

## HOUSE AMENDMENTS TO HOUSE BILL 2115

By COMMITTEE ON JUDICIARY

April 15

1 On page 1 of the printed bill, line 3, delete “421.121,” and “813.012,”.

2 Delete lines 6 through 29 and delete pages 2 through 15 and insert:

3 “**SECTION 1. Section 2 of this 2013 Act is added to and made a part of the Oregon Vehicle**  
4 **Code.**

5 “**SECTION 2. ‘Intoxicant’ means:**

6 “(1) **Intoxicating liquor;**

7 “(2) **Controlled substances;**

8 “(3) **Inhalants; or**

9 “(4) **Any of the following drugs:**

10 “(a) **Amitriptyline.**

11 “(b) **Cyclobenzaprine.**

12 “(c) **Diphenhydramine.**

13 “(d) **Dextromethorphan.**

14 “(e) **Tramadol.**

15 “**SECTION 3. Section 2 of this 2013 Act is repealed on January 2, 2018.**

16 “**SECTION 4. ORS 801.272 is amended to read:**

17 “801.272. ‘Field sobriety test’ means a physical or mental test, approved by the Department of  
18 State Police by rule after consultation with the Department of Public Safety Standards and Training,  
19 that enables a police officer or trier of fact to screen for or detect probable impairment from  
20 [*intoxicating liquor, a controlled substance, an inhalant or any combination of intoxicating liquor, an*  
21 *inhalant and a controlled substance*] **an intoxicant or a combination of intoxicants.**

22 “**SECTION 5. ORS 801.272, as amended by section 4 of this 2013 Act, is amended to read:**

23 “801.272. ‘Field sobriety test’ means a physical or mental test, approved by the Department of  
24 State Police by rule after consultation with the Department of Public Safety Standards and Training,  
25 that enables a police officer or trier of fact to screen for or detect probable impairment from [*an*  
26 *intoxicant or a combination of intoxicants*] **intoxicating liquor, a controlled substance, an inhalant**  
27 **or any combination of intoxicating liquor, an inhalant and a controlled substance.**

28 “**SECTION 6. The amendments to ORS 801.272 by section 5 of this 2013 Act become op-**  
29 **erative on January 2, 2018.**

30 “**SECTION 7. ORS 807.060, as amended by section 4, chapter 9, Oregon Laws 2012, is amended**  
31 **to read:**

32 “807.060. The Department of Transportation may not grant driving privileges to a person under  
33 a license if the person is not eligible under this section. The following are not eligible for a license:

34 “(1) A person under 16 years of age.

35 “(2)(a) A person under 18 years of age who is not an emancipated minor unless the application

1 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-  
2 plication under this paragraph may have the driving privileges canceled as provided under ORS  
3 809.320.

4 "(b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

5 "(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible  
6 for a commercial driver license.

7 "(4) A person that the department determines has a problem condition involving [*alcohol,*  
8 *inhalants or controlled substances*] **intoxicants** as described under ORS 813.040.

9 "(5) A person the department reasonably believes has a mental or physical condition or impair-  
10 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

11 "(6) A person the department reasonably believes is unable to understand highway signs that  
12 warn, regulate or direct traffic.

13 "(7) A person who is required to make future responsibility filings but has not made filings as  
14 required.

15 "(8) A person who cannot be issued a license under the Driver License Compact under ORS  
16 802.540.

17 "(9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose  
18 driving privileges are currently under suspension or revocation in any other state upon grounds  
19 which, if committed in this state, would be grounds for the suspension or revocation of the driving  
20 privileges of the person.

21 "(10) A person who has been declared a habitual offender under ORS 809.640. A person declared  
22 not eligible to be licensed under this subsection may become eligible by having eligibility restored  
23 under ORS 809.640.

24 "(11) A person whose driving privileges are canceled in this state under ORS 809.310 until the  
25 person is eligible under ORS 809.310.

26 "(12) A person while the person's driving privileges are revoked in this state.

27 "(13) A person during a period when the person's driving privileges are suspended in this state.

28 "(14) A person who holds a current out-of-state license or driver permit or a valid Oregon li-  
29 cense or driver permit. A person who is not eligible under this subsection may become eligible by  
30 surrendering the license, driver permit or out-of-state license or driver permit to the department  
31 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
32 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
33 807.062 to obtain an Oregon license or permit.

34 "(15) A person who has not complied with the requirements and responsibilities created by ci-  
35 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
36 802.530 authorizes the department to withhold issuance of a license.

37 "(16) A person who has not complied with the requirements of section 2, chapter 9, Oregon Laws  
38 2012.

39 "**SECTION 8.** ORS 807.060, as amended by section 4, chapter 9, Oregon Laws 2012, and section  
40 7 of this 2013 Act, is amended to read:

41 "807.060. The Department of Transportation may not grant driving privileges to a person under  
42 a license if the person is not eligible under this section. The following are not eligible for a license:

43 "(1) A person under 16 years of age.

44 "(2)(a) A person under 18 years of age who is not an emancipated minor unless the application  
45 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-

1 plication under this paragraph may have the driving privileges canceled as provided under ORS  
2 809.320.

3 “(b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

4 “(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible  
5 for a commercial driver license.

6 “(4) A person that the department determines has a problem condition involving [*intoxicants*]  
7 **alcohol, inhalants or controlled substances** as described under ORS 813.040.

8 “(5) A person the department reasonably believes has a mental or physical condition or impair-  
9 ment that affects the person’s ability to safely operate a motor vehicle upon the highways.

10 “(6) A person the department reasonably believes is unable to understand highway signs that  
11 warn, regulate or direct traffic.

12 “(7) A person who is required to make future responsibility filings but has not made filings as  
13 required.

14 “(8) A person who cannot be issued a license under the Driver License Compact under ORS  
15 802.540.

16 “(9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose  
17 driving privileges are currently under suspension or revocation in any other state upon grounds  
18 which, if committed in this state, would be grounds for the suspension or revocation of the driving  
19 privileges of the person.

20 “(10) A person who has been declared a habitual offender under ORS 809.640. A person declared  
21 not eligible to be licensed under this subsection may become eligible by having eligibility restored  
22 under ORS 809.640.

23 “(11) A person whose driving privileges are canceled in this state under ORS 809.310 until the  
24 person is eligible under ORS 809.310.

25 “(12) A person while the person’s driving privileges are revoked in this state.

26 “(13) A person during a period when the person’s driving privileges are suspended in this state.

27 “(14) A person who holds a current out-of-state license or driver permit or a valid Oregon li-  
28 cense or driver permit. A person who is not eligible under this subsection may become eligible by  
29 surrendering the license, driver permit or out-of-state license or driver permit to the department  
30 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
31 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
32 807.062 to obtain an Oregon license or permit.

33 “(15) A person who has not complied with the requirements and responsibilities created by ci-  
34 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
35 802.530 authorizes the department to withhold issuance of a license.

36 “(16) A person who has not complied with the requirements of section 2, chapter 9, Oregon Laws  
37 2012.

38 “**SECTION 9. The amendments to ORS 807.060 by section 8 of this 2013 Act become op-**  
39 **erative on January 2, 2018.**

40 “**SECTION 10.** ORS 807.060, as amended by sections 4 and 5, chapter 9, Oregon Laws 2012, is  
41 amended to read:

42 “807.060. The Department of Transportation may not grant driving privileges to a person under  
43 a license if the person is not eligible under this section. The following are not eligible for a license:

44 “(1) A person under 16 years of age.

45 “(2)(a) A person under 18 years of age who is not an emancipated minor unless the application

1 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-  
2 plication under this paragraph may have the driving privileges canceled as provided under ORS  
3 809.320.

4 "(b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

5 "(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible  
6 for a commercial driver license.

7 "(4) A person that the department determines has a problem condition involving [*alcohol,*  
8 *inhalants or controlled substances*] **intoxicants** as described under ORS 813.040.

9 "(5) A person the department reasonably believes has a mental or physical condition or impair-  
10 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

11 "(6) A person the department reasonably believes is unable to understand highway signs that  
12 warn, regulate or direct traffic.

13 "(7) A person who is required to make future responsibility filings but has not made filings as  
14 required.

15 "(8) A person who cannot be issued a license under the Driver License Compact under ORS  
16 802.540.

17 "(9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose  
18 driving privileges are currently under suspension or revocation in any other state upon grounds  
19 which, if committed in this state, would be grounds for the suspension or revocation of the driving  
20 privileges of the person.

21 "(10) A person who has been declared a habitual offender under ORS 809.640. A person declared  
22 not eligible to be licensed under this subsection may become eligible by having eligibility restored  
23 under ORS 809.640.

24 "(11) A person whose driving privileges are canceled in this state under ORS 809.310 until the  
25 person is eligible under ORS 809.310.

26 "(12) A person while the person's driving privileges are revoked in this state.

27 "(13) A person during a period when the person's driving privileges are suspended in this state.

28 "(14) A person who holds a current out-of-state license or driver permit or a valid Oregon li-  
29 cense or driver permit. A person who is not eligible under this subsection may become eligible by  
30 surrendering the license, driver permit or out-of-state license or driver permit to the department  
31 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
32 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
33 807.062 to obtain an Oregon license or permit.

