

SENATE AMENDMENTS TO SENATE BILL 208

By COMMITTEE ON JUDICIARY

May 4

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and
2 delete line 3 and insert “amending ORS 809.411 and 811.231.”.

3 Delete lines 5 through 24 and delete pages 2 through 10 and insert:

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,
6 the 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 re-
14 cord of conviction of any degree of recklessly endangering another person, menacing or criminal
15 mischief 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 re-
17 cord 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 re-
19 cord of conviction of failure to perform duties of a driver when property is damaged under ORS
20 811.700.

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

25 “[5] **(6)** The department shall take action under subsection (1) of this section upon receipt of
26 a record of conviction of fleeing or attempting to elude a police officer under ORS 811.540 **(3)(b)**
27 **or (c).**

28 “[6] **(7)** The department shall take action under subsection (1) of this section upon receipt of
29 a record of conviction of reckless endangerment of highway workers under ORS 811.231 (1).

30 “[7] **(8)** The department shall take action under subsection (1) of this section upon receipt of
31 a record of conviction of theft under ORS 164.043, 164.045 or 164.055 when the theft was of gasoline.
32 A suspension under this subsection shall continue for a period of six months from the date of sus-
33 pension.

34 “[8] **(9)** The department shall take action under subsection (1) of this section upon receipt of
35 a record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor

1 vehicle. A suspension under this subsection shall continue for a period of six months from the date
2 of suspension.

3 “[9] (10) The department shall take action under subsection (1) of this section upon receipt of
4 a record of conviction of an offense described in ORS 809.310. A suspension under this subsection
5 shall continue for a period of one year from the date of the suspension.

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

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

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

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

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

28 “811.231. (1) A person commits the offense of reckless endangerment of highway workers if the
29 person drives a motor vehicle in a highway work zone in such a manner as to endanger persons or
30 property or if the person removes, evades or intentionally strikes a traffic control device in a
31 highway work zone.

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