

House Bill 2262

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Transportation)

SUMMARY

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

Defines commercial driving privileges for purposes of Oregon Vehicle Code. Describes persons who hold commercial driving privileges for purposes of Oregon Vehicle Code.

Revises laws relating to suspension of commercial driving privileges.

Creates commercial learner driver permit. Prescribes fees, privileges and limitations of permit.

Requires criminal background check of persons administering examinations for commercial driving licenses and commercial learner driver permits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to commercial driving privileges; creating new provisions; amending ORS 153.090, 801.208,
3 801.250, 801.303, 801.522, 802.179, 802.200, 807.035, 807.040, 807.045, 807.050, 807.070, 807.100,
4 807.120, 807.200, 807.280, 807.370, 809.240, 809.360, 809.406, 809.407, 809.412, 809.415, 809.430,
5 809.440, 809.460, 810.375, 810.530, 811.182, 813.130, 813.215 and 813.410 and section 2, chapter 14,
6 Oregon Laws 2012; repealing ORS 801.307, 801.477, 809.404, 809.413, 813.403 and 813.404; and
7 declaring an emergency.

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

9 10 COMMERCIAL DRIVING PRIVILEGES 11 (Definition of "Commercial Driving Privileges") 12

13 **SECTION 1. Sections 2 to 11 of this 2013 Act are added to and made a part of the Oregon**
14 **Vehicle Code.**

15 **SECTION 2. Definition. "Commercial driving privileges" means the driving privileges**
16 **granted by a commercial driver license or a commercial learner driver permit issued by this**
17 **state or any other jurisdiction, either of which authorizes the individual to operate a class**
18 **of commercial motor vehicle as permitted by the commercial driver license or commercial**
19 **learner driver permit, subject to any endorsements or restrictions.**

20
21 **(Persons Considered To Hold Commercial Driving Privileges)**
22

23 **SECTION 3. Persons considered to hold commercial driving privileges. (1) Except as**
24 **provided in subsections (2) and (3) of this section, a person holds commercial driving privi-**
25 **leges for the purposes of the Oregon Vehicle Code if the person's most recently issued driver**
26 **license or driver permit is or was a commercial driver license or commercial learner driver**
27 **permit issued by the Department of Transportation or the licensing agency of another ju-**
28 **risdiction, without regard to whether:**

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 (a) The person's commercial driver license has expired; or

2 (b) The person's commercial driving privileges are suspended, canceled or revoked.

3 (2) Except as provided in subsection (3) of this section, a person does not hold commercial driving privileges for the purposes of the Oregon Vehicle Code if:

4 (a) The person has voluntarily surrendered commercial driving privileges and has been
5 issued a noncommercial driver license or driver permit by the department or the licensing
6 agency of another jurisdiction; or

7 (b) The person's commercial learner driver permit has expired and the person's most
8 recently issued driver license was not a commercial driver license.

9 (3) A person holds commercial driving privileges for the purposes of the Oregon Vehicle
10 Code if:

11 (a) The person's commercial driving privileges have been suspended, canceled or revoked
12 by the department or the licensing agency of another jurisdiction; and

13 (b) The person has been issued a hardship permit under ORS 807.240 or a comparable law
14 of another jurisdiction that authorizes the person to drive noncommercial motor vehicles.

15
16
17 (Suspension of Commercial Driving Privileges)

18
19 **SECTION 4. Conviction of crime; refusal or failure of blood alcohol test; suspension in**
20 **another jurisdiction.** (1) Except as otherwise provided by sections 4 to 11 of this 2013 Act, the
21 Department of Transportation shall suspend the commercial driving privileges of a person
22 for a period of one year when the department receives:

23 (a) A record of conviction under ORS 811.700 or 811.705 of failure to perform the duties
24 of a driver.

25 (b) A record of conviction of a crime punishable as a felony involving the operation of a
26 motor vehicle.

27 (c) A record of conviction for driving a commercial motor vehicle while, as a result of
28 prior violations committed while operating a motor vehicle, the commercial driving privileges
29 of the driver were suspended.

30 (d) A record of conviction of assault in the first degree, or any degree of criminally
31 negligent homicide, manslaughter or murder, if the conviction results from the operation of
32 a commercial motor vehicle.

33 (e) A record of conviction of aggravated vehicular homicide or aggravated driving while
34 suspended or revoked.

35 (f) A record of conviction for driving while under the influence of intoxicants under ORS
36 813.010.

37 (2) The department shall suspend the commercial driving privileges of a person for a pe-
38 riod of three years if the department receives a record of a conviction under subsection (1)
39 of this section and the person was driving a commercial motor vehicle containing a hazard-
40 ous material at the time of the offense.

41 (3) The department shall suspend the commercial driving privileges of a person for a pe-
42 riod of one year if the department receives a report from a police officer pursuant to ORS
43 813.120 that the person was driving a commercial motor vehicle and submitted to a breath
44 or blood test and the person's blood, as shown by the test, had 0.04 percent or more by
45 weight of alcohol. The department shall suspend the commercial driving privileges of the

1 person for a period of three years if the person was driving a commercial motor vehicle
 2 containing a hazardous material at the time of the offense.

3 (4) The department shall suspend the commercial driving privileges of a person for a pe-
 4 riod of three years if the department receives a report from a police officer pursuant to ORS
 5 813.120 that the person was driving a motor vehicle and refused to submit to a test under
 6 ORS 813.100. The department shall suspend the commercial driving privileges of the person
 7 for a period of five years if the person was driving a commercial motor vehicle containing a
 8 hazardous material at the time of the offense.

9 (5) The department shall suspend the commercial driving privileges of a person if the
 10 department receives a notice of a conviction in another jurisdiction of an offense that, if
 11 committed in this state, would be grounds for the suspension of the person's commercial
 12 driving privileges. The period of suspension under this subsection shall be the same as would
 13 be imposed on the person if the conviction were for an offense committed in this state. For
 14 the purposes of this subsection, "conviction" means an unvacated adjudication of guilt, a
 15 determination that a person has violated or failed to comply with the law in a court of ori-
 16 ginal jurisdiction or in an authorized administrative tribunal, an unvacated forfeiture of bail
 17 or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo
 18 contendere accepted by the court, the payment of a fine or court cost or the violation of a
 19 condition of release without bail, regardless of whether or not the penalty is rebated, sus-
 20 pended or probated.

21 (6) The department shall suspend the commercial driving privileges of a person in this
 22 state if the department receives a notice from another jurisdiction that the person has had
 23 commercial driving privileges suspended or revoked in another jurisdiction for reasons that
 24 would be grounds for suspension of the person's commercial driving privileges in this state.
 25 The period of suspension under this subsection is the same as would be imposed on the per-
 26 son if the violation were committed in this state.

27 (7) If the department receives a record, report or notice under this section for a person
 28 who does not hold commercial driving privileges in this state, the department shall suspend
 29 the person's right to apply for commercial driving privileges as provided in section 10 (1) of
 30 this 2013 Act.

31 (8) A suspension imposed under this section is consecutive to any other suspension im-
 32 posed under section 7 or 8 of this 2013 Act or ORS 809.407 if the suspensions do not arise out
 33 of the same incident.

34 **SECTION 5. Failure to appear, pay fine or obey court order in another jurisdiction; dis-**
 35 **qualification by Federal Motor Carrier Safety Administration.** (1)(a) The Department of
 36 Transportation shall suspend the commercial driving privileges of a person if the department
 37 receives a notice from another jurisdiction that the person failed to appear, pay a fine or
 38 comply with an order of the court in a prosecution on a citation for a traffic offense or for
 39 a violation in the other jurisdiction that, if committed in this state, would be grounds for
 40 suspension under ORS 809.210 or 809.220, and the person held commercial driving privileges
 41 or was operating a commercial motor vehicle at the time of the offense. The period of a
 42 suspension under this subsection is the shorter of:

43 (A) Ten years; or

44 (B) Until the department receives notice from the other jurisdiction that the person ap-
 45 peared, paid the fine or complied with the court's order.

1 (b) The department shall suspend a person’s commercial driving privileges under this
 2 subsection without regard to whether the other jurisdiction suspends any driving privileges
 3 of the person by reason of the person’s failure to appear, pay a fine or comply with an order
 4 of the court.

5 (c) This subsection does not apply to failure to appear, pay a fine or comply with an order
 6 of the court in a proceeding relating to a parking, pedestrian or bicycling offense.

7 (2) The department shall suspend the commercial driving privileges of a person if the
 8 department receives a notice from the Federal Motor Carrier Safety Administration that the
 9 person has been disqualified from operating a commercial motor vehicle and that the dis-
 10 qualification is due to a determination that the driving of that person constitutes an immi-
 11 nent hazard. The department shall immediately suspend commercial driving privileges under
 12 this subsection without hearing, but the person may request a post-imposition hearing under
 13 ORS 809.440 (4), without regard to any hearings conducted by the Federal Motor Carrier
 14 Safety Administration. The period of a suspension under this section is the period of sus-
 15 pension prescribed by the Federal Motor Carrier Safety Administration, or one year, which-
 16 ever is shorter.

17 **SECTION 6. Lifetime suspension of commercial driving privileges.** (1) Notwithstanding
 18 section 4 of this 2013 Act, the Department of Transportation shall permanently suspend a
 19 person’s commercial driving privileges for the lifetime of the person if the department re-
 20 ceives a record of conviction for a crime punishable as a felony in which a motor vehicle was
 21 used and that involved the manufacturing, distributing or dispensing of a controlled sub-
 22 stance, as defined in ORS 475.005. The department may not reinstate commercial driving
 23 privileges of a person whose commercial driving privileges are suspended under this sub-
 24 section.

25 (2) Notwithstanding section 4 of this 2013 Act, the department shall suspend a person’s
 26 commercial driving privileges for the lifetime of the person if the department receives a
 27 second or subsequent record, report or notice described in section 4 of this 2013 Act that
 28 does not arise out of the same incident and that would be grounds for suspension of the
 29 person’s commercial driving privileges under section 4 of this 2013 Act.

30 (3) Except as provided in subsections (1) and (4) of this section, a person whose com-
 31 mercial driving privileges were suspended under subsection (2) of this section may apply to
 32 the department for reinstatement of the person’s commercial driving privileges. An applica-
 33 tion for reinstatement may not be made under this subsection earlier than 10 years after the
 34 date that the person’s commercial driving privileges were suspended under subsection (2) of
 35 this section. The department may reinstate the person’s commercial driving privileges if:

36 (a) The person meets all other requirements for the granting of commercial driving
 37 privileges;

38 (b) The department, in its sole discretion, finds good cause exists for reinstatement; and

39 (c) The department finds that the person has successfully completed rehabilitation as
 40 approved by the department.

41 (4) The department shall permanently suspend a person’s commercial driving privileges
 42 for the lifetime of the person if the department receives a record, report or notice described
 43 in subsection (2) of this section that relates to conduct that occurred after the person’s
 44 commercial driving privileges were reinstated under subsection (3) of this section. The de-
 45 partment may not reinstate the commercial driving privileges for the lifetime of a person

1 whose commercial driving privileges are suspended under this subsection.

2 **SECTION 7. Serious traffic violations.** (1) Except as provided in this section, the De-
 3 partment of Transportation shall suspend the commercial driving privileges of a person for
 4 a period of 60 days if:

5 (a) The department receives a record of a conviction of a serious traffic violation;

6 (b) The violation was committed within three years of the commission of another serious
 7 traffic violation for which the department received a record of a conviction; and

8 (c) The violations did not arise out of the same incident.

9 (2) The department shall suspend the commercial driving privileges of a person for a pe-
 10 riod of 120 days if:

11 (a) The department receives a record of a conviction of a serious traffic violation;

12 (b) The violation was committed within three years of the commission of two or more
 13 other serious traffic violations for which the department received records of conviction; and

14 (c) The violations did not arise out of the same incident.

15 (3) The department by rule shall designate traffic violations that constitute serious traf-
 16 fic violations for the purposes of this section. To the extent practicable, rules adopted by the
 17 department under this section shall be uniform with any applicable federal regulations re-
 18 lated to offenses that constitute serious traffic violations.

19 (4) A report of a conviction in another jurisdiction has the same effect as if the serious
 20 traffic violation conviction had occurred in this state.

21 (5) A suspension imposed under this section is consecutive to any other suspension im-
 22 posed under section 4 or 8 of this 2013 Act or ORS 809.407 if the suspensions do not arise out
 23 of the same incident.

24 **SECTION 8. Violation of out-of-service order.** (1) Except as provided in this section, the
 25 Department of Transportation shall suspend the commercial driving privileges of a person
 26 for a period of 180 days if the department receives a report that the person violated an out-
 27 of-service order issued under ORS 813.050 or has violated any other out-of-service order or
 28 notice. A report under this section may include, but need not be limited to, a record of
 29 conviction or a record of a determination by a state or federal agency with jurisdiction to
 30 make a determination that the person has violated an out-of-service order or notice.