34 "(15) A person who has not complied with the requirements and responsibilities created by ci-  
35 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
36 802.530 authorizes the department to withhold issuance of a license.

37 "**SECTION 11.** ORS 807.060, as amended by sections 4 and 5, chapter 9, Oregon Laws 2012, and  
38 section 10 of this 2013 Act is amended to read:

39 "807.060. The Department of Transportation may not grant driving privileges to a person under  
40 a license if the person is not eligible under this section. The following are not eligible for a license:

41 "(1) A person under 16 years of age.

42 "(2)(a) A person under 18 years of age who is not an emancipated minor unless the application  
43 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-  
44 plication under this paragraph may have the driving privileges canceled as provided under ORS  
45 809.320.

1 “(b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

2 “(3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible  
3 for a commercial driver license.

4 “(4) A person that the department determines has a problem condition involving [intoxicants]  
5 **alcohol, inhalants or controlled substances** as described under ORS 813.040.

6 “(5) A person the department reasonably believes has a mental or physical condition or impair-  
7 ment that affects the person’s ability to safely operate a motor vehicle upon the highways.

8 “(6) A person the department reasonably believes is unable to understand highway signs that  
9 warn, regulate or direct traffic.

10 “(7) A person who is required to make future responsibility filings but has not made filings as  
11 required.

12 “(8) A person who cannot be issued a license under the Driver License Compact under ORS  
13 802.540.

14 “(9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose  
15 driving privileges are currently under suspension or revocation in any other state upon grounds  
16 which, if committed in this state, would be grounds for the suspension or revocation of the driving  
17 privileges of the person.

18 “(10) A person who has been declared a habitual offender under ORS 809.640. A person declared  
19 not eligible to be licensed under this subsection may become eligible by having eligibility restored  
20 under ORS 809.640.

21 “(11) A person whose driving privileges are canceled in this state under ORS 809.310 until the  
22 person is eligible under ORS 809.310.

23 “(12) A person while the person’s driving privileges are revoked in this state.

24 “(13) A person during a period when the person’s driving privileges are suspended in this state.

25 “(14) A person who holds a current out-of-state license or driver permit or a valid Oregon li-  
26 cense or driver permit. A person who is not eligible under this subsection may become eligible by  
27 surrendering the license, driver permit or out-of-state license or driver permit to the department  
28 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
29 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
30 807.062 to obtain an Oregon license or permit.

31 “(15) A person who has not complied with the requirements and responsibilities created by ci-  
32 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
33 802.530 authorizes the department to withhold issuance of a license.

34 “**SECTION 12. The amendments to ORS 807.060 by section 11 of this 2013 Act become**  
35 **operative on January 2, 2018.**

36 “**SECTION 13.** ORS 807.250 is amended to read:

37 “807.250. (1) In addition to any requirements under ORS 807.240 and any applicable conditions  
38 under ORS 813.500 and 813.520, the Department of Transportation may not issue a hardship permit  
39 under ORS 807.240 to a person whose suspension of driving privileges is based upon a conviction  
40 of any of the following unless the person submits to the department a recommendation from the  
41 judge before whom the person was convicted:

42 “(a) ORS 811.140.

43 “(b) ORS 811.540.

44 “(c) Driving while under the influence of intoxicants. If a person’s driving privileges are sus-  
45 pended for a conviction for driving while under the influence of intoxicants and the person is de-

1 terminated under ORS 813.500 to have a problem condition involving [*alcohol, inhalants or controlled*  
2 *substances*] **intoxicants** as described in ORS 813.040, the judge must:

3 “(A) Make the recommendation with reference to the best interest of the public as well as of  
4 the defendant and the recommendation must be in writing.

5 “(B) Recommend times, places, routes and days minimally necessary for the person to seek or  
6 retain employment, to attend any alcohol or drug treatment or rehabilitation program or to receive  
7 necessary medical treatment for the person or a member of the person’s immediate family.

8 “(2) The department may not issue a hardship permit to a person whose suspension of driving  
9 privileges is based on a conviction described in ORS 809.265.

10 “(3) The department may not issue a hardship permit to a person whose driver license or driver  
11 permit is suspended pursuant to ORS 25.750 to 25.783.

12 “(4) The department may not issue a hardship permit to a person whose driving privileges are  
13 suspended pursuant to ORS 809.280 (4) or 809.416 (1) or (2).

14 “**SECTION 14.** ORS 807.250, as amended by section 13 of this 2013 Act, is amended to read:

15 “807.250. (1) In addition to any requirements under ORS 807.240 and any applicable conditions  
16 under ORS 813.500 and 813.520, the Department of Transportation may not issue a hardship permit  
17 under ORS 807.240 to a person whose suspension of driving privileges is based upon a conviction  
18 of any of the following unless the person submits to the department a recommendation from the  
19 judge before whom the person was convicted:

20 “(a) ORS 811.140.

21 “(b) ORS 811.540.

22 “(c) Driving while under the influence of intoxicants. If a person’s driving privileges are sus-  
23 pended for a conviction for driving while under the influence of intoxicants and the person is de-  
24 termined under ORS 813.500 to have a problem condition involving [*intoxicants*] **alcohol, inhalants**  
25 **or controlled substances** as described in ORS 813.040, the judge must:

26 “(A) Make the recommendation with reference to the best interest of the public as well as of  
27 the defendant and the recommendation must be in writing.

28 “(B) Recommend times, places, routes and days minimally necessary for the person to seek or  
29 retain employment, to attend any alcohol or drug treatment or rehabilitation program or to receive  
30 necessary medical treatment for the person or a member of the person’s immediate family.

31 “(2) The department may not issue a hardship permit to a person whose suspension of driving  
32 privileges is based on a conviction described in ORS 809.265.

33 “(3) The department may not issue a hardship permit to a person whose driver license or driver  
34 permit is suspended pursuant to ORS 25.750 to 25.783.

35 “(4) The department may not issue a hardship permit to a person whose driving privileges are  
36 suspended pursuant to ORS 809.280 (4) or 809.416 (1) or (2).

37 “**SECTION 15.** **The amendments to ORS 807.250 by section 14 of this 2013 Act become**  
38 **operative on January 2, 2018.**

39 “**SECTION 16.** ORS 809.235 is amended to read:

40 “809.235. (1)(a) Notwithstanding ORS 809.409 (2), the court shall order that a person’s driving  
41 privileges be permanently revoked if the person is convicted of any degree of murder and the court  
42 finds that the person intentionally used a motor vehicle as a dangerous weapon resulting in the  
43 death of the victim, or if the person is convicted of aggravated vehicular homicide, manslaughter in  
44 the first or second degree resulting from the operation of a motor vehicle, criminally negligent  
45 homicide resulting from the operation of a motor vehicle or assault in the first degree resulting from

1 the operation of a motor vehicle.

2 “(b) The court shall order that a person’s driving privileges be permanently revoked if the per-  
3 son is convicted of felony driving while under the influence of intoxicants in violation of ORS  
4 813.010 or if the person is convicted for a third or subsequent time of any of the following offenses  
5 in any combination:

6 “(A) Driving while under the influence of intoxicants in violation of:

7 “(i) ORS 813.010; or

8 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction.

9 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
10 the impaired driving of a vehicle due to the use of [*intoxicating liquor, a controlled substance, an*  
11 *inhalant or any combination thereof*] **an intoxicant or a combination of intoxicants.**

12 “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
13 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

14 “(c) For the purposes of paragraph (b) of this subsection, a conviction for a driving offense in  
15 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
16 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
17 of age or older does not constitute a prior conviction.

18 “(2)(a) A person whose driving privileges are revoked as described in subsection (1) of this sec-  
19 tion may file a petition in the circuit court of the county in which the person’s driving privileges  
20 were revoked for an order restoring the person’s driving privileges. A petition may be filed under  
21 this subsection no sooner than 10 years after the person is:

22 “(A) Released on parole or post-prison supervision for the crime for which the person’s driving  
23 privileges were revoked and any other crimes arising out of the same criminal episode;

24 “(B) Sentenced to probation for the crime for which the person’s driving privileges were re-  
25 voked, unless the probation is revoked, in which case the petition may be filed no sooner than 10  
26 years after the date probation is revoked; or

27 “(C) Sentenced for the crime for which the person’s driving privileges were revoked, if no other  
28 provision of this paragraph applies.

29 “(b) Notwithstanding paragraph (a) of this subsection, if during the revocation period for the  
30 crime for which the person was convicted the person is convicted of a criminal offense involving a  
31 motor vehicle, the person may file a petition to restore driving privileges as described in paragraph  
32 (a) of this subsection no sooner than 10 years from the date of the most recent conviction involving  
33 a motor vehicle.

34 “(c) The district attorney of the county in which the person’s driving privileges were revoked  
35 shall be named and served as the respondent in the petition.

36 “(3) The court shall hold a hearing on a petition filed in accordance with subsection (2) of this  
37 section. In determining whether to grant the petition, the court shall consider:

38 “(a) The nature of the offense for which driving privileges were revoked.

39 “(b) The degree of violence involved in the offense.

40 “(c) Other criminal and relevant noncriminal behavior of the petitioner both before and after the  
41 conviction that resulted in the revocation.

