

A-Engrossed
House Bill 2121

Ordered by the House February 27
Including House Amendments dated February 27

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Authorizes court to issue notice to Department of Transportation if defendant is convicted of driving under influence of intoxicants and fails to comply with court-ordered treatment.]

Requires person who has been convicted of driving while under influence of intoxicants to provide proof to Department of Transportation that person has completed required treatment program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to proof of treatment for substance abuse; creating new provisions; amending ORS 807.060
3 and section 2, chapter 9, Oregon Laws 2012; repealing sections 3 and 6, chapter 9, Oregon Laws
4 2012; and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 9, Oregon Laws 2012, is amended to read:

7 **Sec. 2.** (1) A person who has been convicted of driving while under the influence of intoxicants
8 under ORS 813.010 shall provide proof to the Department of Transportation that the person com-
9 pleted a treatment program to which the person was referred under ORS 813.021.

10 (2) *[Except as provided in subsection (3) of this section,]* The department may not reinstate a
11 person's driving privileges unless:

12 (a) The person has provided proof of completing a treatment program as required under sub-
13 section (1) of this section[.];

14 (b) **The person has an order from the circuit court of the county in which the person**
15 **was convicted that the person has taken sufficient steps to satisfy the requirement under**
16 **ORS 813.021 to complete a treatment program; or**

17 (c) **Fifteen years have elapsed since the date of the person's conviction for driving while**
18 **under the influence of intoxicants.**

19 *[(3) The department may waive the requirement for a person described in subsection (1) of this*
20 *section to provide proof upon a showing of good cause. The department shall by rule prescribe the*
21 *criteria for determining what constitutes good cause.]*

22 (3)(a) **If the person is unable to provide proof of completing a treatment program as re-**
23 **quired under subsection (1) of this section, the person may file a motion with the circuit**
24 **court of the county in which the person was convicted to show proof that the person has**
25 **taken sufficient steps to satisfy the requirement under ORS 813.021 to complete a treatment**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **program. The person shall provide a copy of the motion and any supporting documentation**
2 **to the district attorney of the county. The district attorney may file, within 45 days from the**
3 **date the person files the motion with the court, an objection to the motion.**

4 **(b) If the district attorney does not file an objection to the motion, the court shall,**
5 **without hearing, enter an order that the person has taken sufficient steps to satisfy the re-**
6 **quirement under ORS 813.021 to complete a treatment program or, on its own motion, con-**
7 **duct a hearing as described in subsection (4) of this section.**

8 **(c) Upon timely receipt of an objection from the district attorney, the court shall conduct**
9 **a hearing.**

10 **(4) At a hearing under subsection (3) of this section, the court shall determine whether,**
11 **considering the totality of the circumstances, the person has taken sufficient steps such that**
12 **in the court's view the person has satisfied the requirement under ORS 813.021 to complete**
13 **a treatment program.**

14 **(5) If the court determines that the person has taken sufficient steps to satisfy the re-**
15 **quirement under ORS 813.021 to complete a treatment program, the court shall enter an**
16 **order that the person has taken sufficient steps to satisfy the requirement under ORS**
17 **813.021 to complete a treatment program.**

18 **(6) When the court enters an order under this section, the court shall provide a copy of**
19 **the order to the district attorney.**

20 **(7) A court may not enter an order that the person has taken sufficient steps to satisfy**
21 **the requirement under ORS 813.021 to complete a treatment program if the person has not**
22 **started a treatment program.**

23 **SECTION 2.** ORS 807.060, as amended by section 4, chapter 9, Oregon Laws 2012, is amended
24 to read:

25 807.060. The Department of Transportation may not grant driving privileges to a person under
26 a license if the person is not eligible under this section. The following are not eligible for a license:

27 (1) A person under 16 years of age.

28 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
29 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-
30 plication under this paragraph may have the driving privileges canceled as provided under ORS
31 809.320.

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

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

35 (4) A person that the department determines has a problem condition involving alcohol,
36 inhalants or controlled substances as described under ORS 813.040.

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

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

41 (7) A person who is required to make future responsibility filings but has not made filings as
42 required.

43 (8) A person who cannot be issued a license under the Driver License Compact under ORS
44 802.540.

45 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose

1 driving privileges are currently under suspension or revocation in any other state upon grounds
2 which, if committed in this state, would be grounds for the suspension or revocation of the driving
3 privileges of the person.

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

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

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

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

11 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
12 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
13 rendering the license, driver permit or out-of-state license or driver permit to the department before
14 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
15 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
16 807.062 to obtain an Oregon license or permit.

17 (15) A person who has not complied with the requirements and responsibilities created by cita-
18 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
19 authorizes the department to withhold issuance of a license.

20 (16) A person who has not complied with the [requirements] **requirement** of section 2 (1),
21 chapter 9, Oregon Laws 2012.

22 **SECTION 3.** ORS 807.060, as amended by sections 4 and 5, chapter 9, Oregon Laws 2012, is
23 amended to read:

24 807.060. The Department of Transportation may not grant driving privileges to a person under
25 a license if the person is not eligible under this section. The following are not eligible for a license:

26 (1) A person under 16 years of age.

27 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
28 of the person is signed by the person's mother, father or legal guardian. A person who signs an ap-
29 plication under this paragraph may have the driving privileges canceled as provided under ORS
30 809.320.

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

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

34 (4) A person that the department determines has a problem condition involving alcohol,
35 inhalants or controlled substances as described under ORS 813.040.

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

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

40 (7) A person who is required to make future responsibility filings but has not made filings as
41 required.

42 (8) A person who cannot be issued a license under the Driver License Compact under ORS
43 802.540.

44 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose
45 driving privileges are currently under suspension or revocation in any other state upon grounds

1 which, if committed in this state, would be grounds for the suspension or revocation of the driving
2 privileges of the person.

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

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

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

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

10 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
11 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
12 rendering the license, driver permit or out-of-state license or driver permit to the department before
13 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
14 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
15 807.062 to obtain an Oregon license or permit.

16 (15) A person who has not complied with the requirements and responsibilities created by cita-
17 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530
18 authorizes the department to withhold issuance of a license.

19 **(16) A person who has not complied with the requirement of section 2 (1), chapter 9,**
20 **Oregon Laws 2012.**

21 **SECTION 4. Sections 3 and 6, chapter 9, Oregon Laws 2012, are repealed.**

22 **SECTION 5. The amendments to ORS 807.060 and section 2, chapter 9, Oregon Laws 2012,**
23 **by sections 1 to 3 of this 2013 Act and the repeal of sections 3 and 6, chapter 9, Oregon Laws**
24 **2012, by section 4 of this 2013 Act apply to convictions occurring before, on or after the ef-**
25 **fective date of this 2013 Act.**

26 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
28 **on its passage.**