31 (2) The department shall suspend the commercial driving privileges of a person for a pe-
 32 riod of one year if the department receives a report as described in subsection (1) of this
 33 section and:

34 (a) The person committed the violation while transporting hazardous materials; or

35 (b) The person committed the violation while operating a motor vehicle designed to
 36 transport 16 or more persons, including the driver.

37 (3) The department shall suspend the commercial driving privileges of a person for a pe-
 38 riod of three years if:

39 (a) The department receives a report as described in subsection (1) of this section; and

40 (b) The violation was committed within 10 years of the commission of two or more other
 41 violations of out-of-service orders for which the department received reports as described in
 42 subsection (1) of this section.

43 (4) The department shall suspend the commercial driving privileges of a person for a pe-
 44 riod of five years if the department receives a report that meets the requirements of sub-
 45 section (3) of this section and:

1 (a) The violation that is the subject of the report occurred while the person was trans-
2 porting hazardous materials; or

3 (b) The person committed the violation while operating a motor vehicle designed to
4 transport 16 or more persons, including the driver.

5 (5) A suspension imposed under this section is consecutive to any other suspension im-
6 posed under section 4 or 7 of this 2013 Act or ORS 809.407 if the suspensions do not arise out
7 of the same incident.

8 NOTE: Section 9 was deleted. Subsequent sections were not renumbered.

9
10 (Suspension of Right To Apply for Commercial Driving Privileges)

11
12 SECTION 10. Suspension of right to apply for commercial driving privileges. (1) If the
13 Department of Transportation receives a record, report or notice described in sections 4 to
14 11 of this 2013 Act, and the person who is the subject of the record, report or notice was
15 driving a commercial motor vehicle at the time of the conduct giving rise to the record, re-
16 port or notice but does not hold commercial driving privileges, the department shall suspend
17 the person's right to apply for commercial driving privileges for the period specified in sec-
18 tion 4 or 6 of this 2013 Act for suspension of commercial driving privileges.

19 (2) If the department receives a record, report or notice described in sections 4 to 11 of
20 this 2013 Act, and the commercial driving privileges of the person who is the subject of the
21 record, report or notice are due to expire during the suspension period, in addition to sus-
22 pending the person's commercial driving privileges the department shall suspend the
23 person's right to apply for commercial driving privileges for the suspension period specified
24 in sections 4 to 11 of this 2013 Act.

25
26 (Administrative Review)

27
28 SECTION 11. Administrative review of suspension. (1) Except as provided in subsection
29 (2) of this section, a person is entitled to administrative review under ORS 809.440 for a
30 suspension of commercial driving privileges under sections 4 to 11 of this 2013 Act, or a
31 suspension of the right to apply for commercial driving privileges under section 10 of this
32 2013 Act.

33 (2) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial
34 driving privileges under section 4 (3) or (4) of this 2013 Act, or a suspension of the right to
35 apply for commercial driving privileges under section 10 of this 2013 Act based on section 4
36 (3) or (4) of this 2013 Act.

37
38 (Repeals)

39
40 SECTION 12. ORS 801.307, 801.477, 809.404, 809.413, 813.403 and 813.404 are repealed.

41
42 (Applicability)

43
44 SECTION 13. Sections 4 to 11 of this 2013 Act and the repeal of ORS 809.404, 809.413,
45 813.403 and 813.404 by section 12 of this 2013 Act apply only to conduct for which a record,

1 **report or notice as described in sections 4 to 11 of this 2013 Act is received by the Depart-**
 2 **ment of Transportation on or after July 8, 2014. Records, reports and notices as described**
 3 **in sections 4 to 11 of this 2013 Act for conduct that occurred before July 8, 2014, shall con-**
 4 **tinue to be governed by ORS 809.404, 809.413, 813.403 and 813.404 as those statutes were in**
 5 **effect immediately before the effective date of this 2013 Act.**

6
 7 **(Conforming Amendments)**
 8

9 **SECTION 14. ORS 809.407 is added to and made a part of sections 4 to 11 of this 2013 Act.**

10 **SECTION 15. ORS 809.240 is amended to read:**

11 809.240. (1) If a person is convicted of an offense that will result in mandatory suspension or
 12 revocation under **sections 4 to 11 of this 2013 Act or** ORS 809.409, 809.411[, 809.413,] **or** 813.400
 13 [or 813.403] **or any other law requiring suspension or revocation of driving privileges upon**
 14 **conviction of an offense**, the trial judge shall:

15 (a) Order the revocation or suspension at the time of conviction for the required period; and

16 (b) Comply with the requirements under ORS 809.275 to take possession of the license or driver
 17 permit of the person.

18 (2) When necessary to give full effect to this section, a court shall issue a temporary driver
 19 permit under ORS 807.320.

20 **SECTION 16. ORS 809.360 is amended to read:**

21 809.360. (1) For purposes of determining whether grounds exist for revoking or suspending
 22 driving privileges, an unvacated forfeiture of bail in another state equals a conviction.

23 (2) A suspension or revocation of driving privileges ordered by a court shall run concurrently
 24 with any mandatory suspension or revocation ordered by the Department of Transportation and
 25 arising out of the same conviction.

26 (3) Judicial review of orders denying, suspending or revoking a license, except where such sus-
 27 pension or revocation is mandatory, shall be as provided in ORS chapter 183.

28 (4) Whenever the department or a court has reason under any laws of this state to suspend or
 29 revoke the driving privileges of any person who does not hold current driving privileges to operate
 30 motor vehicles or whose driving privileges are due to expire during a suspension period, the de-
 31 partment or court shall suspend or revoke the right of such person to apply for driving privileges
 32 to operate motor vehicles in this state. A suspension or revocation of a right to apply for driving
 33 privileges under this subsection shall be for the period provided by law.

34 *[(5) Whenever the department or a court has reason under any laws of this state to suspend the*
 35 *commercial driver license of any person who does not hold a current commercial driver license or*
 36 *whose commercial driver license is due to expire during a suspension period, the department or court*
 37 *shall suspend the right of such person to apply for a commercial driver license in this state. A sus-*
 38 *pension of a right to apply for a commercial driver license under this subsection shall be for the period*
 39 *provided by law.]*

40 **SECTION 17. ORS 809.406 is amended to read:**

41 809.406. (1) The Department of Transportation shall cancel a driver license with a Class A or
 42 Class B farm endorsement or deny a person the right to apply for a Class A or Class B farm
 43 endorsement if the [person is disqualified from holding a commercial driver license] **person's com-**
 44 **mmercial driving privileges are suspended** under [ORS 809.404] **section 6 of this 2013 Act.**

45 (2) If the department cancels a driver license with a Class A or Class B farm endorsement under

1 this section, the person whose license is canceled is entitled to an administrative review under ORS
 2 809.440.

3 **SECTION 18.** ORS 809.407 is amended to read:

4 809.407. (1) [*The driver of a commercial motor vehicle is subject to suspension of the driver's*
 5 *commercial driver license upon conviction*] **The Department of Transportation shall suspend the**
 6 **commercial driving privileges of a person if the person is convicted** of any of the following of
 7 fenses:

- 8 (a) Failure to stop for a railroad signal in violation of ORS 811.455.
- 9 (b) Failure to follow rail crossing procedures for high-risk vehicles in violation of ORS 811.460.
- 10 (c) Obstructing a rail crossing in violation of ORS 811.475.
- 11 (d) Failure of the operator of a commercial motor vehicle to slow down and check that tracks
 12 are clear of an approaching train in violation of ORS 811.462.

13 (2) Upon receipt of a record of conviction for an offense described in subsection (1) of this sec-
 14 tion, the Department of Transportation shall suspend the convicted person's commercial [*driver li-*
 15 *cence*] **driving privileges** for the following periods of time:

16 (a) Sixty days if:

17 (A) The conviction is the person's first conviction of an offense described in subsection (1) of
 18 this section; or

19 (B) The date the person committed an offense described in subsection (1) of this section is not
 20 within three years of the date the person committed another offense, as described in subsection (1)
 21 of this section and for which there was a conviction.

22 (b) One hundred and twenty days if:

23 (A) The conviction is the person's second conviction of an offense described in subsection (1)
 24 of this section;

25 (B) The date the person committed the second offense is within three years of the date the
 26 person committed another offense, as described in subsection (1) of this section and for which there
 27 was a conviction; and

28 (C) The convictions arose out of separate incidents.

29 (c) One year if:

30 (A) The conviction is the person's third or subsequent conviction for an offense described in
 31 subsection (1) of this section;

32 (B) The date the person committed the latest offense is within three years of the dates the per-
 33 son committed two or more other offenses, as described in subsection (1) of this section and for
 34 which there were convictions; and

35 (C) The convictions arose out of separate incidents.

36 (3) A person is entitled to administrative review under ORS 809.440 of a suspension under this
 37 section.

38 **(4) A report of a conviction in another jurisdiction of an offense described in subsection**
 39 **(1) of this section has the same effect as if the conviction had occurred in this state.**

40 **SECTION 19.** ORS 809.412 is amended to read:

41 809.412. If a juvenile court finds a youth to be within the jurisdiction of the juvenile court under
 42 ORS 419C.005 for committing an offense that is a ground for suspension or revocation upon con-
 43 viction under **sections 4 to 11 of this 2013 Act** or ORS 809.409, 809.411[, 809.413,] or 813.400 [*or*
 44 *813.403*] or any other law requiring suspension or revocation of driving privileges upon conviction
 45 of an offense, the juvenile court shall order the suspension or revocation of driving privileges that

1 is required upon conviction of the offense.

2 **SECTION 20.** ORS 809.415 is amended to read:

3 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
 4 who has a judgment of the type described under ORS 806.040 rendered against the person if the
 5 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
 6 its entry.

7 (b) A suspension under this subsection shall continue until the person does one of the following:

8 (A) Settles the judgment in the manner described in ORS 809.470.

9 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,
 10 provided that there has been no final adjudication by a court that the insurer has no such obli-
 11 gation.

12 (C) Gives evidence to the department that a period of seven years has elapsed since the entry
 13 of the judgment.

14 (D) Receives from the court that rendered the judgment an order permitting the payment of the
 15 judgment in installments.

16 (c) A person is entitled to administrative review under ORS 809.440 of a suspension under this
 17 subsection.

18 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the
 19 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-
 20 isfying financial responsibility requirements or of a person who, after certifying the existence of a
 21 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
 22 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
 23 bility requirements.

24 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this
 25 subsection only if proof of compliance with financial responsibility requirements as of the date of
 26 the letter of verification from the department under ORS 806.150 is not submitted within 30 days
 27 after the date of the mailing of the department's demand under ORS 806.160.

28 (c) A suspension under this subsection shall continue until the person complies with future re-
 29 sponsibility filings.

30 (3)(a) The department shall suspend the driving privileges of a person who fails to comply with
 31 future responsibility filings whenever required under the vehicle code or fails to provide new proof
 32 for future responsibility filings when requested by the department.

33 (b) A suspension under this subsection shall continue until the person complies with future re-
 34 sponsibility filings.

35 (c) A person whose initial obligation to make future responsibility filings is not based upon a
 36 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
 37 sion under this subsection. A person whose obligation to make future responsibility filings is based
 38 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
 39 of a suspension under this subsection. A person whose suspension under this subsection is based on
 40 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
 41 809.440.

42 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
 43 suspension shall continue until the earlier of the following:

44 (A) The person establishes to the satisfaction of the department that the person has performed
 45 all acts necessary under ORS 809.416 to make the person not subject to suspension.

1 (B) Ten years from the date the suspension is imposed if the suspension is imposed for a reason
 2 described in ORS 809.416 (1) or (2) or five years from the date the suspension is imposed if the
 3 suspension is imposed for the reason described in ORS 809.416 (3).

4 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
 5 subsection.

6 (5) Upon determination by the department that a person has committed an act that constitutes
 7 an offense described in ORS 809.310, the department may suspend any driving privileges or any
 8 identification card of the person determined to have committed the act. A suspension under this
 9 subsection shall continue for a period of one year.

10 (6) Upon determination by the department that a person has submitted false information to the
 11 department for the purpose of establishing or maintaining qualification to operate a commercial
 12 motor vehicle or hold [a] commercial [*driver license*] **driving privileges**, the department [*may*] **shall**
 13 suspend the commercial [*driver license*] **driving privileges** or the person's right to apply for [a]
 14 commercial [*driver license*] **driving privileges**[. *A suspension under this subsection shall continue*] for
 15 a period of one year.

16 **SECTION 21.** ORS 809.430 is amended to read:

17 809.430. (1) When the Department of Transportation, as authorized or required, suspends, re-
 18 vokes or cancels driving privileges, [a] commercial [*driver license*] **driving privileges** or the right
 19 to apply for driving privileges or [a] commercial [*driver license, it*] **driving privileges, the depart-**
 20 **ment** shall give notice under this section of such action to the person whose driving privileges,
 21 commercial [*driver license*] **driving privileges** or right to apply is affected.