42 “(d) The recommendation of the person’s parole officer, which shall be based in part on a psy-  
43 chological evaluation ordered by the court to determine whether the person is presently a threat to  
44 the safety of the public.

45 “(e) Any other relevant factors.

1 “(4) The court shall order a petitioner’s driving privileges restored if, after a hearing described  
2 in subsection (3) of this section, the court finds by clear and convincing evidence that the petitioner:

3 “(a) Is rehabilitated;

4 “(b) Does not pose a threat to the safety of the public; and

5 “(c) If the sentence for the crime for which the petitioner’s driving privileges were revoked re-  
6 quired the petitioner to complete an alcohol or drug treatment program, has completed an alcohol  
7 or drug treatment program in a facility approved by the Director of the Oregon Health Authority  
8 or a similar program in another jurisdiction.

9 “(5) Upon receiving a court order to restore a person’s driving privileges, the department may  
10 reinstate driving privileges in accordance with ORS 809.390, except that the department may not  
11 reinstate driving privileges of any person whose privileges are revoked under this section until the  
12 person complies with future responsibility filings.

13 “**SECTION 17.** ORS 809.235, as amended by section 16 of this 2013 Act, is amended to read:

14 “809.235. (1)(a) Notwithstanding ORS 809.409 (2), the court shall order that a person’s driving  
15 privileges be permanently revoked if the person is convicted of any degree of murder and the court  
16 finds that the person intentionally used a motor vehicle as a dangerous weapon resulting in the  
17 death of the victim, or if the person is convicted of aggravated vehicular homicide, manslaughter in  
18 the first or second degree resulting from the operation of a motor vehicle, criminally negligent  
19 homicide resulting from the operation of a motor vehicle or assault in the first degree resulting from  
20 the operation of a motor vehicle.

21 “(b) The court shall order that a person’s driving privileges be permanently revoked if the per-  
22 son is convicted of felony driving while under the influence of intoxicants in violation of ORS  
23 813.010 or if the person is convicted for a third or subsequent time of any of the following offenses  
24 in any combination:

25 “(A) Driving while under the influence of intoxicants in violation of:

26 “(i) ORS 813.010; or

27 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction.

28 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
29 the impaired driving of a vehicle due to the use of [*an intoxicant or a combination of intoxicants*]  
30 **intoxicating liquor, a controlled substance, an inhalant or any combination thereof.**

31 “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
32 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

33 “(c) For the purposes of paragraph (b) of this subsection, a conviction for a driving offense in  
34 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
35 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
36 of age or older does not constitute a prior conviction.

37 “(2)(a) A person whose driving privileges are revoked as described in subsection (1) of this sec-  
38 tion may file a petition in the circuit court of the county in which the person’s driving privileges  
39 were revoked for an order restoring the person’s driving privileges. A petition may be filed under  
40 this subsection no sooner than 10 years after the person is:

41 “(A) Released on parole or post-prison supervision for the crime for which the person’s driving  
42 privileges were revoked and any other crimes arising out of the same criminal episode;

43 “(B) Sentenced to probation for the crime for which the person’s driving privileges were re-  
44 voked, unless the probation is revoked, in which case the petition may be filed no sooner than 10  
45 years after the date probation is revoked; or



1 “(C) Sentenced for the crime for which the person’s driving privileges were revoked, if no other  
2 provision of this paragraph applies.

3 “(b) Notwithstanding paragraph (a) of this subsection, if during the revocation period for the  
4 crime for which the person was convicted the person is convicted of a criminal offense involving a  
5 motor vehicle, the person may file a petition to restore driving privileges as described in paragraph  
6 (a) of this subsection no sooner than 10 years from the date of the most recent conviction involving  
7 a motor vehicle.

8 “(c) The district attorney of the county in which the person’s driving privileges were revoked  
9 shall be named and served as the respondent in the petition.

10 “(3) The court shall hold a hearing on a petition filed in accordance with subsection (2) of this  
11 section. In determining whether to grant the petition, the court shall consider:

12 “(a) The nature of the offense for which driving privileges were revoked.

13 “(b) The degree of violence involved in the offense.

14 “(c) Other criminal and relevant noncriminal behavior of the petitioner both before and after the  
15 conviction that resulted in the revocation.

16 “(d) The recommendation of the person’s parole officer, which shall be based in part on a psy-  
17 chological evaluation ordered by the court to determine whether the person is presently a threat to  
18 the safety of the public.

19 “(e) Any other relevant factors.

20 “(4) The court shall order a petitioner’s driving privileges restored if, after a hearing described  
21 in subsection (3) of this section, the court finds by clear and convincing evidence that the petitioner:

22 “(a) Is rehabilitated;

23 “(b) Does not pose a threat to the safety of the public; and

24 “(c) If the sentence for the crime for which the petitioner’s driving privileges were revoked re-  
25 quired the petitioner to complete an alcohol or drug treatment program, has completed an alcohol  
26 or drug treatment program in a facility approved by the Director of the Oregon Health Authority  
27 or a similar program in another jurisdiction.

28 “(5) Upon receiving a court order to restore a person’s driving privileges, the department may  
29 reinstate driving privileges in accordance with ORS 809.390, except that the department may not  
30 reinstate driving privileges of any person whose privileges are revoked under this section until the  
31 person complies with future responsibility filings.

32 “**SECTION 18. The amendments to ORS 809.235 by section 17 of this 2013 Act become**  
33 **operative on January 2, 2018.**

34 “**SECTION 19.** ORS 809.265 is amended to read:

35 “809.265. (1) Unless the court finds compelling circumstances not to order suspension of driving  
36 privileges, the court in which a person is convicted of an offense described in this subsection shall  
37 order suspension of the person’s driving privileges. This subsection applies when a person is con-  
38 victed of:

39 “(a) Any offense involving manufacturing, possession or delivery of controlled substances.

40 “(b) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a munic-  
41 ipal ordinance if the person was under the influence of an [*inhalant or a controlled substance*]  
42 **intoxicant other than intoxicating liquor.**

43 “(2) Upon receipt of an order under this section, the department shall take action as directed  
44 under ORS 809.280.

45 “**SECTION 20.** ORS 809.265, as amended by section 19 of this 2013 Act, is amended to read:

1 “809.265. (1) Unless the court finds compelling circumstances not to order suspension of driving  
2 privileges, the court in which a person is convicted of an offense described in this subsection shall  
3 order suspension of the person’s driving privileges. This subsection applies when a person is con-  
4 victed of:

5 “(a) Any offense involving manufacturing, possession or delivery of controlled substances.

6 “(b) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a munic-  
7 ipal ordinance if the person was under the influence of an [*intoxicant other than intoxicating liquor*]  
8 **inhalant or a controlled substance.**

9 “(2) Upon receipt of an order under this section, the department shall take action as directed  
10 under ORS 809.280.

11 “**SECTION 21. The amendments to ORS 809.265 by section 20 of this 2013 Act become**  
12 **operative on January 2, 2018.**

13 “**SECTION 22.** ORS 809.730 is amended to read:

14 “809.730. (1) A motor vehicle may be seized and forfeited if the person operating the vehicle is  
15 arrested or issued a citation for driving while under the influence of intoxicants in violation of ORS  
16 813.010 and the person, within three years prior to the arrest or issuance of the citation, has been  
17 convicted of:

18 “(a) Driving while under the influence of intoxicants in violation of:

19 “(A) ORS 813.010; or

20 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

21 “(b) A driving under the influence of intoxicants offense in another jurisdiction that involved the  
22 impaired driving of a vehicle due to the use of [*intoxicating liquor, a controlled substance, an inhalant*  
23 *or any combination thereof*] **an intoxicant or a combination of intoxicants;**

24 “(c) A driving offense in another jurisdiction that involved operating a vehicle while having a  
25 blood alcohol content above that jurisdiction’s permissible blood alcohol content;

26 “(d) Murder, manslaughter, criminally negligent homicide or assault that resulted from the op-  
27 eration of a motor vehicle in this state or in another jurisdiction; or

28 “(e) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended  
29 or revoked under ORS 163.196.

30 “(2) For the purposes of subsection (1) of this section, a conviction for a driving offense in an-  
31 other jurisdiction based solely on a person under 21 years of age having a blood alcohol content that  
32 is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years of age  
33 or older does not constitute a prior conviction.

34 “(3) All seizure and forfeiture proceedings under this section shall be conducted in accordance  
35 with ORS chapter 131A.

36 “**SECTION 23.** ORS 809.730, as amended by section 22 of this 2013 Act, is amended to read:

37 “809.730. (1) A motor vehicle may be seized and forfeited if the person operating the vehicle is  
38 arrested or issued a citation for driving while under the influence of intoxicants in violation of ORS  
39 813.010 and the person, within three years prior to the arrest or issuance of the citation, has been  
40 convicted of:

41 “(a) Driving while under the influence of intoxicants in violation of:

42 “(A) ORS 813.010; or

43 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

44 “(b) A driving under the influence of intoxicants offense in another jurisdiction that involved the  
45 impaired driving of a vehicle due to the use of [*an intoxicant or a combination of intoxicants*]

1 **intoxicating liquor, a controlled substance, an inhalant or any combination thereof;**

2 “(c) A driving offense in another jurisdiction that involved operating a vehicle while having a  
3 blood alcohol content above that jurisdiction’s permissible blood alcohol content;

4 “(d) Murder, manslaughter, criminally negligent homicide or assault that resulted from the op-  
5 eration of a motor vehicle in this state or in another jurisdiction; or

6 “(e) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended  
7 or revoked under ORS 163.196.

