

House Bill 3128

Sponsored by Representative OLSON; Representatives BARKER, DOHERTY, HUNT, JOHNSON, KRIEGER, SPRENGER

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**.

Allows person whose driving privileges have been suspended for certain reasons to terminate suspension by surrendering driving privileges.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and amending ORS 809.419.

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

4 **SECTION 1.** ORS 809.419 is amended to read:

5 809.419. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
6 if the department requests the person to submit to examination under ORS 807.340 and the person
7 fails to appear within a reasonable length of time after being notified to do so or fails to satisfac-
8 torily complete the required examination. A suspension under this subsection shall continue until
9 the examination required by the department is successfully completed **or until the person volun-**
10 **tarily surrenders the person's driving privileges to the department based upon the person's**
11 **recognition that the person is no longer competent to drive.**

12 (b) Upon suspension under this subsection, the department may issue an identification card to
13 the person for identification purposes as described under ORS 807.400.

14 (2) The department shall suspend the driving privileges of a person if the department requests
15 the person to obtain medical clearance under ORS 807.070 or 807.090 and the person fails to do so.
16 The suspension under this subsection shall continue until the required medical clearance is received
17 by the department **or until the person voluntarily surrenders the person's driving privileges**
18 **to the department based upon the person's recognition that the person is no longer compe-**
19 **tent to drive.**

20 (3)(a) The department may suspend the driving privileges of a person who is incompetent to
21 drive a motor vehicle because of a mental or physical condition or impairment that affects the
22 person's ability to safely operate a motor vehicle upon the highways.

23 *[(b) A suspension under this subsection shall continue for a period determined by the department*
24 *and shall be subject to any conditions the department determines to be necessary.]*

25 **(b) A suspension under this subsection shall be subject to any conditions the department**
26 **determines to be necessary and shall continue for a period determined by the department**
27 **or until the person voluntarily surrenders the person's driving privileges to the department**
28 **based upon the person's recognition that the person is no longer competent to drive.**

29 (c) The department may impose an immediate suspension of driving privileges of any person
30 described in paragraph (a) of this subsection without hearing and without receiving a record of the
31 conviction of the person of a crime if the department has reason to believe that the person may

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 endanger people or property if the person's driving privileges are not immediately suspended. A
2 suspension under this paragraph is subject to a post-imposition hearing under ORS 809.440. A person
3 who is denied eligibility under ORS 807.090 is entitled to a hearing under ORS 809.440.

4 (4)(a) Whenever the department has reason to believe an individual with a motorcycle endorse-
5 ment under ORS 807.170 is incompetent to operate a motorcycle, the department may revoke the
6 endorsement.

7 (b) Upon revocation under this subsection, the endorsed license shall be surrendered to the de-
8 partment.

9 (c) Upon surrender of the endorsed license, the department may issue a license without
10 endorsement for the unexpired period of the license.

11 (5) Upon notification by the superintendent of a hospital under ORS 807.700 that a person should
12 not drive, the department shall immediately suspend the driving privileges of the released person.
13 A suspension under this subsection is subject to administrative review under ORS 809.440 and shall
14 continue until such time as the person produces a judicial judgment of competency or a certificate
15 from the superintendent of the hospital that the person is competent, or establishes eligibility under
16 ORS 807.090.

17 (6) Upon notification by a court under ORS 810.375 that a person charged with a traffic offense
18 has been found guilty except for insanity and committed to the jurisdiction of the Psychiatric Se-
19 curity Review Board, the department shall immediately suspend the driving privileges of the person.
20 A suspension under this subsection is subject to administrative review under ORS 809.440 and shall
21 continue until such time as the person establishes eligibility under ORS 807.090.

22 **SECTION 2. The amendments to ORS 809.419 by section 1 of this 2011 Act apply to driving**
23 **privileges that are voluntarily surrendered based upon the person's recognition that the**
24 **person is no longer competent to drive before, on or after the effective date of this 2011 Act.**
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