22 (2) Notice under this section shall state the nature and reason for the action and, in the case
 23 of a suspension, whether it was ordered by a court.

24 (3) If violation of a suspension or revocation would constitute the offense described in ORS
 25 811.182, service of notice of the suspension or revocation under this section is accomplished by:

26 (a) Mailing the notice by certified mail, restricted delivery, return receipt requested, to the
 27 person's address as shown by driver licensing records of the department; or

28 (b) Personal service in the same manner as a summons is served in an action at law.

29 (4) Service of notice under this section for all other actions is accomplished by:

30 (a) Mailing the notice by first class mail to the person's address as shown by driver licensing
 31 records of the department; or

32 (b) Personal service in the same manner as a summons is served in an action at law.

33 **SECTION 22.** ORS 809.440 is amended to read:

34 809.440. (1) When other procedures described under this section are not applicable to a suspen-
 35 sion or revocation under ORS 809.409 to 809.423, the procedures described in this subsection shall
 36 be applicable. All of the following apply to this subsection:

37 (a) The hearing shall be given before the department imposes the suspension or revocation of
 38 driving privileges.

39 (b) Before the hearing, the department shall notify the person in the manner described in ORS
 40 809.430.

41 (c) The hearing shall be in the county where the person resides unless the person and the de-
 42 partment agree otherwise.

43 (d) The hearing shall be conducted by an administrative law judge assigned from the Office of
 44 Administrative Hearings established under ORS 183.605.

45 (2) The following apply when administrative review is provided under any statute or rule of the

1 department:

2 (a) An administrative review shall consist of an informal administrative process to assure
3 prompt and careful review by the department of the documents upon which an action is based.

4 (b) It shall be a defense to the department's action if a petitioner can establish that:

5 (A) A conviction on which the department's action is based was for an offense that did not in-
6 volve a motor vehicle and the department's action is permitted only if the offense involves a motor
7 vehicle.

8 (B) An out-of-state conviction on which the department's action is based was for an offense that
9 is not comparable to an offense under Oregon law.

10 (C) The records relied on by the department identify the wrong person.

11 (c) A person requesting administrative review has the burden of showing by a preponderance
12 of the evidence that the person is not subject to the action.

13 (d) Actions subject to administrative review shall be exempt from the provisions of ORS chapter
14 183 applicable to contested cases, and from the provisions of subsection (4) of this section applicable
15 to post-imposition hearings. A suspension, revocation or cancellation [*shall*] **may** not be stayed
16 during the administrative review process or by the filing of a petition for judicial review. A court
17 having jurisdiction may order the suspension, revocation or cancellation stayed pending judicial re-
18 view.

19 (e) Judicial review of a department order affirming a suspension or revocation after an admin-
20 istrative review shall be available as for review of orders other than contested cases, and the de-
21 partment may not be subject to default for failure to appear in such proceedings. The department
22 shall certify its record to the court within 20 days after service upon the department of the petition
23 for judicial review.

24 (f) If the suspension or revocation is upheld on review by a court, the suspension or revocation
25 shall be ordered for the length of time appropriate under the appropriate statute except that the
26 time shall be reduced by any time prior to the determination by the court that the suspension or
27 revocation was in effect and was not stayed.

28 (g) The department shall adopt any rules governing administrative review that are considered
29 necessary or convenient by the department.

30 (3) When permitted under this section or under any other statute, a hearing may be expedited
31 under procedures adopted by the department by rule. The procedures may include a limited time in
32 which the person may request a hearing, requirements for telephone hearings, expedited procedures
33 for issuing orders and expedited notice procedures.

34 (4) When permitted under **sections 4 to 11 of this 2013 Act or** ORS [809.413,] 809.417, 809.419
35 or 809.421, a hearing may be a post-imposition hearing under this subsection. A post-imposition
36 hearing is a hearing that occurs after the department imposes the suspension or revocation of
37 driving privileges. All of the following apply to this subsection:

38 (a) The department must provide notice in the manner described in ORS 809.430 before the
39 suspension or revocation may take effect.

40 (b) Except as provided in this subsection, the hearing shall be conducted as a contested case in
41 accordance with ORS chapter 183.

42 (c) Unless there is an agreement between the person and the department that the hearing be
43 conducted elsewhere, the hearing shall be held either in the county where the person resides or at
44 any place within 100 miles, as established by the department by rule.

45 (5) The department has complied with a requirement for a hearing or administrative review if

1 the department has provided an opportunity for hearing or review and the person with the right to
 2 the hearing or review has not requested it. Any request for hearing or review must be made in
 3 writing.

4 (6) For any hearing described under this section, and for administrative review described under
 5 this section, no further notice need be given by the department if the suspension or revocation is
 6 based upon a conviction and the court gives notice, in a form established by the department, of the
 7 rights to a hearing or review and of the suspension or revocation.

8 **SECTION 23.** ORS 809.460 is amended to read:

9 809.460. (1) Except as provided in subsection (4) of this section, if a suspension or revocation
 10 of driving privileges is based upon a conviction, the court that entered the judgment of conviction
 11 may direct the Department of Transportation to rescind the suspension or revocation if:

12 (a) The person has appealed the conviction; and

13 (b) The person requests in writing that the court direct the department to rescind the suspension
 14 or revocation pending the outcome of the appeal.

15 (2) If directed by a court pursuant to subsection (1) of this section to do so, the department shall
 16 immediately rescind a suspension or revocation of driving privileges.

17 (3) The court shall notify the department immediately if the conviction is affirmed on appeal, the
 18 appeal is dismissed or the appeal is not perfected within the statutory period. Upon receipt of notice
 19 under this subsection, the department shall reimpose any suspension or revocation that has been
 20 rescinded under this section.

21 (4) If a person's commercial [*driver license was*] **driving privileges are** suspended under [*ORS*
 22 *809.404, 809.413 or 813.403*] **sections 4 to 11 of this 2013 Act**, the department [*shall*] **may** not
 23 rescind suspension of the person's commercial [*driver license*] **driving privileges** because the person
 24 has taken an appeal, unless the conviction is reversed on appeal.

25 **SECTION 24.** ORS 810.375 is amended to read:

26 810.375. (1) The judge or clerk of every court of this state having jurisdiction of any traffic of-
 27 fense, including all local and municipal judicial officers in this state:

28 (a) Shall keep a full record of every case in which a person is charged with any such offense.

29 (b) Shall send the Department of Transportation an abstract of conviction for any person who
 30 is convicted.

31 (c) Shall send the department a copy of any final judgment of conviction of any person [*which*]
 32 **that** results in mandatory suspension or revocation of driving privileges or commercial [*driver li-*
 33 *cence*] **driving privileges** under **sections 4 to 11 of this 2013 Act or** ORS [*809.404, 809.407,*] 809.409,
 34 809.411[, *809.413,*] **or** 813.400 [*or 813.403*].

35 (d) Shall send the department a copy of any final judgment finding a person charged with a
 36 traffic offense guilty except for insanity and committed to the jurisdiction of the Psychiatric Security
 37 Review Board or the Oregon Health Authority under ORS 161.315 to 161.351.

38 (2) The department shall keep such records in its office, and they shall be open to the inspection
 39 of any person during reasonable business hours.

40 (3) To comply with this section, a judge or clerk must comply with the following:

41 (a) Any information required by this section to be sent to the department must be sent within
 42 the time provided under ORS 810.370 and must include information required by ORS 810.370.

43 (b) Information [*shall*] **may** not be sent to the department under this section concerning con-
 44 vications excluded from ORS 810.370.

45 **SECTION 25.** ORS 810.530 is amended to read:

1 810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense
 2 described in this subsection is committed may arrest or issue a citation for the offense in the same
 3 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a
 4 police officer. This subsection applies to the following offenses:

- 5 (a) Violation of maximum weight limits under ORS 818.020.
- 6 (b) Violation of posted weight limits under ORS 818.040.
- 7 (c) Violation of administratively imposed weight or size limits under ORS 818.060.
- 8 (d) Violation of maximum size limits under ORS 818.090.
- 9 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
- 10 (f) Violation of posted limits on use of road under ORS 818.130.
- 11 (g) Violation of towing safety requirements under ORS 818.160.
- 12 (h) Operating with sifting or leaking load under ORS 818.300.
- 13 (i) Dragging objects on highway under ORS 818.320.
- 14 (j) Unlawful use of devices without wheels under ORS 815.155.
- 15 (k) Unlawful use of metal objects on tires under ORS 815.160.
- 16 (L) Operation without pneumatic tires under ORS 815.170.
- 17 (m) Operation in violation of vehicle variance permit under ORS 818.340.
- 18 (n) Failure to carry and display permit under ORS 818.350.
- 19 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
- 20 (p) Violation of any provision of ORS chapter 825.
- 21 (q) Operation without proper fenders or mudguards under ORS 815.185.

22 (r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is
 23 operating a commercial motor vehicle and the person does not have [a] commercial [*driver license*
 24 *or does not have an appropriate permit*] **driving privileges**.

25 (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is
 26 operating a commercial motor vehicle while the person's commercial [*driver license is*] **driving**
 27 **privileges are** suspended or revoked.

28 (t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is
 29 operating a motor vehicle subject to ORS chapter 825 or 826.

30 (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described
 31 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-
 32 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that
 33 an offense described in this subsection has been committed by a person operating a commercial
 34 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation
 35 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this
 36 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation
 37 issued under this subsection to the operator of a commercial motor vehicle shall be considered to
 38 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not
 39 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-
 40 lations under ORS 825.990 (1):

- 41 (a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.
- 42 (b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service
 43 authorized by certificate.
- 44 (c) Refusing or failing to file the annual report as required by ORS 825.320.
- 45 (d) Refusing or failing to maintain records required by the department or to produce such re-

1 cords for examination as required by the department.

2 (e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under
3 investigation.

4 (f) Filing with the department an application that is false with regard to the ownership, pos-
5 session or control of the equipment being used or the operation being conducted.

6 (g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS
7 chapter 825 or 826.

8 (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

9 (i) Failing to comply with the applicable requirements for attendance at a motor carrier educa-
10 tion program as required by ORS 825.402.

11 (3) A weighmaster or motor carrier enforcement officer who finds evidence that a person oper-
12 ating a commercial motor vehicle has committed the offense of failure to pay the appropriate reg-
13 istration fee under ORS 803.315 may issue a citation for the offense in the same manner as under
14 ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

15 (4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or
16 arrest under this section is subject to ORS chapter 153.

17 (5)(a) A person is a weighmaster for purposes of this section if the person is a county
18 weighmaster or a police officer.

19 (b) A person is a motor carrier enforcement officer under this section if the person is duly au-
20 thorized as a motor carrier enforcement officer by the Department of Transportation.

21 (6) A weighmaster or motor carrier enforcement officer may accept security in the same manner
22 as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in ad-
23 dition to other security permitted under this section, the sum fixed as the presumptive fine for the
24 offense.

25 (7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of
26 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-
27 tion for any offense described in subsection (1) or (3) of this section except those described in sub-
28 section (1)(p) of this section.

29 (8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a
30 police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who
31 fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this
32 subsection is subject to penalty under ORS 818.400.

33 **SECTION 26.** ORS 811.182 is amended to read:

34 811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the
35 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if
36 the hardship or probationary permit violated is based upon a suspension or revocation described in
37 subsection (3) or (4) of this section.

38 (2) Affirmative defenses to the offense described in this section are established under ORS
39 811.180.

40 (3) The offense described in this section, criminal driving while suspended or revoked, is a Class
41 B felony if the suspension or revocation resulted from any degree of murder, manslaughter,
42 criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the sus-
43 pension or revocation resulted from aggravated vehicular homicide or aggravated driving while
44 suspended or revoked or if the revocation resulted from a conviction for felony driving while under
45 the influence of intoxicants.

1 (4) The offense described in this section, criminal driving while suspended or revoked, is a Class
 2 A misdemeanor if the suspension or revocation is any of the following:

3 (a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree
 4 of recklessly endangering another person, menacing or criminal mischief, resulting from the opera-
 5 tion of a motor vehicle.

6 (b) A revocation under ORS 809.409 (4) resulting from perjury or the making of a false affidavit
 7 to the Department of Transportation.

8 (c) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS
 9 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content
 10 of:

11 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

12 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

13 (C) Any amount if the person was under 21 years of age.

14 (d) A suspension of [a] commercial [*driver license under ORS 809.413 (1)*] **driving privileges**
 15 **under section 4 of this 2013 Act** resulting from failure to perform the duties of a driver under ORS
 16 811.700 [*while driving a commercial motor vehicle*].

17 (e) A suspension of [a] commercial [*driver license under ORS 809.413 (12)*] **driving privileges**
 18 **under section 4 (6) of this 2013 Act** where the person's commercial driving privileges have been
 19 suspended or revoked by the other jurisdiction for failure of or refusal to take a chemical test to
 20 determine the alcoholic content of the person's blood under a statute that is substantially similar
 21 to ORS 813.100.