8 “(2) For the purposes of subsection (1) of this section, a conviction for a driving offense in an-  
9 other jurisdiction based solely on a person under 21 years of age having a blood alcohol content that  
10 is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years of age  
11 or older does not constitute a prior conviction.

12 “(3) All seizure and forfeiture proceedings under this section shall be conducted in accordance  
13 with ORS chapter 131A.

14 **“SECTION 24. The amendments to ORS 813.730 by section 23 of this 2013 Act become**  
15 **operative on January 2, 2018.**

16 **“SECTION 25.** ORS 813.010 is amended to read:

17 “813.010. (1) A person commits the offense of driving while under the influence of intoxicants if  
18 the person drives a vehicle while the person:

19 “(a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by  
20 chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

21 “(b) Is under the influence of [*intoxicating liquor, a controlled substance or an inhalant*] **an**  
22 **intoxicant;** or

23 “(c) Is under the influence of any combination of [*intoxicating liquor, an inhalant and a controlled*  
24 *substance*] **intoxicants.**

25 “(2) A person may not be convicted of driving while under the influence of intoxicants on the  
26 basis of being under the influence of **a drug listed in section 2 (4) of this 2013 Act**, a controlled  
27 substance or an inhalant unless the fact that the person was under the influence of **a drug listed**  
28 **in section 2 (4) of this 2013 Act**, a controlled substance or an inhalant is pleaded in the accusatory  
29 instrument [*and is either proved at trial or is admitted by the person through a guilty plea*].

30 “(3) A person convicted of the offense described in this section is subject to ORS 813.020 in  
31 addition to this section.

32 “(4) Except as provided in subsection (5) of this section, the offense described in this section,  
33 driving while under the influence of intoxicants, is a Class A misdemeanor and is applicable upon  
34 any premises open to the public.

35 “(5)(a) Driving while under the influence of intoxicants is a Class C felony if the current offense  
36 was committed in a motor vehicle and the person has, at least three times in the 10 years prior to  
37 the date of the current offense, been convicted of, or been found to be within the jurisdiction of the  
38 juvenile court for an act that if committed by an adult would be, any of the following offenses in  
39 any combination:

40 “(A) Driving while under the influence of intoxicants in violation of:

41 “(i) This section; or

42 “(ii) The statutory counterpart to this section in another jurisdiction.

43 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
44 the impaired driving or operation of a vehicle, an aircraft or a boat due to the use of [*intoxicating*  
45 *liquor, a controlled substance, an inhalant or any combination thereof*] **an intoxicant or a combina-**

1 **tion of intoxicants.**

2 “(C) A driving offense in another jurisdiction that involved operating a vehicle, an aircraft or  
3 a boat while having a blood alcohol content above that jurisdiction’s permissible blood alcohol  
4 content.

5 “(b) For the purposes of paragraph (a) of this subsection, a conviction or adjudication for a  
6 driving offense in another jurisdiction based solely on a person under 21 years of age having a blood  
7 alcohol content that is lower than the permissible blood alcohol content in that jurisdiction for a  
8 person 21 years of age or older does not constitute a prior conviction or adjudication.

9 “(6) In addition to any other sentence that may be imposed, the court shall impose one or more  
10 of the following fines on a person convicted of driving while under the influence of intoxicants as  
11 follows:

12 “(a) For a person’s first conviction, a minimum of \$1,000.

13 “(b) For a person’s second conviction, a minimum of \$1,500.

14 “(c) For a person’s third or subsequent conviction, a minimum of \$2,000 if the person is not  
15 sentenced to a term of imprisonment.

16 “(d) For a person who drives a vehicle while the person has 0.15 percent or more by weight of  
17 alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the per-  
18 son made under ORS 813.100, 813.140 or 813.150, a minimum of \$2,000.

19 “(7) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a court may impose on a  
20 person convicted of driving while under the influence of intoxicants if:

21 “(a) The current offense was committed in a motor vehicle; and

22 “(b) There was a passenger in the motor vehicle who was under 18 years of age and was at least  
23 three years younger than the person driving the motor vehicle.

24 “**SECTION 26.** ORS 813.010, as amended by section 25 of this 2013 Act, is amended to read:

25 “813.010. (1) A person commits the offense of driving while under the influence of intoxicants if  
26 the person drives a vehicle while the person:

27 “(a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by  
28 chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

29 “(b) Is under the influence of [*an intoxicant*] **intoxicating liquor, a controlled substance or  
30 an inhalant**; or

31 “(c) Is under the influence of any combination of [*intoxicants*] **intoxicating liquor, a controlled  
32 substance or an inhalant.**

33 “(2) A person may not be convicted of driving while under the influence of intoxicants on the  
34 basis of being under the influence of [*a drug listed in section 2 (4) of this 2013 Act,*] a controlled  
35 substance or an inhalant unless the fact that the person was under the influence of [*a drug listed  
36 in section 2 (4) of this 2013 Act,*] a controlled substance or an inhalant is pleaded in the accusatory  
37 instrument.

38 “(3) A person convicted of the offense described in this section is subject to ORS 813.020 in  
39 addition to this section.

40 “(4) Except as provided in subsection (5) of this section, the offense described in this section,  
41 driving while under the influence of intoxicants, is a Class A misdemeanor and is applicable upon  
42 any premises open to the public.

43 “(5)(a) Driving while under the influence of intoxicants is a Class C felony if the current offense  
44 was committed in a motor vehicle and the person has, at least three times in the 10 years prior to  
45 the date of the current offense, been convicted of, or been found to be within the jurisdiction of the

1 juvenile court for an act that if committed by an adult would be, any of the following offenses in  
2 any combination:

3 “(A) Driving while under the influence of intoxicants in violation of:

4 “(i) This section; or

5 “(ii) The statutory counterpart to this section in another jurisdiction.

6 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
7 the impaired driving or operation of a vehicle, an aircraft or a boat due to the use of [*an intoxicant*  
8 *or a combination of intoxicants*] **intoxicating liquor, a controlled substance, an inhalant or any**  
9 **combination thereof.**

10 “(C) A driving offense in another jurisdiction that involved operating a vehicle, an aircraft or  
11 a boat while having a blood alcohol content above that jurisdiction’s permissible blood alcohol  
12 content.

13 “(b) For the purposes of paragraph (a) of this subsection, a conviction or adjudication for a  
14 driving offense in another jurisdiction based solely on a person under 21 years of age having a blood  
15 alcohol content that is lower than the permissible blood alcohol content in that jurisdiction for a  
16 person 21 years of age or older does not constitute a prior conviction or adjudication.

17 “(6) In addition to any other sentence that may be imposed, the court shall impose one or more  
18 of the following fines on a person convicted of driving while under the influence of intoxicants as  
19 follows:

20 “(a) For a person’s first conviction, a minimum of \$1,000.

21 “(b) For a person’s second conviction, a minimum of \$1,500.

22 “(c) For a person’s third or subsequent conviction, a minimum of \$2,000 if the person is not  
23 sentenced to a term of imprisonment.

24 “(d) For a person who drives a vehicle while the person has 0.15 percent or more by weight of  
25 alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the per-  
26 son made under ORS 813.100, 813.140 or 813.150, a minimum of \$2,000.

27 “(7) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a court may impose on a  
28 person convicted of driving while under the influence of intoxicants if:

29 “(a) The current offense was committed in a motor vehicle; and

30 “(b) There was a passenger in the motor vehicle who was under 18 years of age and was at least  
31 three years younger than the person driving the motor vehicle.

32 “**SECTION 27. The amendments to ORS 813.010 by section 26 of this 2013 Act become**  
33 **operative on January 2, 2018.**

34 “**SECTION 28. Section 29 of this 2013 Act is added to and made a part of the Oregon**  
35 **Vehicle Code.**

36 “**SECTION 29. (1) For the purposes of this section, ‘drug’ means a drug described in**  
37 **section 2 (4) of this 2013 Act.**

38 “**(2) In a prosecution under ORS 813.010 for driving while under the influence of**  
39 **intoxicants other than intoxicating liquor, a controlled substance or an inhalant, it is an af-**  
40 **firmative defense that:**

41 “(a) The defendant lawfully obtained and consumed a drug;

42 “(b) The defendant consumed the drug in the prescribed or recommended dosage and  
43 followed all directions and warnings relating to consumption of the drug, including di-  
44 rections, if any, from the manufacturer of the drug, the pharmacist who provided the drug  
45 to the defendant and the physician or other health care professional who prescribed or re-

1 commended the drug to the defendant; and

2 “(c) The defendant experienced a reaction to the drug that the defendant could not rea-  
3 sonably have anticipated and that caused the defendant to be impaired while driving or op-  
4 erating the vehicle.

