ACT

Relating to suspension of driving privileges; amending ORS 809.411 and 811.231.

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

**SECTION 1.** If Senate Bill 245 becomes law, ORS 809.411 is amended to read:

809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the Department of Transportation shall suspend the driving privileges of the person convicted.

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this section.

(c) Except as otherwise provided in subsections [(7), (8), (9) and (10)] **(5), (8), (9), (10) and (11)** of this section, the suspension shall be for the period of time described in Schedule I of ORS 809.428, except that the department may not reinstate driving privileges of any person whose privileges are suspended under this section until the person complies with future responsibility filings.

(2) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle.

(3) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of reckless driving under ORS 811.140.

(4) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of failure to perform duties of a driver when property is damaged under ORS 811.700.

**(5) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of fleeing or attempting to elude a police officer under ORS 811.540 (3)(a). A suspension under this subsection shall continue for a period of three years from the date of suspension.**

[(5)] **(6)** The department shall take action under subsection (1) of this section upon receipt of a record of conviction of fleeing or attempting to elude a police officer under ORS 811.540 **(3)(b) or (c).**

[(6)] **(7)** The department shall take action under subsection (1) of this section upon receipt of a record of conviction of reckless endangerment of highway workers under ORS 811.231 (1).

[(7)] **(8)** The department shall take action under subsection (1) of this section upon receipt of a record of conviction of theft under ORS 164.043, 164.045 or 164.055 when the theft was of gasoline. A suspension under this subsection shall continue for a period of six months from the date of suspension.

[(8)] (9) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor vehicle. A suspension under this subsection shall continue for a period of six months from the date of suspension.

[(9)] (10) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of an offense described in ORS 809.310. A suspension under this subsection shall continue for a period of one year from the date of the suspension.

[(10)(a)] (11)(a) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of assault in the second, third or fourth degree resulting from the operation of a motor vehicle.

(b) A person who is convicted of assault in the second degree and whose driving privileges are suspended under this subsection may apply for reinstatement of driving privileges eight years from the date the person is released from incarceration for the conviction, if the sentence includes incarceration. If the sentence for the conviction does not include incarceration, the person may apply for reinstatement of driving privileges eight years from the date the department suspended the privileges under this subsection.

(c) A person who is convicted of assault in the third degree and whose driving privileges are suspended under this subsection may apply for reinstatement of driving privileges five years from the date the person is released from incarceration for the conviction, if the sentence includes incarceration. If the sentence for the conviction does not include incarceration, the person may apply for reinstatement of driving privileges five years from the date the department suspended the privileges under this subsection.

(d) A person who is convicted of assault in the fourth degree and whose driving privileges are suspended under this subsection may apply for reinstatement of driving privileges one year from the date the person is released from incarceration for the conviction, if the sentence includes incarceration. If the sentence for the conviction does not include incarceration, the person may apply for reinstatement of driving privileges one year from the date the department suspended the privileges under this subsection.

**SECTION 2.** If Senate Bill 245 becomes law, ORS 811.231 is amended to read:

811.231. (1) A person commits the offense of reckless endangerment of highway workers if the person drives a motor vehicle in a highway work zone in such a manner as to endanger persons or property or if the person removes, evades or intentionally strikes a traffic control device in a highway work zone.

(2) Reckless endangerment of highway workers is a Class A misdemeanor. In addition to any other penalty, a person convicted of reckless endangerment of highway workers is subject to suspension of driving privileges as provided in ORS 809.411 [(6)] (7).

**Passed by Senate May 6, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 3, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

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Secretary of State