22 (f) A suspension of [a] commercial [*driver license under ORS 809.404*] **driving privileges under**
 23 **section 6 of this 2013 Act**.

24 (g) A revocation resulting from habitual offender status under ORS 809.640.

25 (h) A suspension resulting from any crime punishable as a felony with proof of a material ele-
 26 ment involving the operation of a motor vehicle, other than a crime described in subsection (3) of
 27 this section.

28 (i) A suspension for failure to perform the duties of a driver under ORS 811.705.

29 (j) A suspension for reckless driving under ORS 811.140.

30 (k) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

31 (L) A suspension or revocation resulting from misdemeanor driving while under the influence
 32 of intoxicants under ORS 813.010.

33 (m) A suspension for use of a [*commercial*] motor vehicle in the commission of a crime
 34 punishable as a felony.

35 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense
 36 described in this section and the underlying suspension resulted from driving while under the influ-
 37 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first
 38 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if
 39 it is the person's second or subsequent conviction.

40 (6) The Oregon Criminal Justice Commission shall classify a violation of this section that is a
 41 felony as crime category 6 of the rules of the Oregon Criminal Justice Commission.

42 **SECTION 27.** ORS 813.130 is amended to read:

43 813.130. This section establishes the requirements for information about rights and consequences
 44 for purposes of ORS 813.100 and 813.410. The following apply to the information about rights and
 45 consequences:

1 (1) The information about rights and consequences shall be substantially in the form prepared
 2 by the Department of Transportation. The department may establish any form it determines appro-
 3 priate and convenient.

4 (2) The information about rights and consequences shall be substantially as follows:

5 (a) Driving under the influence of intoxicants is a crime in Oregon, and the person is subject
 6 to criminal penalties if a test under ORS 813.100 shows that the person is under the influence of
 7 intoxicants. If the person refuses a test or fails, evidence of the refusal or failure may also be offered
 8 against the person.

9 (b) The person will fail a test under ORS 813.100 for purposes of criminal penalties if the test
 10 discloses a blood alcohol content of 0.08 percent or more by weight. The person will fail a test for
 11 purposes of the Motorist Implied Consent Law if the test discloses a blood alcohol content of:

12 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

13 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

14 (C) Any amount if the person was under 21 years of age.

15 (c) If the person refuses or fails a test under ORS 813.100, the person's driving privileges will
 16 be suspended. The outcome of a criminal charge for driving under the influence of intoxicants will
 17 not affect the suspension. The suspension will be substantially longer if the person refuses a test.

18 (d) If the person refuses a test or fails a breath test under ORS 813.100 and has an Oregon
 19 driver license or permit, the license or permit will be taken immediately and, unless the person does
 20 not currently have full valid driving privileges, a temporary driving permit will be issued to the
 21 person.

22 (e) If the person refuses a test under ORS 813.100, the person is not eligible for a hardship
 23 permit for at least 90 days, and possibly for three years, depending on the following factors set forth
 24 in ORS 813.430:

25 (A) Whether the person is presently participating in a driving while under the influence of
 26 intoxicants diversion program in this state or in any similar alcohol or drug rehabilitation program
 27 in this or another jurisdiction; or

28 (B) Whether within the five years preceding the date of arrest any of the following occurred:

29 (i) A suspension of the person's driving privileges under ORS 813.410 or 482.540 (1981 Replace-
 30 ment Part) became effective;

31 (ii) The person was convicted of driving while under the influence of intoxicants in violation of
 32 ORS 813.010 or the statutory counterpart to ORS 813.010 in another jurisdiction, as described in
 33 ORS 813.430;

34 (iii) The person was convicted of driving while under the influence of intoxicants in violation
 35 of a municipal ordinance in this state or another jurisdiction, as described in ORS 813.430; or

36 (iv) The person commenced participating in a driving while under the influence of intoxicants
 37 diversion program in this state or in any similar alcohol or drug rehabilitation program in this or
 38 another jurisdiction, as described in ORS 813.430.

39 (f) If the person refuses a breath test under ORS 813.100, or refuses a urine test under ORS
 40 813.131 and 813.132, the person is subject to a fine of at least \$500 and not more than \$1,000.

41 (g) After taking a test under ORS 813.100, the person will have a reasonable opportunity, upon
 42 request, for an additional chemical test for blood alcohol content to be performed at the person's
 43 own expense by a qualified individual of the person's choosing.

44 (h) The person has a right to a hearing to challenge the validity of the suspension before the
 45 suspension becomes effective. The person must make a written request to the department for such

1 a hearing. If the person wins at the hearing, the person's driving privileges will not be suspended.
 2 If the person loses at the hearing, the suspension will remain in effect during any court review of
 3 the hearing.

4 (i) If the person is issued a temporary driving permit under ORS 813.100, the information pro-
 5 vided to the person shall include the number of hours before the driving permit will be effective and
 6 the number of days the permit will be effective.

7 (j) The information provided to the person shall include the number of days within which a
 8 person must request a hearing under ORS 813.410.

9 (k) The information provided to the person shall include the number of days within which a
 10 hearing under ORS 813.410 will be held.

11 (L) The person may possibly qualify for a hardship permit in 30 days if the person fails a test,
 12 depending on the person's driving record.

13 (3) If the person is driving a commercial motor vehicle, the information about rights and con-
 14 sequences shall include, in addition to the provisions of subsection (2) of this section, substantially
 15 the following:

16 (a) If the person refuses a test under ORS 813.100 or submits to a breath or blood test and the
 17 level of alcohol in the person's blood is 0.04 percent or more by weight, the person's commercial
 18 [*driver license*] **driving privileges** or right to apply for [*a commercial driver license*] **commercial**
 19 **driving privileges** will be suspended and no hardship permit authorizing the person to drive a
 20 commercial motor vehicle will be issued. The suspension will be substantially longer if the person
 21 refuses a test.

22 (b) The suspension of the person's commercial [*driver license*] **driving privileges** or right to ap-
 23 ply for [*a commercial driver license*] **commercial driving privileges** will be for the person's lifetime
 24 if the person refuses a test under ORS 813.100 or submits to a breath or blood test and the level
 25 of alcohol in the person's blood is 0.04 percent or more by weight and:

26 (A) The person previously has been convicted of failure to perform the duties of a driver;

27 (B) The person previously has been convicted of a crime punishable as a felony and the person
 28 was driving a motor vehicle at the time the offense was committed;

29 (C) The person previously has been convicted of driving a commercial motor vehicle while the
 30 person's commercial [*driver license*] **driving privileges** or right to apply for [*a commercial driver li-*
 31 *cence*] **commercial driving privileges** was suspended or revoked;

32 (D) The person previously has been convicted of any degree of murder, manslaughter or
 33 criminally negligent homicide resulting from the operation of a commercial motor vehicle or assault
 34 in the first degree resulting from the operation of a commercial motor vehicle;

35 (E) The person previously has been convicted of driving while under the influence of intoxicants;

36 (F) The person's commercial [*driver license*] **driving privileges** previously has been suspended
 37 or revoked for refusal to submit to, or failure of, a breath or blood test under ORS 813.100; or

38 (G) The person's right to apply for [*a commercial driver license*] **commercial driving privileges**
 39 previously has been suspended or revoked for refusal to submit to, or failure of, a breath or blood
 40 test under ORS 813.100 resulting from the operation of a commercial motor vehicle.

41 (4) Nothing in this section prohibits the department from providing additional information con-
 42 cerning rights and consequences that the department considers convenient or appropriate.

43 **SECTION 28.** 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 con-
 45 ditions:

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 the
 8 impaired driving of a vehicle due to the use of intoxicating liquor, a controlled substance, an
 9 inhalant or any combination thereof; 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 par-
 23 agraph (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*] **commercial driving privileges** on
 36 the date of the commission of 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 acci-
 39 dent 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 the
 2 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 29.** ORS 813.410 is amended to read:

7 813.410. (1) If the Department of Transportation receives from a police officer a report that is
 8 in substantial compliance with ORS 813.120, the department shall suspend the driving privileges of
 9 the person in this state on the 30th day after the date of arrest or, if the report indicates that the
 10 person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described
 11 under this section, the department determines that the suspension would not be valid as described
 12 in this section. A suspension of driving privileges imposed under this subsection shall be for a period
 13 of time established under ORS 813.420.

14 (2) If the department receives from a police officer a report pursuant to ORS 813.120 that dis-
 15 closes that the person holds [*a commercial driver license*] **commercial driving privileges** and that
 16 the person was driving a motor vehicle or commercial motor vehicle and refused to submit to a test
 17 under ORS 813.100 or that the person was driving a commercial motor vehicle and submitted to a
 18 breath or blood test and the person's blood, as shown by the test, had 0.04 percent or more by
 19 weight of alcohol, the department shall suspend the person's commercial [*driver license*] **driving**
 20 **privileges** on the 30th day after the date of arrest or, if the report indicates that the person failed
 21 a blood test, on the 60th day after receipt of the report, unless, at a hearing described under this
 22 section, the department determines that the suspension would not be valid as described in this sec-
 23 tion. A commercial [*driver license*] **driving privileges** suspension imposed under this subsection shall
 24 be for a period of time established under [*ORS 813.404*] **sections 4 or 6 of this 2013 Act**.

25 (3) If within 10 days from the date of arrest, or, if the person fails a blood test, within 10 days
 26 from the date the department sends notice of suspension, the department receives a written request
 27 for a hearing from a person whose driving privileges or commercial [*driver license*] **driving privi-**
 28 **leges** the department proposes to suspend under this section, the department shall provide a hearing
 29 in accordance with this section. Except as otherwise provided under this section, a hearing held by
 30 the department under this section shall be subject to the provisions for contested cases, other than
 31 appeal provisions, under ORS chapter 183. The applicable appeal provisions are as provided under
 32 ORS 813.450 and section 24, chapter 672, Oregon Laws 1985. Notwithstanding ORS 809.430, the
 33 department is not required to give any notice of intent to suspend or suspension in addition to that
 34 provided under ORS 813.100.

35 (4) Except as provided in subsection (5) of this section, a hearing required by this section is
 36 subject to all of the following:

37 (a) The hearing shall be conducted by an administrative law judge assigned from the Office of
 38 Administrative Hearings established under ORS 183.605.

39 (b) The administrative law judge shall conduct the hearing by telephone or other two-way elec-
 40 tronic communication device.

41 (c) The department may authorize the administrative law judge to issue a final order in any
 42 case.

43 (d) A person who requests a hearing under this section and who fails, without just cause, to
 44 appear personally or through an attorney waives the right to a hearing. If a person waives a right
 45 to a hearing under this paragraph, the department is not required to make any showing at hearing.

1 (e) Except as provided in ORS 813.440 or upon remand under ORS 813.450, the department shall
 2 hold the hearing and issue a final order within 30 days of the date of the arrest or, if the person fails
 3 a blood test, within 60 days from the date the department received the report of the failure.

4 (f) In connection with the hearing, the department or its authorized representative may admin-
 5 ister oaths and shall issue subpoenas for the appearance of witnesses by telephone or other two-way
 6 electronic communication device at the hearing requested by the person or the department and the
 7 production of relevant documents.

8 (g) The hearing shall be recorded by whatever means may be determined by the department and
 9 shall include testimony and exhibits, if any. The record of the proceedings [*shall*] **may** not be tran-
 10 scribed unless requested by a party to the proceeding.

11 (5)(a) A person or a police officer may request that a hearing required by this section be con-
 12 ducted in person.

13 (b) The department, by rule, shall establish the manner and time limitation requirements by
 14 which a person or a police officer may request that a hearing be conducted in person.

15 (c) Unless there is an agreement between the person and the department that the hearing be
 16 conducted elsewhere, a hearing requested under this subsection shall be held either in the county
 17 where the alleged offense occurred or at any place within 100 miles of the place where the offense
 18 is alleged to have occurred, as established by the department by rule.

19 (d) In connection with the hearing, the department or its authorized representative may admin-
 20 ister oaths and shall issue subpoenas for the attendance of witnesses at the hearing requested under
 21 this subsection by the person and the production of relevant documents.

22 (6) This subsection shall be narrowly construed so as to effect the legislative purpose of limiting
 23 the scope of hearings under this section. The scope of a hearing under this section shall be limited
 24 to whether the suspension is valid as described in this subsection. A suspension under this section
 25 is valid if all of the following requirements have been met:

26 (a) The person, at the time the person was requested to submit to a test under ORS 813.100,
 27 was under arrest for driving while under the influence of intoxicants in violation of ORS 813.010 or
 28 a municipal ordinance.

29 (b) The police had reasonable grounds to believe, at the time the request was made, that the
 30 person arrested had been driving under the influence of intoxicants in violation of ORS 813.010 or
 31 of a municipal ordinance.