5 “(3) A defendant may not assert the affirmative defense described in subsection (2) of  
6 this section unless the defendant gives notice of intent to do so in writing filed with the court  
7 and served on the prosecuting attorney at least 21 days before the first trial date set for the  
8 case. The notice must specify the drug the defendant claims caused the impairment.

9 “(4) The affirmative defense provided under this section may be asserted only with re-  
10 spect to the impairment that was caused by an unanticipated adverse reaction to the drug  
11 specified in the notice given under subsection (3) of this section, and may not be asserted  
12 with respect to impairment caused by use of the drug specified in the notice if that drug was  
13 used in conjunction with intoxicating liquor, a controlled substance or an inhalant.

14 “**SECTION 30.** Section 29 of this 2013 Act is repealed on January 2, 2018.

15 “**SECTION 31.** ORS 813.040 is amended to read:

16 “813.040. This section establishes, for purposes of ORS 471.432, 807.060 and 813.500, when a  
17 person has a problem condition involving [*alcohol, inhalants or controlled substances*] **intoxicants**.  
18 For purposes of ORS 471.432, 807.060 and 813.500, a person has a problem condition involving [*al-*  
19 *cohol, inhalants or controlled substances*] **intoxicants** if it is determined that the person has a  
20 problem condition in which the person’s health or that of others is substantially impaired or en-  
21 dangered or the person’s social or economic function is substantially disrupted because of the  
22 person’s:

23 “(1) Habitual or periodic use of alcoholic beverages; or

24 “(2) Use of or loss of the ability to control the use of controlled substances, inhalants or other  
25 substances with abuse potential including a condition that may have developed:

26 “(a) A physical dependence in which the body requires a continuing supply of a drug, inhalant  
27 or controlled substance to avoid characteristic withdrawal symptoms; or

28 “(b) A psychological dependence characterized by an overwhelming mental desire for continued  
29 use of a drug, inhalant or controlled substance.

30 “**SECTION 32.** ORS 813.040, as amended by section 31 of this 2013 Act, is amended to read:

31 “813.040. This section establishes, for purposes of ORS 471.432, 807.060 and 813.500, when a  
32 person has a problem condition involving [*intoxicants*] **alcohol, inhalants or controlled**  
33 **substances**. For purposes of ORS 471.432, 807.060 and 813.500, a person has a problem condition  
34 involving [*intoxicants*] **alcohol, inhalants or controlled substances** if it is determined that the  
35 person has a problem condition in which the person’s health or that of others is substantially im-  
36 paired or endangered or the person’s social or economic function is substantially disrupted because  
37 of the person’s:

38 “(1) Habitual or periodic use of alcoholic beverages; or

39 “(2) Use of or loss of the ability to control the use of controlled substances, inhalants or other  
40 substances with abuse potential including a condition that may have developed:

41 “(a) A physical dependence in which the body requires a continuing supply of a drug, inhalant  
42 or controlled substance to avoid characteristic withdrawal symptoms; or

43 “(b) A psychological dependence characterized by an overwhelming mental desire for continued  
44 use of a drug, inhalant or controlled substance.

45 “**SECTION 33.** The amendments to ORS 813.040 by section 32 of this 2013 Act become

1 **operative on January 2, 2018.**

2 **“SECTION 34.** ORS 813.131 is amended to read:

3 “813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the  
4 highways of this state shall be deemed to have given consent, subject to the Motorist Implied Con-  
5 sent Law, to a chemical test of the person’s urine for the purpose of determining the presence of  
6 [*a controlled substance or an inhalant*] **an intoxicant other than intoxicating liquor** in the person’s  
7 body if the person is arrested for driving while under the influence of intoxicants in violation of  
8 ORS 813.010 or of a municipal ordinance and either:

9 “(a) The person takes the breath test described in ORS 813.100 and the test discloses a blood  
10 alcohol content of less than 0.08 percent; or

11 “(b) The person is involved in an accident resulting in injury or property damage. A urine test  
12 may be requested under this paragraph regardless of whether a breath test has been requested and  
13 regardless of the results of a breath test, if one is taken.

14 “(2) A police officer may not request a urine test unless the officer is certified by the Board on  
15 Public Safety Standards and Training as having completed at least eight hours of training in re-  
16 cognition of drug impaired driving and the officer has a reasonable suspicion that the person ar-  
17 rested has been driving while under the influence of [*a controlled substance, an inhalant*] **an**  
18 **intoxicant other than intoxicating liquor** or any combination of [*an inhalant, a controlled sub-*  
19 *stance and intoxicating liquor*] **intoxicants.**

20 “(3) A person asked to give a urine sample shall be given privacy and may not be observed by  
21 a police officer when producing the sample.

22 “(4)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts  
23 committed by a person driving a motor vehicle while under the influence of intoxicants, a valid  
24 chemical analysis of a person’s urine is admissible as evidence and may be used with other evidence,  
25 if any, to determine whether the person was driving while under the influence of intoxicants.

26 “(b) A chemical analysis of a person’s urine is valid under this subsection if analysis is per-  
27 formed in an accredited or licensed toxicology laboratory.

28 **“SECTION 35.** ORS 813.131, as amended by section 34 of this 2013 Act, is amended to read:

29 “813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the  
30 highways of this state shall be deemed to have given consent, subject to the Motorist Implied Con-  
31 sent Law, to a chemical test of the person’s urine for the purpose of determining the presence of  
32 [*an intoxicant other than intoxicating liquor*] **a controlled substance or an inhalant** in the person’s  
33 body if the person is arrested for driving while under the influence of intoxicants in violation of  
34 ORS 813.010 or of a municipal ordinance and either:

35 “(a) The person takes the breath test described in ORS 813.100 and the test discloses a blood  
36 alcohol content of less than 0.08 percent; or

37 “(b) The person is involved in an accident resulting in injury or property damage. A urine test  
38 may be requested under this paragraph regardless of whether a breath test has been requested and  
39 regardless of the results of a breath test, if one is taken.

40 “(2) A police officer may not request a urine test unless the officer is certified by the Board on  
41 Public Safety Standards and Training as having completed at least eight hours of training in re-  
42 cognition of drug impaired driving and the officer has a reasonable suspicion that the person ar-  
43 rested has been driving while under the influence of [*an intoxicant other than intoxicating liquor*] **a**  
44 **controlled substance or an inhalant** or any combination of [*intoxicants*] **an inhalant, a controlled**  
45 **substance and intoxicating liquor.**

1 “(3) A person asked to give a urine sample shall be given privacy and may not be observed by  
2 a police officer when producing the sample.

3 “(4)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts  
4 committed by a person driving a motor vehicle while under the influence of intoxicants, a valid  
5 chemical analysis of a person’s urine is admissible as evidence and may be used with other evidence,  
6 if any, to determine whether the person was driving while under the influence of intoxicants.

7 “(b) A chemical analysis of a person’s urine is valid under this subsection if analysis is per-  
8 formed in an accredited or licensed toxicology laboratory.

9 “**SECTION 36. The amendments to ORS 813.131 by section 35 of this 2013 Act become**  
10 **operative on January 2, 2018.**

11 “**SECTION 37.** ORS 813.140 is amended to read:

12 “813.140. Nothing in ORS 813.100 is intended to preclude the administration of a chemical test  
13 described in this section. A police officer may obtain a chemical test of the blood to determine the  
14 amount of [*alcohol*] **intoxicants** in any person’s blood or a test of the person’s [*blood or*] urine[, *or*  
15 *both,*] to determine the presence of [*a controlled substance or an inhalant*] **an intoxicant other than**  
16 **intoxicating liquor** in the person as provided in the following:

17 “(1) If, when requested by a police officer, the person expressly consents to such a test.

18 “(2) Notwithstanding subsection (1) of this section, from a person without the person’s consent  
19 if:

20 “(a) The police officer has probable cause to believe that the person was driving while under  
21 the influence of intoxicants and that evidence of the offense will be found in the person’s blood or  
22 urine; and

23 “(b) The person is unconscious or otherwise in a condition rendering the person incapable of  
24 expressly consenting to the test or tests requested.

25 “**SECTION 38.** ORS 813.140, as amended by section 37 of this 2013 Act, is amended to read:

26 “813.140. Nothing in ORS 813.100 is intended to preclude the administration of a chemical test  
27 described in this section. A police officer may obtain a chemical test of the blood to determine the  
28 amount of [*intoxicants*] **alcohol** in any person’s blood or a test of the person’s **blood or urine, or**  
29 **both,** to determine the presence of [*an intoxicant other than intoxicating liquor*] **a controlled sub-**  
30 **stance or an inhalant** in the person as provided in the following:

31 “(1) If, when requested by a police officer, the person expressly consents to such a test.

32 “(2) Notwithstanding subsection (1) of this section, from a person without the person’s consent  
33 if:

34 “(a) The police officer has probable cause to believe that the person was driving while under  
35 the influence of intoxicants and that evidence of the offense will be found in the person’s blood or  
36 urine; and

37 “(b) The person is unconscious or otherwise in a condition rendering the person incapable of  
38 expressly consenting to the test or tests requested.

