

House Bill 4043

Sponsored by Representative KENNEMER (Presession filed.)

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**.

Permits Department of Transportation to reinstate person's suspended driving privileges or right to apply for privileges, or any identification card or right to apply for card, under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 2. (1) A person whose driving privileges or right to apply for driving privileges**
7 **or whose identification card or right to apply for an identification card has been suspended**
8 **for one of the reasons specified in subsection (2) of this section may request that the**
9 **person's driving privileges or right to apply for driving privileges or identification card or**
10 **right to apply for an identification card be reinstated after the Department of Transportation**
11 **determines the criteria are met under subsection (4) of this section.**

12 **(2) This section applies to suspensions imposed under:**

13 **(a) ORS 809.310 (3)(a);**

14 **(b) ORS 809.310 (3)(b); and**

15 **(c) ORS 809.415 (5) for committing an act that constitutes an offense described in ORS**
16 **809.310 (3)(a) or (b).**

17 **(3) To make a request under subsection (1) of this section, the person must provide suf-**
18 **ficient proof for the department to make the determinations required in subsection (4) of this**
19 **section. The department shall provide an administrative review to determine if the person's**
20 **driving privileges or right to apply for driving privileges or identification card or right to**
21 **apply for an identification card should be reinstated and may reinstate the person's sus-**
22 **pended driving privileges or right to apply for driving privileges or identification card or right**
23 **to apply for an identification card only as provided in subsection (4) of this section.**

24 **(4) The granting of an administrative review under this section does not stay the sus-**
25 **pension. However, the department shall reinstate the person's driving privileges or right to**
26 **apply for driving privileges or identification card or right to apply for an identification card**
27 **if under objective criteria adopted by the department by rule, the department determines the**
28 **suspension resulted from:**

29 **(a) An act described in ORS 809.310 (3)(a) or (b) committed by the person when the person**
30 **was under 21 years of age; and**

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 (b) The person committed the act solely for the purpose of:

2 (A) Attempting to purchase, purchasing, consuming or acquiring alcoholic beverages as
3 described in ORS 471.430; or

4 (B) Unlawfully entering or attempting to enter any portion of a licensed premises that
5 is posted or otherwise identified as being prohibited to the use of minors, as described in ORS
6 471.430.

7 (5) The administrative review required under this section shall be conducted in the
8 manner provided in ORS 809.440 (2).

9 (6) To reinstate driving privileges or the right to apply for driving privileges after the
10 department determines that the person meets the objective criteria under subsection (4) of
11 this section, the person shall pay the fee for reinstatement of driving privileges as described
12 in ORS 807.370 (24).

13 (7) To reinstate an identification card or the right to apply for an identification card after
14 the department determines that the person meets the objective criteria under subsection (4)
15 of this section, the person shall pay the fee for reinstatement of an identification card as
16 described in ORS 807.410 (4).

17 (8) The department's authority to reinstate a suspension of a person's driving privileges
18 or right to apply for driving privileges under this section does not impinge on a court's au-
19 thority to impose a suspension under ORS 165.805 or 471.430.

20 **SECTION 3.** (1) Section 2 of this 2012 Act becomes operative on January 1, 2013.

21 (2) The Department of Transportation may take any action before the operative date
22 specified in subsection (1) of this section that is necessary to enable the department to ex-
23 ercise, on and after the operative date specified in subsection (1) of this section, all the du-
24 ties, functions and powers conferred on the department by section 2 of this 2012 Act.

25 **SECTION 4.** Section 2 of this 2012 Act applies to acts committed before, on or after the
26 effective date of this 2012 Act.

27 **SECTION 5.** This 2012 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
29 on its passage.

30 _____