32 (c) The person refused a test under ORS 813.100, or took a breath or blood test and the test
 33 disclosed that the level of alcohol in the person's blood at the time of the test was:

34 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

35 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

36 (C) Any amount if the person was under 21 years of age.

37 (d) If the report under ORS 813.120 indicates that the person was driving a commercial motor
 38 vehicle, the vehicle was in fact a commercial motor vehicle as defined in ORS 801.208.

39 (e) The person had been informed under ORS 813.100 of rights and consequences as described
 40 under ORS 813.130.

41 (f) The person was given written notice required under ORS 813.100.

42 (g) If the person arrested submitted to a test under ORS 813.100, the person administering the
 43 test was qualified to administer the test under ORS 813.160.

44 (h) If the person arrested submitted to a test under ORS 813.100, the methods, procedures and
 45 equipment used in the test complied with requirements under ORS 813.160.

1 (7) A suspension imposed under this section shall remain in effect pending any appeal or remand
 2 of a final order issued under this section and there shall be no stay of the suspension pending appeal
 3 or remand.

4 (8) Unless a person fails, without just cause, to appear personally or through an attorney at a
 5 hearing requested under this section, a person shall have the right to appeal any final order by the
 6 department after a hearing under this section by filing a petition. The following apply to this sub-
 7 section:

8 (a) The person shall file the petition in the circuit court for the county where the person resides
 9 or, if the person does not reside in Oregon, in the circuit court of the county in which the arrest
 10 took place within 30 days after issuance of the final order of the department.

11 (b) The court upon receipt of the petition shall set the matter for hearing upon 10 days' notice
 12 to the department and the petitioner unless hearing is waived by both the department and the
 13 petitioner.

14 **SECTION 30.** ORS 153.090, as amended by section 5, chapter 89, Oregon Laws 2012, is amended
 15 to read:

16 153.090. (1) Judgments entered under this chapter may include:

17 (a) Imposition of a sentence to pay a fine;

18 (b) Costs and restitution authorized by law;

19 (c) A requirement that the fine, costs and restitution, if any, be paid out of the presumptive fine;

20 (d) Remission of any balance of a presumptive fine to the defendant; and

21 (e) Any other provision authorized by law.

22 (2) Notwithstanding ORS 137.106, if the court orders restitution in a default judgment entered
 23 under ORS 153.102, a defendant may allege an inability to pay the full amount of monetary sanctions
 24 imposed, including restitution, and request a hearing to determine whether the defendant is unable
 25 to pay or to establish a payment schedule by filing a written request with the court within one year
 26 after the entry of the judgment. The court shall set a hearing on the issue of the defendant's ability
 27 to pay upon receipt of the request and shall give notice to the district attorney. The district attor-
 28 ney shall give notice to the victim of the date, time and place of the hearing. The court may deter-
 29 mine a payment schedule for monetary sanctions imposed, including restitution ordered under this
 30 subsection, if the defendant establishes at the hearing that the defendant is unable to pay the or-
 31 dered restitution in full.

32 (3) If a trial is held in a violation proceeding, or a default judgment is entered against the de-
 33 fendant under ORS 153.102, the court may impose any fine within the statutory limits for the vio-
 34 lation. If a defendant pleads no contest under ORS 153.061 (3) and the court accepts the plea and
 35 enters judgment against the defendant, the amount of the fine imposed against the defendant by the
 36 court may not exceed the presumptive fine established for the violation under ORS 153.019 and
 37 153.020.

38 (4) A judge may suspend operation of any part of a judgment entered under this chapter upon
 39 condition that the defendant pay the nonsuspended portion of a fine within a specified period of
 40 time. If the defendant fails to pay the nonsuspended portion of the fine within the specified period
 41 of time, the suspended portion of the judgment becomes operative without further proceedings by the
 42 court and the suspended portion of the fine becomes immediately due and payable.

43 (5) The court may not issue notice to the Department of Transportation to suspend the
 44 defendant's driving privileges unless a trial has been required. The failure of the defendant to appear
 45 at the trial does not prevent the court from issuing notice to the department to suspend the

1 defendant's driving privileges.

2 (6) Entry of a default judgment under ORS 153.102 does not preclude the arrest and prosecution
3 of the defendant for the crime of failure to appear in a violation proceeding under ORS 153.992.

4 (7) If a person *[holds a]* **held** commercial *[driver license]* **driving privileges as described in**
5 **section 3 of this 2013 Act at the time the offense was committed**, a court may not defer entry
6 of a judgment or allow an individual to enter into a diversion program that would prevent a con-
7 viction for a traffic offense from appearing on the driving record of the holder. This subsection ap-
8 plies to all traffic offenses, whether committed while driving a motor vehicle or a commercial motor
9 vehicle, but does not apply to parking violations. *[For purposes of this subsection, a person holds a*
10 *commercial driver license if on the date of the commission of the offense the person holds a commercial*
11 *driver license issued by the department or the licensing agency of another jurisdiction that is:]*

12 *[(a) Not expired or if expired, expired less than one year; or]*

13 *[(b) Suspended, but not canceled or revoked.]*

14
15 **COMMERCIAL LEARNER DRIVER PERMIT**

16
17 **SECTION 31. Section 32 of this 2013 Act is added to and made a part of the Oregon Ve-**
18 **hicle Code.**

19 **SECTION 32. Commercial learner driver permit; fees. (1) The Department of Transpor-**
20 **tation shall issue commercial learner driver permits in the manner provided by this section.**
21 **Except as provided in this section, a person who is issued a commercial learner driver permit**
22 **may exercise the same driving privileges as those under the class of commercial driver li-**
23 **cence or endorsement for which the permit is issued. Except as provided in this section, a**
24 **commercial learner driver permit is subject to the provisions, conditions, prohibitions and**
25 **penalties applicable to a license or endorsement granting the same driving privileges.**

26 (2) The department may issue commercial learner driver permits under this section that
27 grant the driving privileges of a Class A commercial, Class B commercial, or Class C com-
28 mercial driver license, subject to the requirements and restrictions of subsections (6) and (7)
29 of this section.

30 (3) An applicant for a commercial learner driver permit must be 18 years of age or older.

31 (4) In addition to meeting the requirement of providing proof of legal presence under ORS
32 807.021 and 807.040, an applicant for a commercial learner driver permit must submit valid
33 documentation, as defined by the department by rule, that the person is a citizen or perma-
34 nent legal resident of the United States.

35 (5) A commercial learner driver permit is valid for a period of one year from the date
36 of issuance and is not renewable.

37 (6) The holder of the commercial learner driver permit may not operate a commercial
38 motor vehicle unless the holder has the permit in the holder's immediate possession and is
39 accompanied by a person who is at least 21 years of age and who holds a class of commercial
40 driver license and endorsements that grant the driving privileges required to operate the
41 vehicle. The accompanying person must have the permit holder under observation and direct
42 supervision and must be occupying a seat beside the holder of the permit or, in the case of
43 a commercial passenger vehicle, directly behind or in the first row behind the driver.

44 (7) The holder of a commercial learner permit may not operate:

45 (a) Any vehicle transporting hazardous materials.

1 (b) A tank vehicle, unless the tank is empty.

2 (c) A commercial passenger vehicle while transporting passengers, unless the passengers
3 are federal or state auditors or inspectors, test examiners or other trainees and there is a
4 commercial driver license holder accompanying the permit holder as required by subsection
5 (6) of this section.

6 (d) A school bus while transporting passengers, unless the other passengers are federal
7 or state auditors or inspectors, test examiners or other trainees and there is a commercial
8 driver license holder accompanying the permit holder as required by subsection (6) of this
9 section.

10 (e) A commercial motor vehicle combination consisting of more than one towed vehicle.

11 (8) A commercial learner driver permit must contain all of the applicable information
12 described in ORS 807.110 (1) and a prominent statement that the permit is a commercial
13 learner permit or CLP.

14 (9) An applicant for a commercial learner driver permit must pay the commercial learner
15 driver permit fee established under ORS 807.370.

16 **SECTION 33.** ORS 807.370 is amended to read:

17 807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-
18 mits and endorsements:

19 (1) Disability golf cart driver permit fees under ORS 807.210, as follows:

20 (a) For issuance, \$44.

21 (b) For renewal fee under ORS 807.210, \$32.

22 (2) Emergency driver permit fee under ORS 807.220, \$23.50.

23 (3) Instruction driver permit fees under ORS 807.280, as follows:

24 (a) For issuance, \$23.50.

25 (b) For renewal, \$23.50.

26 (4) **Commercial learner driver permit issuance fee under section 32 of this 2013 Act,**
27 **\$23.50.**

28 [(4)(a)] (5)(a) License issuance fee for a Class C license, \$54.

29 (b) Fee to take the knowledge test for a Class C license, \$5.

30 (c) Fee to take the skills test for a Class C license, \$9.

31 [(5)] (6) License issuance fee for a restricted Class C license, \$54.

32 [(6)] (7) License issuance fee for a commercial driver license, whether or not the license con-
33 tains endorsements, \$75.50.

34 [(7)] (8) Test fees for a commercial driver license or permit:

35 (a) To take the knowledge test for a Class A commercial **driver** license or permit, \$10.

36 (b) To take the skills test for a Class A commercial **driver** license, \$70.

37 (c) To take the knowledge test for a Class B commercial **driver** license or permit, \$10.

38 (d) To take the skills test for a Class B commercial **driver** license, \$70.

39 (e) To take the knowledge test for a Class C commercial **driver** license or permit, \$10.

40 (f) To take the skills test for a Class C commercial **driver** license, \$70.

41 [(8)] (9) Notwithstanding subsection [(6)] (7) of this section, for issuance of a commercial driver
42 license of any class when the Department of Transportation accepts a certificate of competency is-
43 sued under ORS 807.080, \$40 in addition to the fee under subsection [(6)] (7) of this section.

44 [(9)] (10) Notwithstanding subsection [(6)] (7) of this section, for original issuance of a school
45 bus endorsement to a person who has a commercial driver license with a passenger endorsement:

- 1 (a) \$21; or
- 2 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- 3 [(10)] (11) For a farm endorsement, \$26.
- 4 [(11)] (12) Test fees for the knowledge test for endorsements other than motorcycle and farm
- 5 endorsements:
- 6 (a) For a hazardous materials endorsement, \$10.
- 7 (b) For a tank vehicle endorsement, \$10.
- 8 (c) For a passenger endorsement, \$10.
- 9 (d) For a double and triple trailer endorsement, \$10.
- 10 (e) For a school bus endorsement, \$10.
- 11 [(12)] (13) Fee to take an airbrake knowledge test, \$10.
- 12 [(13)] (14) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- 13 [(14)] (15) License renewal fee for a commercial driver license, \$55.50.
- 14 [(15)] (16) License renewal fee for a Class C license, \$34.
- 15 [(16)] (17) License or driver permit replacement fee under ORS 807.160, \$26.50.
- 16 [(17)] (18) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement,
- 17 \$46, in addition to any fees for the endorsed license.
- 18 [(18)] (19) Special student driver permit fee under ORS 807.230, \$23.50.
- 19 [(19)] (20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- 20 [(20)] (21) Motorcycle Safety Subaccount fee as follows:
- 21 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$38.
- 22 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- 23 [(21)] (22) Probationary driver permit application fee under ORS 807.270, \$50.
- 24 [(22)] (23) Hardship driver permit application fee under ORS 807.240, \$50.
- 25 [(23)] (24) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- 26 [(24)] (25) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- 27 [(25)] (26) Fee for reinstatement of right to apply for driving privileges after a delay under ORS
- 28 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.
- 29 [(26)] (27) Fee for a special limited vision condition learner’s permit under ORS 807.359, \$13.
- 30 [(27)(a)] (28)(a) License issuance fee for a Class C limited term license, \$23.
- 31 (b) Fee to take the knowledge test for a Class C limited term license, \$5.
- 32 (c) Fee to take the skills test for a Class C limited term license, \$9.
- 33 [(28)] (29) License issuance fee for a restricted Class C limited term license, \$23.
- 34 [(29)] (30) License issuance fee for a limited term commercial driver license, whether or not the
- 35 license contains endorsements, \$45.
- 36 [(30)] (31) License renewal fee for a limited term commercial driver license, \$14.
- 37 [(31)] (32) License renewal fee for a Class C limited term license, \$8.
- 38 [(32)] (33) Limited term license or limited term driver permit replacement fee under ORS 807.160,
- 39 \$26.50.
- 40 [(33)] (34) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and
- 41 807.150, \$2.