39 “**SECTION 39. The amendments to ORS 813.140 by section 38 of this 2013 Act become**  
40 **operative on January 2, 2018.**

41 “**SECTION 40.** ORS 813.150 is amended to read:

42 “813.150. [*In addition to a chemical test of the breath, blood or urine administered under ORS*  
43 *813.100 or 813.140, upon the request of a police officer, a person shall be permitted upon request, at the*  
44 *person’s own expense, reasonable opportunity to have any licensed physician and surgeon, licensed*  
45 *professional nurse or qualified technician, chemist or other qualified person of the person’s own*



1 *choosing administer a chemical test or tests of the person's breath or blood for the purpose of deter-*  
2 *mining the alcoholic content of the person's blood or a chemical test or tests of the person's blood or*  
3 *urine, or both, for the purpose of determining the presence of a controlled substance or an inhalant in*  
4 *the person. The failure or inability to obtain such a test or tests by a person shall not preclude the*  
5 *admission of evidence relating to a test or tests taken upon the request of a police officer.]*

6 **“(1) In addition to a chemical test of the breath, blood or urine administered under ORS**  
7 **813.100 or 813.140, upon the request of a police officer, a person shall be permitted upon re-**  
8 **quest, at the person's own expense, reasonable opportunity to have any licensed physician**  
9 **and surgeon, licensed professional nurse or qualified technician, chemist or other qualified**  
10 **person of the person's own choosing administer a chemical test or tests of the person's:**

11 **“(a) Breath for the purpose of determining the alcoholic content of the person's blood;**

12 **“(b) Blood for the purpose of determining the presence of intoxicants in the person's**  
13 **blood; or**

14 **“(c) Urine for the purpose of determining the presence of intoxicants other than**  
15 **intoxicating liquor in the person.**

16 **“(2) The failure or inability of a person to obtain a test or tests as described in subsection**  
17 **(1) of this section does not preclude the admission of evidence relating to a test or tests**  
18 **taken upon the request of a police officer.**

19 **“SECTION 41.** ORS 813.150, as amended by section 40 of this 2013 Act, is amended to read:

20 *“813.150. [(1) In addition to a chemical test of the breath, blood or urine administered under ORS*  
21 *813.100 or 813.140, upon the request of a police officer, a person shall be permitted upon request, at the*  
22 *person's own expense, reasonable opportunity to have any licensed physician and surgeon, licensed*  
23 *professional nurse or qualified technician, chemist or other qualified person of the person's own*  
24 *choosing administer a chemical test or tests of the person's:]*

25 *“[(a) Breath for the purpose of determining the alcoholic content of the person's blood;]*

26 *“[(b) Blood for the purpose of determining the presence of intoxicants in the person's blood; or]*

27 *“[(c) Urine for the purpose of determining the presence of intoxicants other than intoxicating liquor*  
28 *in the person.]*

29 *“[(2) The failure or inability of a person to obtain a test or tests as described in subsection (1) of*  
30 *this section does not preclude the admission of evidence relating to a test or tests taken upon the request*  
31 *of a police officer.] In addition to a chemical test of the breath, blood or urine administered*  
32 **under ORS 813.100 or 813.140, upon the request of a police officer, a person shall be permitted**  
33 **upon request, at the person's own expense, reasonable opportunity to have any licensed**  
34 **physician and surgeon, licensed professional nurse or qualified technician, chemist or other**  
35 **qualified person of the person's own choosing administer a chemical test or tests of the**  
36 **person's breath or blood for the purpose of determining the alcoholic content of the person's**  
37 **blood or a chemical test or tests of the person's blood or urine, or both, for the purpose of**  
38 **determining the presence of a controlled substance or an inhalant in the person. The failure**  
39 **or inability to obtain such a test or tests by a person shall not preclude the admission of**  
40 **evidence relating to a test or tests taken upon the request of a police officer.**

41 **“SECTION 42.** The amendments to ORS 813.150 by section 41 of this 2013 Act become  
42 **operative on January 2, 2018.**

43 **“SECTION 43.** ORS 813.215 is amended to read:

44 *“813.215. (1) A defendant is eligible for diversion if the defendant meets all of the following*  
45 *conditions:*

1           “(a) On the date the defendant filed the petition for a driving while under the influence of  
2 intoxicants diversion agreement, the defendant had no charge, other than the charge for the present  
3 offense, pending for:

4           “(A) An offense of driving while under the influence of intoxicants in violation of:

5           “(i) ORS 813.010; or

6           “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

7           “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
8 the impaired driving of a vehicle due to the use of [*intoxicating liquor, a controlled substance, an*  
9 *inhalant or any combination thereof*] **an intoxicant or a combination of intoxicants**; or

10          “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
11 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

12          “(b) The defendant has not been convicted of an offense described in paragraph (a) of this sub-  
13 section within the period beginning 15 years before the date of the commission of the present offense  
14 and ending on the date the defendant filed the petition for a driving while under the influence of  
15 intoxicants diversion agreement.

16          “(c) The defendant has not been convicted of a felony offense described in ORS 813.010 (5)(a).

17          “(d) The defendant was not participating in a driving while under the influence of intoxicants  
18 diversion program or in any similar alcohol or drug rehabilitation program, other than a program  
19 entered into as a result of the charge for the present offense, in this state or in another jurisdiction  
20 on the date the defendant filed the petition for a driving while under the influence of intoxicants  
21 diversion agreement.

22          “(e) The defendant did not participate in a diversion or rehabilitation program described in  
23 paragraph (d) of this subsection, other than a program entered into as a result of the charge for the  
24 present offense, within the period beginning 15 years before the date of the commission of the  
25 present offense and ending on the date the defendant filed the petition for a driving while under the  
26 influence of intoxicants diversion agreement.

27          “(f) The defendant had no charge of an offense of aggravated vehicular homicide or of murder,  
28 manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor  
29 vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition  
30 for a driving while under the influence of intoxicants diversion agreement.

31          “(g) The defendant has not been convicted of an offense described in paragraph (f) of this sub-  
32 section within the period beginning 15 years before the date of the commission of the present offense  
33 and ending on the date the defendant filed the petition for a driving while under the influence of  
34 intoxicants diversion agreement.

35          “(h) The defendant did not hold a commercial driver license on the date of the commission of  
36 the offense.

37          “(i) The defendant was not operating a commercial motor vehicle at the time of the offense.

38          “(j) The present driving while under the influence of intoxicants offense did not involve an ac-  
39 cident resulting in:

40          “(A) Death of any person; or

41          “(B) Physical injury as defined in ORS 161.015 to any person other than the defendant.

42          “(2) For the purposes of subsection (1)(a) of this section, a conviction for a driving offense in  
43 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
44 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
45 of age or older does not constitute a prior conviction.

1 “(3) A defendant is eligible for a second or subsequent diversion if the defendant meets all of  
2 the conditions of subsection (1) of this section and the defendant has not been convicted of any other  
3 criminal offense involving a motor vehicle within the period beginning 15 years before the date of  
4 the commission of the present offense and ending on the date the defendant filed the petition for the  
5 second or subsequent driving while under the influence of intoxicants diversion agreement.

6 “**SECTION 44.** ORS 813.215, as amended by section 43 of this 2013 Act, is amended to read:

7 “813.215. (1) A defendant is eligible for diversion if the defendant meets all of the following  
8 conditions:

9 “(a) On the date the defendant filed the petition for a driving while under the influence of  
10 intoxicants diversion agreement, the defendant had no charge, other than the charge for the present  
11 offense, pending for:

12 “(A) An offense of driving while under the influence of intoxicants in violation of:

13 “(i) ORS 813.010; or

14 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

15 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
16 the impaired driving of a vehicle due to the use of [*an intoxicant or a combination of intoxicants*]  
17 **intoxicating liquor, a controlled substance, an inhalant or any combination thereof**; or

18 “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
19 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

20 “(b) The defendant has not been convicted of an offense described in paragraph (a) of this sub-  
21 section within the period beginning 15 years before the date of the commission of the present offense  
22 and ending on the date the defendant filed the petition for a driving while under the influence of  
23 intoxicants diversion agreement.

24 “(c) The defendant has not been convicted of a felony offense described in ORS 813.010 (5)(a).

25 “(d) The defendant was not participating in a driving while under the influence of intoxicants  
26 diversion program or in any similar alcohol or drug rehabilitation program, other than a program  
27 entered into as a result of the charge for the present offense, in this state or in another jurisdiction  
28 on the date the defendant filed the petition for a driving while under the influence of intoxicants  
29 diversion agreement.

30 “(e) The defendant did not participate in a diversion or rehabilitation program described in  
31 paragraph (d) of this subsection, other than a program entered into as a result of the charge for the  
32 present offense, within the period beginning 15 years before the date of the commission of the  
33 present offense and ending on the date the defendant filed the petition for a driving while under the  
34 influence of intoxicants diversion agreement.

35 “(f) The defendant had no charge of an offense of aggravated vehicular homicide or of murder,  
36 manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor  
37 vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition  
38 for a driving while under the influence of intoxicants diversion agreement.

39 “(g) The defendant has not been convicted of an offense described in paragraph (f) of this sub-  
40 section within the period beginning 15 years before the date of the commission of the present offense  
41 and ending on the date the defendant filed the petition for a driving while under the influence of  
42 intoxicants diversion agreement.

