

House Bill 2772

Sponsored by COMMITTEE ON JUDICIARY

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**.

Restricts number of passengers holder of provisional driver license may have in motor vehicle.
Increases length of nighttime driving restriction for holders of provisional driver licenses.

A BILL FOR AN ACT

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

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

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

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

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

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

18 (A) The holder is driving between the holder's home and place of employment;

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

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

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

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

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

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

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

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

31 (e) Has in the vehicle a written statement signed by the employer certifying that the driver is

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 employed by the employer and that there is no other option for transporting the employees.

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

4 (a) An instructor in the vehicle as part of a certified traffic safety education course; or

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

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

8 807.065. (1) The Department of Transportation may [not] issue a **provisional** driver license to a
9 person who is under 18 years of age [unless] **only if** the person:

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

11 (b) Passes an examination designed to test the person's knowledge and understanding of safe
12 driving practices, in addition to any examination required under ORS 807.070;

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

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

19 (e) Completes a traffic safety education course that meets standards developed by the depart-
20 ment under ORS 802.345. In lieu of completion of a traffic safety education course, a person may
21 certify to the department that the person has had at least 50 hours of driving experience during
22 which the person was supervised by a person at least 21 years of age who has had a valid driver
23 license for at least three years, in addition to the 50 hours required by paragraph (d) of this sub-
24 section.

25 (2) A person under 18 years of age need not comply with the requirements of subsection (1)(c),
26 (d) and (e) of this section if the person has been issued a driver license by another state and sur-
27 renders that license in order to get an Oregon license.

28 (3) If the person takes but does not pass a test that consists of an actual demonstration of
29 driving ability under ORS 807.070, the department may not allow the person to perform the demon-
30 stration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a
31 period of not less than one month.

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

33 *[(5)]* (4) The department shall prominently identify each driver license issued pursuant to this
34 section as a provisional driver license.

35 **SECTION 3. The amendments to ORS 807.122 by section 1 of this 2013 Act apply to per-**
36 **sons who hold provisional driver licenses issued before, on or after the effective date of this**
37 **2013 Act.**

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