SECTION 34. ORS 801.250 is amended to read:

801.250. “Driver permit” means a grant of driving privileges by this state or another jurisdiction that is more limited than those available under a license or that is only available under special or limited circumstances. The term may also refer to a document issued as evidence of a grant of

1 driving privileges under a driver permit. Driver permits issued by this state include the following:

- 2 (1) Applicant temporary driver permit described under ORS 807.310.
- 3 (2) Court issued temporary driver permit described under ORS 807.320.
- 4 (3) Disability golf cart driver permit described under ORS 807.210.
- 5 (4) Emergency driver permit described under ORS 807.220.
- 6 (5) Instruction driver permit described under ORS 807.280.
- 7 (6) Hardship driver permit described under ORS 807.240.
- 8 (7) Probationary driver permit described under ORS 807.270.
- 9 (8) Special student driver permit described under ORS 807.230.
- 10 (9) Special temporary instruction driver permit described under ORS 807.290.
- 11 (10) Court bail driver permit described under ORS 807.330.
- 12 (11) Temporary driver permit described under ORS 813.110.

13 **(12) Commercial learner driver permit described under section 32 of this 2013 Act.**

14 **SECTION 35.** ORS 802.179 is amended to read:

15 802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose
 16 personal information from a motor vehicle record to a government agency for use in carrying out
 17 its governmental functions.

18 (2) The department shall disclose personal information from a motor vehicle record for use in
 19 connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor
 20 vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and
 21 dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner
 22 records of motor vehicle manufacturers to carry out the purposes of any of the following federal
 23 Acts:

- 24 (a) The Automobile Information Disclosure Act.
- 25 (b) The Motor Vehicle Information and Cost Saving Act.
- 26 (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- 27 (d) The Anti-Car Theft Act of 1992.
- 28 (e) The Clean Air Act.

29 (3)(a) If the department determines that a business is a legitimate business, the department shall
 30 disclose personal information to the business for use in the normal course of business in:

- 31 (A) Verifying the accuracy of personal information submitted to the business; or
- 32 (B) Correcting personal information submitted to the business, but only in order to:
 - 33 (i) Prevent fraud;
 - 34 (ii) Pursue legal remedies against the individual who submitted the personal information; or
 - 35 (iii) Recover a debt from, or satisfy a security interest against, the individual.

36 (b) The department shall adopt rules specifying the kind of information that the department will
 37 accept as evidence that a business is a legitimate business.

38 (4) The department shall disclose personal information to:

39 (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency
 40 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-
 41 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of
 42 personal information under this paragraph include, but are not limited to, service of process, inves-
 43 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

44 (b) A process server acting as an agent for an individual for use in serving documents in con-
 45 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in

1 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities
 2 of a process server when acting as an agent for an attorney, collection agency or like person or for
 3 a government agency.

4 (5) The department shall disclose personal information other than names to a researcher for use
 5 in researching health and educational questions and providing statistical reports, as long as the
 6 personal information is not published, redisclosed or used to contact individuals. The department
 7 may disclose information under this subsection only for research sponsored by an educational insti-
 8 tution or a health research institution.

9 (6) The department shall disclose personal information to an insurer, an insurance support or-
 10 ganization or a self-insured entity in connection with claims investigation activities, antifraud ac-
 11 tivities, underwriting or rating.

12 (7) The department shall disclose personal information regarding ownership or other financial
 13 interests in a vehicle to a person who is required by the state or federal Constitution, a statute or
 14 an ordinance to give notice to another person concerning the vehicle. Personal information disclosed
 15 under this subsection may be used only for giving the required notice. Persons authorized to receive
 16 personal information under this subsection include, but are not limited to:

- 17 (a) Tow companies;
- 18 (b) Persons who have or are entitled to have liens on the vehicle; and
- 19 (c) Persons taking an action that could affect ownership rights to the vehicle.

20 (8) The department shall disclose personal information to any private security professional cer-
 21 tified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in
 22 a place over which the private security professional, acting within the scope of the professional's
 23 employment, exercises control.

24 (9) The department shall disclose personal information to the employer of an individual who
 25 holds [*a commercial driver license*] **commercial driving privileges**, or the insurer of the employer,
 26 to obtain or verify information about the [*holder of the commercial driver license*] **individual**.

27 (10) The department shall disclose personal information to the operator of a private toll facility
 28 for use in collecting tolls.

29 (11) The department may not disclose personal information for bulk distributors of surveys,
 30 marketing materials or solicitations except as provided in this subsection. The department shall
 31 implement methods and procedures to ensure:

- 32 (a) That individuals are offered an opportunity to request that personal information about
 33 themselves be disclosed to bulk distributors; and
- 34 (b) That the personal information provided by the department will be used, rented or sold solely
 35 for bulk distribution of surveys, marketing materials and solicitations.

36 (12) The department shall disclose personal information to a person who requests the informa-
 37 tion if the requester provides the department with written permission from the individual whose
 38 personal information is requested. The written permission from the individual must be notarized.

39 (13) The department shall disclose personal information to a person who is in the business of
 40 disseminating such information under the following conditions:

41 (a) In addition to any other requirements under the contract executed pursuant to paragraph (b)
 42 of this subsection, the person requesting the information must file a performance bond with the de-
 43 partment in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and
 44 its form is subject to approval by the Attorney General.

45 (b) The disseminator shall enter into a contract with the department. A contract under this

1 paragraph shall contain at least the following provisions:

2 (A) That the disseminator will not reproduce or distribute the personal information in bulk but
 3 only in response to an individual record inquiry.

4 (B) That the disseminator will provide the personal information only to a person or government
 5 agency authorized to receive the information under this section and only if the person or govern-
 6 ment agency has been authorized by the department to receive the information.

7 (C) That the disseminator will have a method of ensuring that the disseminator can delay for a
 8 period of up to two days the giving of personal information to a requester who is not a subscriber.

9 (14) The department shall disclose personal information to representatives of the news media for
 10 the gathering or dissemination of information related to the operation of a motor vehicle or to public
 11 safety.

12 (15) The department shall disclose personal information as provided in ORS 802.220 (5).

13 (16) The department shall adopt rules providing for the release of personal information from
 14 motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under
 15 this subsection may include, but need not be limited to, rules establishing procedures for the de-
 16 partment to verify the financial interest of the person making the request for personal information.

17 (17) The department shall adopt rules providing for the release of personal information from
 18 motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns
 19 property that is damaged because of the unsafe operation of a vehicle.

20 (18) The department shall disclose personal information to a private investigator licensed by any
 21 licensing authority within the State of Oregon, to be used for any purpose permitted any person
 22 under this section. A licensed private investigator requesting information must prove to the de-
 23 partment that the person has a corporate surety bond, an irrevocable letter of credit issued by an
 24 insured institution as defined in ORS 706.008 or such other security as the Department of Public
 25 Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and
 26 omissions insurance in the minimum amount of \$5,000.

27 (19) The department shall disclose personal information to a procurement organization as de-
 28 fined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the pro-
 29 visions of ORS 97.955.

30 **SECTION 36.** ORS 802.200 is amended to read:

31 802.200. In addition to any other records the Department of Transportation may establish, the
 32 department is subject to the following provisions concerning records:

33 (1) The department shall maintain records concerning the titling of vehicles in this state. The
 34 records under this subsection shall include the following:

35 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
 36 the following:

37 (A) The name of the vehicle owner and any security interest holders in order of priority, except
 38 that a security interest holder need not be identified if the debtor who granted the interest is in the
 39 business of selling vehicles and the vehicles constitute inventory held for sale;

40 (B) The name of any lessor of the vehicle;

41 (C) The vehicle description; and

42 (D) Whether a certificate of title was issued for the vehicle.

43 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
 44 vehicle is reconstructed.

45 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

1 (d) Any other information concerning the titling of vehicles that the department considers con-
 2 venient or appropriate.

3 (e) All odometer readings for a vehicle that are reported to the department under provisions of
 4 the vehicle code.

5 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
 6 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
 7 reason for the report was theft and the vehicle has been recovered.

8 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
 9 in this state, the department shall retain a record of any odometer readings shown on the title or
 10 registration documents submitted to the department at the time of registration or title.

11 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
 12 cerning the registration of vehicles required to be registered by the department. The records con-
 13 cerning the registration of vehicles may be stored along with records concerning the titling of
 14 vehicles. The records under this subsection shall include the following:

15 (a) For vehicles registered by the department, the records shall identify the vehicle and contain
 16 the following:

17 (A) The registration plate number assigned by the department to the vehicle;

18 (B) The name of the vehicle owner;

19 (C) The vehicle description and vehicle identification number; and

20 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
 21 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
 22 was theft and the vehicle has been recovered.

23 (b) Any other information concerning the registration of vehicles that the department considers
 24 convenient or appropriate.

25 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
 26 records required under this subsection shall include the following information about persons issued
 27 dealer certificates:

28 (a) The person's application for a vehicle dealer certificate.

29 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

30 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

31 (5) The department shall maintain a file on vehicles for which the title record is canceled under
 32 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
 33 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
 34 canceled title record for each vehicle and the make and year model for each vehicle.

35 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500
 36 and 802.520.

37 (7) The department shall maintain separate and comprehensive records of all transactions af-
 38 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

39 (8) The department shall maintain suitable records of driver licenses, driver permits and iden-
 40 tification cards. The records required under this subsection shall include all of the following:

41 (a) An index by name and number.

42 (b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

43 (c) Every application for a driver license, driver permit or identification card.

44 (d) All driver licenses or driver permits that have been suspended or revoked.

45 (e) For each driver license, driver permit or identification card, the Social Security number of

1 the person to whom the driver license, driver permit or identification card is issued or proof that
2 the person is not eligible for a Social Security number.

3 (f) For each commercial driver license **and commercial learner driver permit**, the Social Se-
4 curity number of the person to whom the license is issued, or any other number or identifying in-
5 formation that the Secretary of the United States Department of Transportation determines
6 appropriate to identify the person.

7 (9) The Department of Transportation shall maintain a two-part driving record consisting of an
8 employment driving record and a nonemployment driving record for each person as required under
9 this subsection. All of the following apply to the records required under this subsection:

10 (a) The department shall maintain driving records on:

11 (A) Every person who is granted driving privileges under a driver license, driver permit or a
12 statutory grant of driving privileges under ORS 807.020;

13 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
14 vehicle code;

15 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

16 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
17 806.220, 806.230 or 806.240.

18 (b) In addition to other information required by this paragraph, the employment driving record
19 shall include all reports of drug test results that are made to the department under ORS 825.410.
20 Notwithstanding any other provision of law, release of the portion of the employment driving record
21 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
22 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
23 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
24 placed on the record under ORS 809.280, all suspensions of the person's commercial [*driver license*]
25 **driving privileges** that result from operation or use of a commercial motor vehicle and all con-
26 victions of the person for violation of motor vehicle laws except convictions for offenses requiring
27 mandatory revocation or suspension of driving privileges under **sections 4 to 11 of this 2013 Act**
28 **and** ORS 809.409, 809.411[, *809.413*] and 813.400, but shall include only such accidents, suspensions
29 and convictions that occur while the person is driving a motor vehicle:

30 (A) In the course of the person's employment when the person is employed by another for the
31 principal purpose of driving a motor vehicle;

32 (B) Carrying persons or property for compensation;

33 (C) In the course of the person's employment in the collection, transportation or delivery of mail
34 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
35 in accordance with government rules;

36 (D) That is an authorized emergency vehicle;

37 (E) That is a commercial motor vehicle; or

38 (F) In the course of the person's employment with a federal, state or local government in a
39 public works project involving repair or maintenance of water, sewer or road systems.

40 (c) The nonemployment driving record shall include the person's:

41 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than
42 the motor vehicle accidents that are included on the person's employment driving record;

43 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

44 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
45 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which

1 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
 2 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

3 (D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

4 (d) The department may record other entries to indicate correspondence, interviews, partic-
 5 ipation in driver improvement programs or other matters concerning the status of the driving priv-
 6 ileges of the person.

7 (e) When a person from another jurisdiction applies for a driver license or driver permit issued
 8 by this state, the department shall request a copy of the person's driving record from the other ju-
 9 risdiction. At the time the person is issued a license in Oregon, the record from the other jurisdic-
 10 tion shall become part of the driver's record in this state with the same force and effect as though
 11 entered on the driver's record in this state in the original instance. The department by rule may
 12 specify methods for converting entries from out-of-state records for use in Oregon.

13 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
 14 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
 15 ment shall note on the record that the suspension was for failure to appear in court and shall also
 16 note the offense charged against the person on which the person failed to appear.

17 (g) The Department of Transportation, in consultation with the Department of State Police, shall
 18 devise and implement a method of noting suspensions and revocations of driving privileges on the
 19 record in such a way that police agencies can determine directly from the record what class of of-
 20 fense, as provided by law, is committed by a person who drives in violation of the suspension or
 21 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
 22 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
 23 vocation and the consequences of its violation, the implementation of that method shall satisfy the
 24 duty of the Department of Transportation under this paragraph.

25 (10) The Department of Transportation shall maintain records of judgments or convictions sent
 26 to the department under ORS 810.375.

27 (11) The department shall maintain accident reports filed with the department under ORS
 28 810.460 and 811.725 to 811.735.

29 (12) The department shall maintain records of bank checks or money orders returned under ORS
 30 802.110.

