

# House Bill 2542

Sponsored by Representative GARRETT; Representatives DOHERTY, GELSER, MATTHEWS, OLSON (Presession filed.)

## SUMMARY

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

Increases period of revocation of driving privileges to three years if person convicted of failure to perform duties of driver causes serious physical injury to another.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to revocation of driving privileges for failure to perform the duties of a driver; creating  
3 new provisions; amending ORS 809.409; and declaring an emergency.

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

5 **SECTION 1.** ORS 809.409 is amended to read:

6 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the  
7 Department of Transportation shall revoke the driving privileges of the person convicted.

8 (b) A person is entitled to administrative review under ORS 809.440 of a revocation under this  
9 section.

10 (c) Except as otherwise provided in subsections (2) and (3) of this section, the revocation shall  
11 be for a period of one year from the date of revocation, except that the department may not rein-  
12 state driving privileges of any person whose privileges are revoked under this section until the  
13 person complies with future responsibility filings.

14 (2) The department shall take action under subsection (1) of this section upon receipt of a record  
15 of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked  
16 or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation  
17 of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle,  
18 except that the provisions of this subsection do not apply to a person whose driving privileges are  
19 ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this sub-  
20 section may apply for reinstatement of driving privileges:

21 (a) If the sentence for the crime for which the person's driving privileges were revoked, or any  
22 other crimes arising from the same criminal episode, includes incarceration, no sooner than 10 years  
23 from the date the person is released from incarceration for all crimes arising out of the same crim-  
24 inal episode; or

25 (b) If the sentence for the crime for which the person's driving privileges were revoked and any  
26 other crimes arising from the same criminal episode does not include incarceration, no sooner than  
27 10 years from the date the department revoked the privileges under this subsection.

28 (3)(a) **Except as provided in paragraphs (b) and (c) of this subsection**, the department shall  
29 take action under subsection (1) of this section upon receipt of a record of conviction of failure to  
30 perform the duties of a driver to injured persons under ORS 811.705.

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

1       **(b) The department shall revoke driving privileges under this subsection for a period of**  
 2 **three years if the court indicates on the record of conviction that a person sustained serious**  
 3 **physical injury, as defined in ORS 161.015, as a result of the accident. The person may apply**  
 4 **for reinstatement of privileges three years after the date the person was released from**  
 5 **incarceration, if the sentence includes incarceration. If the sentence does not include**  
 6 **incarceration, the person may apply for reinstatement three years from the date the revoca-**  
 7 **tion was imposed under this subsection.**

8       (c) The department shall revoke driving privileges under this subsection for a period of five  
 9 years if the court indicates on the record of conviction that a person was killed as a result of the  
 10 accident. The person may apply for reinstatement of privileges five years after the date the person  
 11 was released from incarceration, if the sentence includes incarceration. If the sentence does not  
 12 include incarceration, the person may apply for reinstatement five years from the date the revoca-  
 13 tion was imposed under this subsection.

14       (4) The department shall take action under subsection (1) of this section upon receipt of a record  
 15 of conviction of perjury or the making of a false affidavit to the department under any law of this  
 16 state requiring the registration of vehicles or regulating their operation on the highways.

17       (5) The department shall take action under subsection (1) of this section upon receipt of a record  
 18 of conviction of any felony with a material element involving the operation of a motor vehicle.

19       **SECTION 2. The amendments to ORS 809.409 by section 1 of this 2013 Act apply to re-**  
 20 **vocations for conduct occurring on or after the effective date of this 2013 Act.**

21       **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
 22 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
 23 **on its passage.**