

A-Engrossed
Senate Bill 208

Ordered by the Senate May 4
Including Senate Amendments dated May 4

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)

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.

[Provides that driving privileges of persons at least 15 years of age but under 21 years of age be suspended if minor is issued citation for attempting to purchase, purchasing, acquiring or possessing alcoholic beverages.]

[Requires that police officers issue notices of intent to suspend, and confiscate Oregon driver licenses and permits, when police officers cite certain minors for attempting to purchase, purchasing, acquiring or possessing alcoholic beverages. Specifies contents of notice of intent to suspend.]

[Authorizes issuance of temporary driving permits, hardship driver permits and emergency driver permits under certain circumstances. Restricts emergency driver permits to persons between 14 and 18 years of age.]

[Establishes procedure for seeking administrative and judicial review of suspension.]

[Allows surcharge on certain fees collected by Department of Transportation for reinstatement of driving privileges. Provides that surcharge be in amount determined by department to be necessary to pay costs of implementing Act.]

Directs Department of Transportation to suspend, for three years, driving privileges of person convicted of crime of fleeing or attempting to elude police officer under certain circumstances.

Makes law contingent on passage of Senate Bill 245 into law.

A BILL FOR AN ACT

1
2 Relating to suspension of driving privileges; amending ORS 809.411 and 811.231.

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

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

5 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the
6 Department of Transportation shall suspend the driving privileges of the person convicted.

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

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

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

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

18 (4) The department shall take action under subsection (1) of this section upon receipt of a record

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 of conviction of failure to perform duties of a driver when property is damaged under ORS 811.700.

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

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

9 [(6)] **(7)** The department shall take action under subsection (1) of this section upon receipt of a
10 record of conviction of reckless endangerment of highway workers under ORS 811.231 (1).

11 [(7)] **(8)** The department shall take action under subsection (1) of this section upon receipt of a
12 record of conviction of theft under ORS 164.043, 164.045 or 164.055 when the theft was of gasoline.
13 A suspension under this subsection shall continue for a period of six months from the date of sus-
14 pension.

15 [(8)] **(9)** The department shall take action under subsection (1) of this section upon receipt of a
16 record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor
17 vehicle. A suspension under this subsection shall continue for a period of six months from the date
18 of suspension.

19 [(9)] **(10)** The department shall take action under subsection (1) of this section upon receipt of
20 a record of conviction of an offense described in ORS 809.310. A suspension under this subsection
21 shall continue for a period of one year from the date of the suspension.

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

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

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

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

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

44 811.231. (1) A person commits the offense of reckless endangerment of highway workers if the
45 person drives a motor vehicle in a highway work zone in such a manner as to endanger persons or

1 property or if the person removes, evades or intentionally strikes a traffic control device in a
2 highway work zone.

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

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