31 (13) The department shall maintain records of trip permits issued by the department under ORS
 32 803.600, as provided under this subsection. The records required by this subsection shall include the
 33 following:

34 (a) A description of the vehicle sufficient to identify the vehicle.

35 (b) The person to whom the permit was issued.

36 (c) When the permit was issued.

37 (d) The type of permit issued.

38 (e) For registration weight trip permits, the maximum allowable registration weight permitted
 39 for operation under the permit.

40 (f) Any other information the department determines appropriate or convenient.

41 **SECTION 37.** ORS 807.035 is amended to read:

42 807.035. This section describes the type of driving privileges granted by various endorsements
 43 issued by this state. **Except as provided in section 32 of this 2013 Act,** the following endorse-
 44 ments grant the driving privileges described:

45 (1) A motorcycle endorsement authorizes a person to operate any motorcycle.

1 (2) A hazardous materials endorsement authorizes a person to operate a vehicle transporting
2 hazardous materials.

3 (3) A tank vehicle endorsement authorizes a person to operate tank vehicles.

4 (4) A passenger endorsement authorizes a person to operate a vehicle that is designed to
5 transport 16 or more persons, including the driver, but that is not a school bus.

6 (5) A school bus endorsement authorizes a person to operate a school bus if the person also
7 holds a valid passenger endorsement.

8 (6) A double and triple trailer endorsement authorizes a person to operate a commercial motor
9 vehicle with double and triple trailer combinations.

10 (7) A combined endorsement authorizes a person to operate a tank vehicle, transport hazardous
11 materials and transport hazardous materials in a tank vehicle.

12 (8) A Class A farm endorsement authorizes a person to:

13 (a) Operate or tow any vehicle that can be operated by the holder of a Class A commercial
14 driver license if the vehicle is:

15 (A) Controlled or operated by a farmer;

16 (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

17 (C) Not used in the operation of a common or contract motor carrier; and

18 (D) Used within 150 miles of the farmer's farm.

19 (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting haz-
20 ardous materials if the vehicle is placarded in accordance with law.

21 (c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle or
22 a double trailer combination without holding a tank vehicle endorsement or a double and triple
23 trailer endorsement.

24 (9) A Class B farm endorsement authorizes a person to:

25 (a) Operate or tow any vehicle that can be operated or towed by the holder of a Class B com-
26 mercial driver license if the vehicle is:

27 (A) Controlled or operated by a farmer;

28 (B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

29 (C) Not used in the operation of a common or contract motor carrier; and

30 (D) Used within 150 miles of the farmer's farm.

31 (b) Operate any vehicle described in paragraph (a) of this subsection that is transporting haz-
32 ardous materials if the vehicle is placarded in accordance with law.

33 (c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle
34 without holding a tank vehicle endorsement.

35 **SECTION 38.** ORS 807.040, as amended by section 30, chapter 43, Oregon Laws 2012, is
36 amended to read:

37 807.040. (1) The Department of Transportation shall issue a driver license to any person who
38 complies with all of the following requirements:

39 (a) The person must complete an application for a license under ORS 807.050.

40 (b) As required by ORS 807.021 and 807.730, the person must provide the Social Security number
41 assigned to the person by the United States Social Security Administration and proof of legal pres-
42 ence in the United States or, if the person is not eligible for a Social Security number, proof of legal
43 presence in the United States and proof that the person is not eligible for a Social Security number.

44 (c) The person must submit to collection of biometric data by the department that establish the
45 identity of the person as described in ORS 807.024.

1 (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
2 the license under ORS 807.062.

3 (e) The person must successfully pass all examination requirements under ORS 807.070 for the
4 class of license sought.

5 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license
6 sought.

7 (g) The person must pay the Student Driver Training Fund eligibility fee.

8 (h) If the application is for a commercial driver license, the person must be the holder of a Class
9 C license or any higher class of license.

10 (i) If the application is for a commercial driver license, the person must submit to the depart-
11 ment, in a form approved by the department, the report of a medical examination that establishes
12 that the person meets the medical requirements for the particular class of license. The department,
13 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
14 ments established under this paragraph may include any requirements the department determines
15 are necessary for the safe operation of vehicles permitted to be operated under the class of license
16 for which the requirements are established.

17 (j) If the application is for a commercial driver license, the person must:

18 (A) Have at least one year's driving experience, including relevant experience obtained in the
19 military;

20 (B) Not be [*disqualified from holding a commercial driver license under ORS 809.404*] **subject to**
21 **a lifetime suspension of commercial driving privileges under section 6 of this 2013 Act; [and]**

22 (C) Not be otherwise ineligible to hold a commercial driver license;

23 **(D) Hold a commercial learner driver permit if the person must complete a skills dem-**
24 **onstration under ORS 807.070 (3); and**

25 **(E) In addition to meeting the requirement of providing proof of legal presence under**
26 **ORS 807.021 and this section, the person must submit valid documentation, as defined by the**
27 **department by rule, that the person is a citizen or permanent legal resident of the United**
28 **States.**

29 (2) The department shall work with other agencies and organizations to attempt to improve the
30 issuance system for driver licenses.

31 **SECTION 39.** ORS 807.045 is amended to read:

32 807.045. (1) In order to be authorized to drive a commercial motor vehicle in this state, a person
33 who holds a commercial driver license issued by a jurisdiction other than Oregon must, within 30
34 days of becoming domiciled in Oregon:

35 (a) Apply to the Department of Transportation for an Oregon commercial driver license;

36 (b) Certify to the department that the person's current commercial driver license is not subject
37 to any disqualification, suspension, revocation or cancellation and that the person does not have a
38 commercial driver license from more than one jurisdiction; and

39 (c) Surrender any commercial driver license issued to the person by another jurisdiction.

40 (2) The department shall issue a commercial driver license to a person who complies with sub-
41 section (1) of this section if the department determines that the person is all of the following:

42 (a) Eligible for a commercial driver license. In order to determine eligibility under this para-
43 graph, the department may require from the person any additional information that the department
44 determines necessary and may require the person to pass any examinations, tests or demonstrations
45 that the department determines necessary.

1 (b) Not **subject to a lifetime suspension of commercial driving privileges under section 6**
 2 **of this 2013 Act** [*disqualified from holding a commercial driver license under ORS 809.404*].

3 (c) Not otherwise ineligible for a commercial driver license.

4 (3) For purposes of this section, a person is domiciled in this state if the person meets the cri-
 5 teria described in ORS 803.355.

6 **SECTION 40.** ORS 807.050 is amended to read:

7 807.050. An application for a license shall be in a form approved by the Oregon Department of
 8 Transportation. An application must contain all the following:

9 (1) The applicant's full legal name, age, sex, residence address, except as otherwise provided for
 10 corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality
 11 Program participants in ORS 192.846, and post-office address other than general delivery. The de-
 12 partment may provide by rule for acceptance of something other than an actual residence or post-
 13 office address if the department determines that the applicant does not have an actual address. The
 14 department shall require proof to verify the address in addition to anything else the department may
 15 require of the applicant.

16 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the
 17 applicant has been issued any license or driver permit:

18 (a) When the license or driver permit was granted;

19 (b) What jurisdiction granted the license or driver permit;

20 (c) Whether or not the driving privileges under the license or driver permit are currently sus-
 21 pended or revoked; and

22 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension
 23 or revocation.

24 (3) The class of license sought.

25 (4) The Social Security number of the applicant or other number or identifying information de-
 26 termined appropriate by the Secretary of the United States Department of Transportation, if the
 27 application is for a commercial driver license **or a commercial learner driver permit** or if the
 28 Oregon Department of Transportation by rule requires the Social Security number on the applica-
 29 tion.

30 (5) Whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953.

31 (6) Any other information the department deems necessary to assist the department in deter-
 32 mining whether the applicant is qualified or eligible to be licensed.

33 **SECTION 41.** ORS 807.070 is amended to read:

34 807.070. The Department of Transportation shall administer an examination to establish quali-
 35 fication for each class of license and endorsement. The examination for each class of license or
 36 endorsement must include all of the following as described:

37 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a
 38 limited vision condition as defined in ORS 807.355.

39 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe
 40 driving practices and factors that cause accidents. The following all apply to the test under this
 41 subsection:

42 (a) The test may not cover any subject that is not presented in the publications of the depart-
 43 ment intended for the instruction of applicants for licenses and driver permits.

44 (b) The test for each class of license and endorsement must include, but is not limited to, a test
 45 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-

1 leges granted under the specific class of license or endorsement sought.

2 (c) The test must include, but is not limited to, the following subjects:

3 (A) Rights of pedestrians who are blind.

4 (B) The meaning of official traffic signs and signals.

5 (C) Proper operating procedure in emergency situations.

6 (D) Vehicle safety equipment and its use.

7 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

8 (F) Practices necessary for safe operation of a vehicle around motorcyclists.

9 (d) The test must include at least two questions pertaining to the practices necessary for safe
10 operation of a vehicle around motorcyclists.

11 (e) The test may include a question regarding fuel efficient driving techniques.

12 (f) The department may waive the test under circumstances described in ORS 807.072.

13 (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle
14 without endangering the safety of persons or property. The following apply to this subsection:

15 (a) The actual demonstration for each class of license shall be performed in a vehicle that may
16 be operated under the class of license sought, but that may not be operated under lower classes of
17 license.

18 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that
19 is designed to transport 16 or more persons, including the driver.

20 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

21 **(d) An actual demonstration required for a commercial driver license may be performed**
22 **by a person only if the person has held for at least 14 days a commercial learner driver**
23 **permit that was issued by the department or by another jurisdiction that authorizes opera-**
24 **tion of the vehicle used for testing.**

25 ~~[(d)]~~ (e) The department may waive the demonstration under circumstances described in ORS
26 807.072.

27 (4) Any other examination or test, including demonstrations, that the department determines
28 may be necessary to assist the department in establishing whether the applicant is eligible for a li-
29 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the
30 highways of this state. In any examination or test under this subsection, the department shall only
31 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor
32 vehicle safely or other facts that are specifically required to show the fitness of the applicant for
33 license.

34 **SECTION 42.** ORS 807.100 is amended to read:

35 807.100. (1) A vehicle that may be operated only by the holder of a commercial driver license
36 or **commercial learner driver** permit may be operated only when proof of medical qualification, in
37 a form approved by the Department of Transportation, is in the person's immediate possession. The
38 holder of a commercial driver license or **commercial learner driver** permit who does not have
39 proof of medical qualification as required by this section may exercise driving privileges granted by
40 a Class C license.

41 (2) The department may not issue or renew [a] commercial [*driver license or permit*] **driving**
42 **privileges** and may cancel [a] commercial [*driver license or permit*] **driving privileges** if the person
43 does not submit to the department, in a form approved by rule, proof of medical qualification to
44 operate a commercial motor vehicle by such a date as required by rule by the department.

45 (3) A person is entitled to administrative review under ORS 809.440 when the department does

1 not issue or renew [a] commercial [*driver license or permit*] **driving privileges** under this section
 2 or cancels [a] commercial [*driver license or permit*] **driving privileges** under this section.

3 (4) To the extent possible, rules adopted by the department under this section should be uniform
 4 with any applicable federal regulations related to commercial driver license medical qualifications.

5 **SECTION 43.** ORS 807.120 is amended to read:

6 807.120. (1) The Department of Transportation may place restrictions on **any** driving privileges
 7 granted a person if the department determines that there is good cause to restrict the driving priv-
 8 ileges of the person in order to [*insure*] **ensure** the safe operation of a motor vehicle by the person.

9 (2) Restrictions placed on a **driver license or driver permit** by the department under this sec-
 10 tion shall be suitable to the driving ability of the person whose driving privileges are restricted. The
 11 restrictions may include:

12 (a) Restrictions on the type of motor vehicle the person may operate;

13 (b) Requirements for special mechanical control devices on motor vehicles operated by the per-
 14 son; or

15 (c) Any other restrictions the department determines appropriate to [*insure*] **ensure** the safe
 16 operation of a motor vehicle by the person.

17 (3) The department shall place a restriction on the commercial driver license of a person who
 18 performs the skill demonstration required under ORS 807.070 for issuance of a commercial **driver**
 19 license in a vehicle that:

20 (a) Is not equipped with air brakes. A restriction imposed under this [*subsection*] **paragraph**
 21 prohibits the person from operating commercial motor vehicles equipped with **service brakes that**
 22 **operate fully or partially by air** [*brakes*] **pressure.**

23 (b) **Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any**
 24 **braking system operating partially by air pressure and partially by hydraulic pressure. A**
 25 **restriction imposed under this paragraph prohibits the person from operating commercial**
 26 **motor vehicles equipped with service brakes that operate solely by air pressure.**

27 (c) **Is equipped with an automatic transmission. A restriction imposed under this para-**
 28 **graph prohibits the person from operating commercial motor vehicles equipped with manual**
 29 **transmissions.**

30 (d) **Uses any connection other than a fifth wheel hitch between the power unit and a**
 31 **vehicle towed in combination with the power unit. A restriction under this paragraph pro-**
 32 **hibits the person from operating a commercial motor vehicle in combination with any other**
 33 **vehicle using a fifth wheel hitch between the power unit and first towed unit.**

34 (4) **The department shall place a restriction on the commercial driver license and the**
 35 **commercial learner driver permit of a person who does not pass an air brakes knowledge test**
 36 **administered under ORS 807.070. The restriction shall prohibit the person from operating a**
 37 **commercial motor vehicle with service brakes that operate fully or partially by air pressure.**

38 [(4)] (5) The department may impose restrictions under this section by setting forth the re-
 39 strictions on the regular license form or by issuing a special form for licenses with restrictions.