43 “(h) The defendant did not hold a commercial driver license on the date of the commission of  
44 the offense.

45 “(i) The defendant was not operating a commercial motor vehicle at the time of the offense.

1 “(j) The present driving while under the influence of intoxicants offense did not involve an ac-  
2 cident resulting in:

3 “(A) Death of any person; or

4 “(B) Physical injury as defined in ORS 161.015 to any person other than the defendant.

5 “(2) For the purposes of subsection (1)(a) of this section, a conviction for a driving offense in  
6 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
7 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
8 of age or older does not constitute a prior conviction.

9 “(3) A defendant is eligible for a second or subsequent diversion if the defendant meets all of  
10 the conditions of subsection (1) of this section and the defendant has not been convicted of any other  
11 criminal offense involving a motor vehicle within the period beginning 15 years before the date of  
12 the commission of the present offense and ending on the date the defendant filed the petition for the  
13 second or subsequent driving while under the influence of intoxicants diversion agreement.

14 “**SECTION 45. The amendments to ORS 813.215 by section 44 of this 2013 Act become**  
15 **operative on January 2, 2018.**

16 “**SECTION 46.** ORS 813.220 is amended to read:

17 “813.220. After the time for requesting a hearing under ORS 813.210 has expired with no request  
18 for a hearing, or after a hearing requested under ORS 813.210, the court shall determine whether  
19 to allow or deny a petition for a driving while under the influence of intoxicants diversion agree-  
20 ment. In making a determination under this section, the court:

21 “(1) Shall consider whether the diversion will be of benefit to the defendant and the community.

22 “(2) May take into consideration whether there was an early recognition by the defendant dur-  
23 ing the proceeding that a course of diagnosis and treatment of problem drinking, alcoholism or drug  
24 dependency would be beneficial.

25 “(3) May take into consideration whether there is a probability that the defendant will cooper-  
26 ate with the diagnostic assessment and treatment agencies.

27 “(4) May take into consideration whether the defendant will observe the restrictions contained  
28 in the diversion agreement.

29 “(5) May take into consideration whether the offense was committed in a motor vehicle and  
30 whether there was a passenger in the motor vehicle who was under 18 years of age and at least  
31 three years younger than the defendant.

32 “(6) Shall deny the petition for a driving while under the influence of intoxicants diversion  
33 agreement if the defendant failed to appear at an arraignment on the present offense without good  
34 cause.

35 “(7) Shall deny the petition for a driving while under the influence of intoxicants diversion  
36 agreement if, after the date the defendant filed the petition, the defendant was charged with or  
37 convicted of:

38 “(a) An offense of driving while under the influence of intoxicants in violation of:

39 “(A) ORS 813.010; or

40 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

41 “(b) A driving under the influence of intoxicants offense in another jurisdiction that involved the  
42 impaired driving of a vehicle due to the use of [*intoxicating liquor, a controlled substance, an inhalant*  
43 *or any combination thereof*] **an intoxicant or a combination of intoxicants**; or

44 “(c) A driving offense in another jurisdiction that involved operating a vehicle while having a  
45 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

1 “(8) Shall deny the petition for a driving while under the influence of intoxicants diversion  
2 agreement if the defendant participated in a driving while under the influence of intoxicants diver-  
3 sion program or in any similar alcohol or drug rehabilitation program, other than a program entered  
4 into as a result of the charge for the present offense, in this state or in another jurisdiction after  
5 the date the defendant filed the petition.

6 “(9) Shall deny the petition for a driving while under the influence of intoxicants diversion  
7 agreement if the defendant was charged with or convicted of an offense of aggravated vehicular  
8 homicide or of murder, manslaughter, criminally negligent homicide or assault that resulted from the  
9 operation of a motor vehicle in this state or in another jurisdiction after the date the defendant filed  
10 the petition.

11 “(10) Shall deny the petition for a driving while under the influence of intoxicants diversion  
12 agreement if the defendant has been convicted of a felony offense described in ORS 813.010 (5)(a).

13 “(11) For the purposes of subsection (7) of this section, may not consider a conviction for a  
14 driving offense in another jurisdiction based solely on a person under 21 years of age having a blood  
15 alcohol content that is lower than the permissible blood alcohol content in that jurisdiction for a  
16 person 21 years of age or older as a prior conviction.

17 “(12) May not deny the petition for a driving while under the influence of intoxicants diversion  
18 agreement solely on the basis that the defendant is a member of the Armed Forces of the United  
19 States, the reserve components of the Armed Forces of the United States or the National Guard and  
20 has been called or demonstrates that the defendant will be called to active duty, and the military  
21 service will impair the defendant’s ability to complete the diversion program.

22 “**SECTION 47.** ORS 813.220, as amended by section 46 of this 2013 Act, is amended to read:

23 “813.220. After the time for requesting a hearing under ORS 813.210 has expired with no request  
24 for a hearing, or after a hearing requested under ORS 813.210, the court shall determine whether  
25 to allow or deny a petition for a driving while under the influence of intoxicants diversion agree-  
26 ment. In making a determination under this section, the court:

27 “(1) Shall consider whether the diversion will be of benefit to the defendant and the community.

28 “(2) May take into consideration whether there was an early recognition by the defendant dur-  
29 ing the proceeding that a course of diagnosis and treatment of problem drinking, alcoholism or drug  
30 dependency would be beneficial.

31 “(3) May take into consideration whether there is a probability that the defendant will cooper-  
32 ate with the diagnostic assessment and treatment agencies.

33 “(4) May take into consideration whether the defendant will observe the restrictions contained  
34 in the diversion agreement.

35 “(5) May take into consideration whether the offense was committed in a motor vehicle and  
36 whether there was a passenger in the motor vehicle who was under 18 years of age and at least  
37 three years younger than the defendant.

38 “(6) Shall deny the petition for a driving while under the influence of intoxicants diversion  
39 agreement if the defendant failed to appear at an arraignment on the present offense without good  
40 cause.

41 “(7) Shall deny the petition for a driving while under the influence of intoxicants diversion  
42 agreement if, after the date the defendant filed the petition, the defendant was charged with or  
43 convicted of:

44 “(a) An offense of driving while under the influence of intoxicants in violation of:

45 “(A) ORS 813.010; or

1 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

2 “(b) A driving under the influence of intoxicants offense in another jurisdiction that involved the  
3 impaired driving of a vehicle due to the use of [*an intoxicant or a combination of intoxicants*]  
4 **intoxicating liquor, a controlled substance, an inhalant or any combination thereof**; or

5 “(c) A driving offense in another jurisdiction that involved operating a vehicle while having a  
6 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

7 “(8) Shall deny the petition for a driving while under the influence of intoxicants diversion  
8 agreement if the defendant participated in a driving while under the influence of intoxicants diver-  
9 sion program or in any similar alcohol or drug rehabilitation program, other than a program entered  
10 into as a result of the charge for the present offense, in this state or in another jurisdiction after  
11 the date the defendant filed the petition.

12 “(9) Shall deny the petition for a driving while under the influence of intoxicants diversion  
13 agreement if the defendant was charged with or convicted of an offense of aggravated vehicular  
14 homicide or of murder, manslaughter, criminally negligent homicide or assault that resulted from the  
15 operation of a motor vehicle in this state or in another jurisdiction after the date the defendant filed  
16 the petition.

17 “(10) Shall deny the petition for a driving while under the influence of intoxicants diversion  
18 agreement if the defendant has been convicted of a felony offense described in ORS 813.010 (5)(a).

19 “(11) For the purposes of subsection (7) of this section, may not consider a conviction for a  
20 driving offense in another jurisdiction based solely on a person under 21 years of age having a blood  
21 alcohol content that is lower than the permissible blood alcohol content in that jurisdiction for a  
22 person 21 years of age or older as a prior conviction.

23 “(12) May not deny the petition for a driving while under the influence of intoxicants diversion  
24 agreement solely on the basis that the defendant is a member of the Armed Forces of the United  
25 States, the reserve components of the Armed Forces of the United States or the National Guard and  
26 has been called or demonstrates that the defendant will be called to active duty, and the military  
27 service will impair the defendant’s ability to complete the diversion program.

28 **“SECTION 48. The amendments to ORS 813.220 by section 47 of this 2013 Act become**  
29 **operative on January 2, 2018.**

30 **“SECTION 49.** ORS 813.430 is amended to read:

31 “813.430. This section establishes circumstances under which ORS 813.420 requires an increase  
32 in the time for suspension of driving privileges and under which ORS 813.520 requires an increase  
33 in the time before the Department of Transportation may issue a hardship permit. A person is sub-  
34 ject to an increase in suspension time under this section if any of the following apply:

35 “(1) The person is presently participating in a driving while under the influence of intoxicants  
36 diversion program in this state or in any similar alcohol or drug rehabilitation program in this or  
37 another jurisdiction.

38 “(2) Within the five years preceding the date of arrest any of the following occurred:

39 “(a) A suspension of the person’s driving privileges under ORS 813.410 or 482.540 (1981 Re-  
40 placement Part) became effective.

