

D R A F T

SUMMARY

Restricts number of passengers holder of provisional driver license may have in motor vehicle.

Increases length of nighttime driving restriction for holders of provisional driver licenses.

A BILL FOR AN ACT

1
2 Relating to provisional driver licenses; creating new provisions; and amend-
3 ing ORS 807.065 and 807.122.

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

5 **SECTION 1.** ORS 807.122 is amended to read:

6 807.122. (1) The Department of Transportation shall place the following
7 restrictions on a provisional driver license issued under ORS 807.065:

8 (a) Except as provided in subsections (2) and (3) of this section, for the
9 first six months after issuance of the license, the holder of the license may
10 not operate a motor vehicle that is carrying a passenger under 20 years of
11 age who is not a member of the holder's immediate family. [*For the second*
12 *six months*] **After the first six months and until the holder of the li-**
13 **cence is 18 years of age**, the holder of the license may not operate a motor
14 vehicle that is carrying more than [*three passengers who are*] **one passenger**
15 **who is** under 20 years of age [*and who are not members*] **who is not a**
16 **member** of the holder's immediate family.

17 (b) [*For the first year after issuance of the license,*] **Until the holder of**
18 **the license is 18 years of age**, the holder of the license may not operate a
19 motor vehicle between the hours of 12 midnight and 5 a.m. except when:

20 (A) The holder is driving between the holder's home and place of em-

1 ployment;

2 (B) The holder is driving between the holder's home and a school event
3 for which no other transportation is available;

4 (C) The holder is driving for employment purposes; or

5 (D) The holder is accompanied by a licensed driver who is at least 25
6 years of age.

7 (2) Subsection (1)(a) of this section does not apply to the holder of a
8 provisional driver license who:

9 (a) Is employed by a farmer, rancher or orchardist;

10 (b) Is operating, solely for employment purposes, a motor vehicle that is
11 owned by the employer and for which financial responsibility requirements
12 of ORS 806.060 have been met;

13 (c) Is transporting passengers who are employed by the same employer as
14 the driver and who are being transported solely for employment purposes;

15 (d) Is not transporting more passengers than the number of available seat
16 belts; and

17 (e) Has in the vehicle a written statement signed by the employer certi-
18 fying that the driver is employed by the employer and that there is no other
19 option for transporting the employees.

20 (3) Subsection (1)(a) of this section does not apply to the holder of a
21 provisional driver license who is 16 or 17 years of age and who is operating
22 a motor vehicle with:

23 (a) An instructor in the vehicle as part of a certified traffic safety edu-
24 cation course; or

25 (b) A person in the vehicle who has valid driving privileges and who is
26 the parent or stepparent of the holder of the license.

27 **SECTION 2.** ORS 807.065 is amended to read:

28 807.065. (1) The Department of Transportation may [not] issue a **provi-**
29 **sional** driver license to a person who is under 18 years of age [unless] **only**
30 **if** the person:

31 (a) Complies with the requirements of ORS 807.040 and 807.066;

1 (b) Passes an examination designed to test the person's knowledge and
2 understanding of safe driving practices, in addition to any examination re-
3 quired under ORS 807.070;

4 (c) Has had, for at least six months prior to application for the license,
5 an instruction driver permit issued under ORS 807.280 or the equivalent of
6 an instruction driver permit issued by another state of the United States or
7 by the District of Columbia;

8 (d) Certifies to the department that the person has had at least 50 hours
9 of driving experience during which the person was supervised by a person
10 at least 21 years of age who has had a valid driver license for at least three
11 years; and

12 (e) Completes a traffic safety education course that meets standards de-
13 veloped by the department under ORS 802.345. In lieu of completion of a
14 traffic safety education course, a person may certify to the department that
15 the person has had at least 50 hours of driving experience during which the
16 person was supervised by a person at least 21 years of age who has had a
17 valid driver license for at least three years, in addition to the 50 hours re-
18 quired by paragraph (d) of this subsection.

19 (2) A person under 18 years of age need not comply with the requirements
20 of subsection (1)(c), (d) and (e) of this section if the person has been issued
21 a driver license by another state and surrenders that license in order to get
22 an Oregon license.

23 (3) If the person takes but does not pass a test that consists of an actual
24 demonstration of driving ability under ORS 807.070, the department may not
25 allow the person to perform the demonstration again until the person has
26 had an instruction permit issued pursuant to ORS 807.280 for a period of not
27 less than one month.

28 *[(4) A driver license issued pursuant to this section shall be a provisional*
29 *driver license.]*

30 *[(5)]* (4) The department shall prominently identify each driver license
31 issued pursuant to this section as a provisional driver license.

1 **SECTION 3. The amendments to ORS 807.122 by section 1 of this**
2 **2013 Act apply to persons who hold provisional driver licenses issued**
3 **before, on or after the effective date of this 2013 Act.**

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