40 [(5)] (6) The department shall place restrictions on driving privileges under this section when
 41 ordered by a court under ORS 809.210 or 809.270. Any restriction imposed under this subsection
 42 shall be made a part of the person's driving record and shall remain in effect until the court notifies
 43 the department in writing that the restrictions are removed.

44 [(6)] (7) The department may impose restrictions under this section on driving privileges that
 45 are restored after having been suspended or revoked. The restrictions imposed under this subsection

1 may include any restrictions that have been recommended by a convicting magistrate.

2 [(7)] (8) The use of the term “restrictions” in this section includes any restrictions, conditions
3 or requirements.

4 [(8)] (9) Violation of any restrictions placed on driving privileges under this section is
5 punishable as provided under ORS 807.010.

6 **SECTION 44.** ORS 807.200 is amended to read:

7 807.200. (1) The following permits may be issued as restricted Class C licenses:

8 (a) Disability golf cart driver permits described under ORS 807.210.

9 (b) Emergency driver permits described under ORS 807.220.

10 (c) Special student driver permits described under ORS 807.230.

11 (2) Hardship driver permits described under ORS 807.240 and probationary driver permits de-
12 scribed under ORS 807.270 may be issued as Class C licenses. Restrictions on the license are as
13 provided under ORS 807.240 and 807.270.

14 (3) Instruction driver permits described under ORS 807.280 may be issued for [*any class of com-*
15 *mercial driver license and for*] a Class C license. [*A person must have a Class C license before ob-*
16 *taining a Class A commercial, Class B commercial or Class C commercial instruction driver permit.*]

17 (4) Motorcycle instruction driver permits described under ORS 807.280 may be issued only to
18 persons having a commercial driver license or a Class C license.

19 **(5) Commercial learner driver permits described under section 32 of this 2013 Act may**
20 **be issued for Class A, Class B or Class C commercial driving privileges.**

21 **SECTION 45.** ORS 807.280 is amended to read:

22 807.280. The Department of Transportation shall provide for the issuance of instruction driver
23 permits in a manner consistent with this section. A person who is issued an instruction driver per-
24 mit may exercise the same driving privileges as those under the class of license or endorsement for
25 which the permit is issued except as provided in this section or under the permit. Except as other-
26 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-
27 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving
28 privileges. The following apply to an instruction driver permit:

29 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-
30 cense. The department may issue an instruction driver permit to grant the same driving privileges
31 as a [*Class A commercial, Class B commercial, Class C commercial or*] Class C driver license or as
32 a motorcycle endorsement, but the **instruction driver** permit will also be subject to the provisions
33 of this section.

34 (2) The department may issue an instruction driver permit to a person who is qualified to obtain
35 the same driving privileges under the corresponding class of license or type of endorsement except
36 for the person’s age or lack of experience in the operation of motor vehicles subject to the following:

37 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are
38 granted under a Class C license.

39 (b) An applicant must be 16 years of age or older and have a commercial driver license or a
40 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-
41 ment.

42 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are
43 granted under any class of license not otherwise provided for under this subsection.

44 (3) The fees required for issuance or renewal of an instruction driver permit are the instruction
45 driver permit fees under ORS 807.370.

1 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.
2 All other instruction driver permits issued under this section shall be valid for one year from the
3 date of issuance.

4 (5) When [a] **an instruction driver** permit expires or is about to expire, the department shall
5 renew the **instruction driver** permit if the holder of the **instruction driver** permit qualifies for
6 renewal of the **instruction driver** permit under this section and applies for renewal:

7 (a) Within one year of the expiration of [a] **an instruction driver** permit issued under this
8 section; or

9 (b) Within six months after the applicant is discharged from the Armed Forces of the United
10 States if the applicant held [a] **an instruction driver** permit issued by this state at the time of the
11 applicant's entry into the Armed Forces.

12 (6) To qualify for renewal of [a] **an instruction driver** permit, a person must meet all of the
13 requirements for the type of **instruction driver** permit sought to be renewed, except that the de-
14 partment may waive the examination unless the department has reason to believe that the applicant
15 is not qualified for the **instruction driver** permit.

16 (7) [A] **An instruction driver** permit that is renewed under this section may be used on or after
17 the date of issuance. If the department issues [a] **an instruction driver** permit renewal to a person
18 under this section before the expiration of the **instruction driver** permit being renewed, the older
19 permit is invalid. [A] **An instruction driver** permit that becomes invalid under this subsection shall
20 be surrendered to the department.

21 (8) The holder of the **instruction driver** permit may not operate a motor vehicle unless the
22 holder has the **instruction driver** permit in the holder's immediate possession and is accompanied
23 by a person with a class of license granting the same driving privileges or a license with an
24 endorsement granting the same driving privileges who is not less than 21 years of age. The accom-
25 panying person must be occupying a seat beside the holder of the **instruction driver** permit unless
26 the **instruction driver** permit is for motorcycle driving privileges. For [a] **an instruction driver**
27 permit granting motorcycle driving privileges, the holder of the **instruction driver** permit must be
28 in the company and under the supervision and visual observation of the accompanying person and
29 the accompanying person must be operating a separate motorcycle. *[If the permit authorizes its*
30 *holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver*
31 *license and the proper endorsements for the vehicle being operated by the holder of the permit. The*
32 *holder of the permit may not operate any motor vehicle transporting hazardous materials.]*

33 (9) The holder of [a] **an instruction driver** permit granting motorcycle driving privileges is
34 subject to the following in addition to any other requirements under this section:

35 (a) The holder may *[only]* operate a motorcycle **only** during daylight hours.

36 (b) The holder may not carry any passengers on the motorcycle.

37 (c) The holder of the **instruction driver** permit must wear an approved helmet while operating
38 a motorcycle.

39 (10)(a) The department may issue an instruction driver permit to a person with a limited vision
40 condition if a rehabilitation training specialist certifies to the department that the person has suc-
41 cessfully completed a rehabilitation training program.

42 (b) As used in this subsection, "limited vision condition," "rehabilitation training specialist" and
43 "rehabilitation training program" have the meanings given those terms in ORS 807.355.

44 (11) In addition to any other requirements under this section, the holder of [a] **an instruction**
45 **driver** permit issued under subsection (10) of this section may operate a motor vehicle only when

1 using a bioptic telescopic lens.

2 **SECTION 46.** Section 2, chapter 14, Oregon Laws 2012, is amended to read:

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

9 (2) This section applies to suspensions imposed under:

10 (a) ORS 809.310 (3)(a);

11 (b) ORS 809.310 (3)(b); and

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

14 (3) To make a request under subsection (1) of this section, the person must provide sufficient
 15 proof for the department to make the determinations required in subsection (4) of this section. The
 16 department shall provide an administrative review to determine if the person's driving privileges or
 17 right to apply for driving privileges or identification card or right to apply for an identification card
 18 should be reinstated and may reinstate the person's suspended driving privileges or right to apply
 19 for driving privileges or identification card or right to apply for an identification card only as pro-
 20 vided in subsection (4) of this section.

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

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

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

28 (A) Attempting to purchase, purchasing, consuming or acquiring alcoholic beverages as de-
 29 scribed in ORS 471.430; or

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

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

34 (6) To reinstate driving privileges or the right to apply for driving privileges after the depart-
 35 ment determines that the person meets the objective criteria under subsection (4) of this section, the
 36 person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 [(24)]
 37 (25).

38 (7) To reinstate an identification card or the right to apply for an identification card after the
 39 department determines that the person meets the objective criteria under subsection (4) of this sec-
 40 tion, the person shall pay the fee for reinstatement of an identification card as described in ORS
 41 807.410 (4).

42 (8) The department's authority to reinstate a suspension of a person's driving privileges or right
 43 to apply for driving privileges under this section does not impinge on a court's authority to impose
 44 a suspension under ORS 165.805 or 471.430.

45

COMMERCIAL DRIVER TESTS

SECTION 47. Section 48 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 48. Criminal background checks for commercial driver testers. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Transportation shall require the fingerprints of a person who is or who will be working for or providing services to the department in a position in which the person administers the following tests under 807.070:

(a) A knowledge test to establish qualifications for a commercial driver license, commercial learner driver permit, endorsements that enhance commercial driving privileges or removal of restrictions that limit commercial motor vehicle operation.

(b) A demonstration of an applicant’s ability to operate a commercial motor vehicle.

(2) The criminal records checks described in subsection (1) of this section shall be completed before the person administers any tests and annually thereafter for as long as the person is authorized by the department to administer the tests.

(3) The department may determine by rule the circumstances in which a person is ineligible to work or provide services in a position described in this section. To the extent practicable, rules adopted by the department under this section shall be uniform with any applicable federal regulations related to the disqualification of persons determined to be ineligible to work or provide services in positions described in this section.

HAZARDOUS MATERIALS

SECTION 49. ORS 801.303 is amended to read:

801.303. “Hazardous materials” has the meaning given that term in 49 C.F.R. 383.5, as in effect on [July 27, 2005] **January 1, 2013.**

GROSS COMBINATION WEIGHT

SECTION 50. Section 51 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 51. “Gross combination weight” means the gross vehicle weight of the power unit of a vehicle plus the gross vehicle weight of any towed unit and the load thereon.

SECTION 52. ORS 801.208 is amended to read:

801.208. (1) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles and **one or more** vehicles that:

(a) Has a gross combination weight rating **or gross combination weight** of 26,001 pounds or more, **whichever is greater**, inclusive of [a] **one or more** towed [unit or a combination of towed] units, with a gross vehicle weight rating **or gross vehicle weight** of more than 10,000 pounds, **whichever is greater**;

(b) Has a gross vehicle weight rating **or gross vehicle weight** of 26,001 pounds or more;

(c) Is designed to transport 16 or more persons, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials.

(2) Notwithstanding subsection (1) of this section, the term “commercial motor vehicle” does not

1 include the following:

2 (a) An emergency fire vehicle being operated by firefighters as defined in ORS 652.050;

3 (b) Emergency vehicles being operated by qualified emergency service volunteers as defined in
4 ORS 401.358;

5 (c) A motor home used to transport or house, for nonbusiness purposes, the operator or the
6 operator’s family members or personal possessions; or

7 (d) A recreational vehicle that is operated solely for personal use.

8
9 **TANK VEHICLES**

10
11 **SECTION 53.** ORS 801.522 is amended to read:

12 801.522. “Tank vehicle” means a commercial motor vehicle that is designed to transport any
13 liquid or gaseous material within a tank **or tanks having an individual rate capacity of more**
14 **than 119 gallons and an aggregate rate capacity of 1,000 gallons or more** that is either perma-
15 nently or temporarily attached to the vehicle or the chassis. “Tank vehicle” does not include a
16 portable tank having a rated capacity under 1,000 gallons.

17
18 **OPERATIVE DATE**

19
20 **SECTION 54.** (1) **Except as otherwise provided in this section, sections 1 to 11, 13, 14, 31,**
21 **32, 47, 48, 50 and 51 of this 2013 Act, the amendments to statutes by sections 15 to 30, 33 to**
22 **46, 52 and 53 of this 2013 Act and the repeal of statutes by section 12 of this 2013 Act become**
23 **operative on July 8, 2014.**

24 (2) **The amendments to ORS 801.303 by section 49 of this 2013 Act become operative on**
25 **the effective date of this 2013 Act.**

26 (3) **The Department of Transportation may take any action before the operative date**
27 **specified in subsection (1) of this section that is necessary to enable the department to ex-**
28 **ercise, on and after July 8, 2014, all the duties, functions and powers conferred on the de-**
29 **partment by sections 1 to 11, 13, 14, 31, 32, 47, 48, 50 and 51 of this 2013 Act, the amendments**
30 **to statutes by sections 15 to 30, 33 to 46, 52 and 53 of this 2013 Act and the repeal of statutes**
31 **by section 12 of this 2013 Act.**

32
33 **CAPTIONS**

34
35 **SECTION 55.** **The unit and section captions used in this 2013 Act are provided only for**
36 **the convenience of the reader and do not become part of the statutory law of this state or**
37 **express any legislative intent in the enactment of this 2013 Act.**

38
39 **EMERGENCY CLAUSE**

40
41 **SECTION 56.** **This 2013 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
43 **on its passage.**