41 “(b) The person was convicted of:

42 “(A) Driving while under the influence of intoxicants in violation of:

43 “(i) ORS 813.010;

44 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction; or

45 “(iii) A municipal ordinance in this state or another jurisdiction;

1 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
2 the impaired driving of a vehicle due to the use of [*intoxicating liquor, a controlled substance, an*  
3 *inhalant or any combination thereof*] **an intoxicant or a combination of intoxicants**; or

4 “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
5 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

6 “(c) The person commenced participating in a driving while under the influence of intoxicants  
7 diversion program in this state or in any similar alcohol or drug rehabilitation program in this or  
8 another jurisdiction.

9 “(3) For the purposes of subsection (2)(b) of this section, a conviction for a driving offense in  
10 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
11 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
12 of age or older does not constitute a prior conviction.

13 “**SECTION 50.** ORS 813.430, as amended by section 49 of this 2013 Act, is amended to read:

14 “813.430. This section establishes circumstances under which ORS 813.420 requires an increase  
15 in the time for suspension of driving privileges and under which ORS 813.520 requires an increase  
16 in the time before the Department of Transportation may issue a hardship permit. A person is sub-  
17 ject to an increase in suspension time under this section if any of the following apply:

18 “(1) The person is presently participating in a driving while under the influence of intoxicants  
19 diversion program in this state or in any similar alcohol or drug rehabilitation program in this or  
20 another jurisdiction.

21 “(2) Within the five years preceding the date of arrest any of the following occurred:

22 “(a) A suspension of the person’s driving privileges under ORS 813.410 or 482.540 (1981 Re-  
23 placement Part) became effective.

24 “(b) The person was convicted of:

25 “(A) Driving while under the influence of intoxicants in violation of:

26 “(i) ORS 813.010;

27 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction; or

28 “(iii) A municipal ordinance in this state or another jurisdiction;

29 “(B) A driving under the influence of intoxicants offense in another jurisdiction that involved  
30 the impaired driving of a vehicle due to the use of [*an intoxicant or a combination of intoxicants*]  
31 **intoxicating liquor, a controlled substance, an inhalant or any combination thereof**; or

32 “(C) A driving offense in another jurisdiction that involved operating a vehicle while having a  
33 blood alcohol content above that jurisdiction’s permissible blood alcohol content.

34 “(c) The person commenced participating in a driving while under the influence of intoxicants  
35 diversion program in this state or in any similar alcohol or drug rehabilitation program in this or  
36 another jurisdiction.

37 “(3) For the purposes of subsection (2)(b) of this section, a conviction for a driving offense in  
38 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content  
39 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years  
40 of age or older does not constitute a prior conviction.

41 “**SECTION 51. The amendments to ORS 813.430 by section 50 of this 2013 Act become**  
42 **operative on January 2, 2018.**

43 “**SECTION 52.** ORS 813.500 is amended to read:

44 “813.500. (1) If a person’s license is suspended for driving while under the influence of  
45 intoxicants under ORS 813.400 and the suspension period is determined by ORS 809.428 (2)(b) or (c),

1 the Department of Transportation may only issue a hardship permit to the person under ORS 807.240  
2 if the person, in addition to any requirement under ORS 807.240 and any applicable requirements  
3 under ORS 807.250 and 813.520:

4 “(a) Is examined by the Oregon Health Authority to determine whether the person has a prob-  
5 lem condition involving [*alcohol, inhalants or controlled substances*] **intoxicants** as described in ORS  
6 813.040; and

7 “(b) Complies with the requirements of this section.

8 “(2) If the authority determines that the person has a problem condition involving [*alcohol,*  
9 *inhalants or controlled substances*] **intoxicants**, as described in ORS 813.040, the department may  
10 issue the permit to the person only if both the following apply:

11 “(a) The person enrolled in a program for rehabilitation for alcoholism or drug dependence ap-  
12 proved by the authority.

13 “(b) The authority recommends, on the basis of the person’s progress in the rehabilitation pro-  
14 gram, such reinstatement in writing to the department. If the authority makes a recommendation  
15 under this paragraph, the authority shall state specifically in the recommendation the times, places,  
16 routes and days of the week minimally necessary for the person to seek or retain employment, to  
17 attend any alcohol or drug treatment or rehabilitation program or to obtain necessary medical  
18 treatment for the person or a member of the person’s immediate family.

19 “(3) If the authority determines that the person does not have a problem condition involving  
20 [*alcohol, inhalants or controlled substances*] **intoxicants** as described in ORS 813.040, the department  
21 may issue the permit to the person only if, in addition to any requirements under ORS 807.240, the  
22 person enters an alcohol or drug information program approved by the authority and the department  
23 determines that issuance of a permit is appropriate. If the department issues a permit to a person  
24 described in this subsection, the department shall require, under ORS 807.240, that the person com-  
25 plete the program as a condition of retaining the permit.

26 “**SECTION 53.** ORS 813.500, as amended by section 52 of this 2013 Act, is amended to read:

27 “813.500. (1) If a person’s license is suspended for driving while under the influence of  
28 intoxicants under ORS 813.400 and the suspension period is determined by ORS 809.428 (2)(b) or (c),  
29 the Department of Transportation may only issue a hardship permit to the person under ORS 807.240  
30 if the person, in addition to any requirement under ORS 807.240 and any applicable requirements  
31 under ORS 807.250 and 813.520:

32 “(a) Is examined by the Oregon Health Authority to determine whether the person has a prob-  
33 lem condition involving [*intoxicants*] **alcohol, inhalants or controlled substances** as described in  
34 ORS 813.040; and

35 “(b) Complies with the requirements of this section.

36 “(2) If the authority determines that the person has a problem condition involving [*intoxicants*]  
37 **alcohol, inhalants or controlled substances**, as described in ORS 813.040, the department may  
38 issue the permit to the person only if both the following apply:

39 “(a) The person enrolled in a program for rehabilitation for alcoholism or drug dependence ap-  
40 proved by the authority.

41 “(b) The authority recommends, on the basis of the person’s progress in the rehabilitation pro-  
42 gram, such reinstatement in writing to the department. If the authority makes a recommendation  
43 under this paragraph, the authority shall state specifically in the recommendation the times, places,  
44 routes and days of the week minimally necessary for the person to seek or retain employment, to  
45 attend any alcohol or drug treatment or rehabilitation program or to obtain necessary medical



1 treatment for the person or a member of the person's immediate family.

2 “(3) If the authority determines that the person does not have a problem condition involving  
3 [intoxicants] **alcohol, inhalants or controlled substances** as described in ORS 813.040, the depart-  
4 ment may issue the permit to the person only if, in addition to any requirements under ORS 807.240,  
5 the person enters an alcohol or drug information program approved by the authority and the de-  
6 partment determines that issuance of a permit is appropriate. If the department issues a permit to  
7 a person described in this subsection, the department shall require, under ORS 807.240, that the  
8 person complete the program as a condition of retaining the permit.

9 **“SECTION 54. The amendments to ORS 813.500 by section 53 of this 2013 Act become**  
10 **operative on January 2, 2018.**

11 **“SECTION 55.** ORS 821.250 is amended to read:

12 “821.250. (1) A person commits the offense of permitting dangerous operation of a snowmobile  
13 or an all-terrain vehicle if the person is the owner or other person having charge or control of a  
14 snowmobile or an all-terrain vehicle and the person knowingly authorizes or permits any person to  
15 operate the vehicle across a highway who is:

16 “(a) Incapable by reason of age, physical or mental disability; or

17 “(b) Under the influence of [intoxicating liquor, inhalants or controlled substances] **an**  
18 **intoxicant.**

19 “(2) In addition to other penalties provided by this section, operators or owners may be liable  
20 as provided under ORS 821.310.

21 “(3) The offense described in this section, permitting dangerous operation of a snowmobile or  
22 an all-terrain vehicle, is a Class A traffic violation.

23 **“SECTION 56.** ORS 821.250, as amended by section 55 of this 2013 Act, is amended to read:

24 “821.250. (1) A person commits the offense of permitting dangerous operation of a snowmobile  
25 or an all-terrain vehicle if the person is the owner or other person having charge or control of a  
26 snowmobile or an all-terrain vehicle and the person knowingly authorizes or permits any person to  
27 operate the vehicle across a highway who is:

28 “(a) Incapable by reason of age, physical or mental disability; or

29 “(b) Under the influence of [an intoxicant] **intoxicating liquor, inhalants or controlled sub-**  
30 **stances.**

31 “(2) In addition to other penalties provided by this section, operators or owners may be liable  
32 as provided under ORS 821.310.

33 “(3) The offense described in this section, permitting dangerous operation of a snowmobile or  
34 an all-terrain vehicle, is a Class A traffic violation.

35 **“SECTION 57. The amendments to ORS 821.250 by section 56 of this 2013 Act become**  
36 **operative on January 2, 2018.**

37 **“SECTION 58. Sections 2 and 29 of this 2013 Act and the amendments to ORS 801.272,**  
38 **807.060, 807.250, 809.235, 809.265, 809.730, 813.010, 813.040, 813.131, 813.140, 813.150, 813.215,**  
39 **813.220, 813.430, 813.500 and 821.250 by sections 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, 40, 43, 46,**  
40 **49, 52 and 55 of this 2013 Act apply to crimes committed on or after the effective date of this**  
41 **2013 Act.”.**