

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2384**

1 On page 1 of the printed bill, line 2, after “ORS” insert “131.602,”.

2 Delete lines 4 through 29 and delete pages 2 and 3 and insert:

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

5 **“SECTION 2. (1) A motor vehicle may be seized for forfeiture if the**  
6 **person operating the motor vehicle is arrested or issued a citation for**  
7 **driving while suspended or revoked under ORS 811.175 (5), criminal**  
8 **driving while suspended or revoked under ORS 811.182 or aggravated**  
9 **driving while suspended or revoked under ORS 163.196, and the person,**  
10 **within three years prior to the arrest or issuance of the citation, has**  
11 **been convicted of:**

12 **“(a) Driving while suspended or revoked under ORS 811.175 (5);**

13 **“(b) Criminal driving while suspended or revoked under ORS 811.182;**

14 **or**

15 **“(c) Aggravated driving while suspended or revoked under ORS**  
16 **163.196.**

17 **“(2) Subject to section 3 of this 2013 Act, all seizure and forfeiture**  
18 **proceedings under this section shall be conducted in accordance with**  
19 **ORS chapter 131A.**

20 **“SECTION 3. A law enforcement agency, as defined in ORS 136.595,**  
21 **may not seize a vehicle for forfeiture under ORS 131.602 (132), (133) or**  
22 **(134) or section 2 of this 2013 Act, unless the agency has adopted poli-**

1 **cies and procedures for seizure, including polices relating to when a**  
2 **police officer may seize a motor vehicle for forfeiture under ORS**  
3 **131.602 (132), (133) or (134) or section 2 of this 2013 Act.**

4 **“SECTION 4.** ORS 811.175 is amended to read:

5 “811.175. (1) A person commits the offense of [*violation*] driving while  
6 suspended or revoked if the person does any of the following:

7 “(a) Drives a motor vehicle upon a highway during a period when the  
8 person’s driving privileges or right to apply for driving privileges have been  
9 suspended or revoked in this state by a court or by the Department of  
10 Transportation.

11 “(b) Drives a motor vehicle outside the limitations of a probationary  
12 permit issued under ORS 807.270 or a hardship driver permit issued under  
13 ORS 807.240, including any limitations placed on the permit under ORS  
14 813.510.

15 “(c) Drives a commercial motor vehicle upon a highway during a period  
16 when the person’s driving privileges or commercial driving privileges have  
17 been suspended or revoked in this state or any other jurisdiction.

18 “(2) Affirmative defenses to the offense described in this section are es-  
19 tablished under ORS 811.180.

20 “(3) The offense described in this section is applicable upon any premises  
21 open to the public.

22 “(4) The offense described in this section, [*violation*] driving while sus-  
23 pended or revoked, is a Class A traffic violation except as otherwise provided  
24 in ORS 811.182 **and subsection (5) of this section.**

25 **“(5) A second or subsequent violation of this section by a person is**  
26 **a Class C misdemeanor.**

27 **“SECTION 5.** ORS 810.530 is amended to read:

28 “810.530. (1) A weighmaster or motor carrier enforcement officer in whose  
29 presence an offense described in this subsection is committed may arrest or  
30 issue a citation for the offense in the same manner as under ORS 810.410 as

1 if the weighmaster or motor carrier enforcement officer were a police officer.

2 This subsection applies to the following offenses:

3 “(a) Violation of maximum weight limits under ORS 818.020.

4 “(b) Violation of posted weight limits under ORS 818.040.

5 “(c) Violation of administratively imposed weight or size limits under  
6 ORS 818.060.

7 “(d) Violation of maximum size limits under ORS 818.090.

8 “(e) Exceeding maximum number of vehicles in combination under ORS  
9 818.110.

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  
20 under ORS 818.400.

21 “(p) Violation of any provision of ORS chapter 825.

22 “(q) Operation without proper fenders or mudguards under ORS 815.185.

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

27 “(s) [*Violation*] Driving while suspended or revoked in violation of ORS  
28 811.175 if the person is operating a commercial motor vehicle while the  
29 person’s commercial driver license is suspended or revoked.

30 “(t) Failure to use vehicle traction tires or chains in violation of ORS

1 815.140 if the person is operating a motor vehicle subject to ORS chapter 825  
2 or 826.

3 “(2) A weighmaster or motor carrier enforcement officer in whose pres-  
4 ence an offense described in this subsection is committed by a person oper-  
5 ating a commercial motor vehicle may issue a citation for the offense. A  
6 weighmaster or motor carrier enforcement officer who finds evidence that  
7 an offense described in this subsection has been committed by a person op-  
8 erating a commercial motor vehicle or by a motor carrier for which the  
9 person is acting as an agent may issue a citation for the offense. A  
10 weighmaster or motor carrier enforcement officer issuing a citation under  
11 this subsection has the authority granted a police officer issuing a citation  
12 under ORS 810.410. A citation issued under this subsection to the operator  
13 of a commercial motor vehicle shall be considered to have been issued to the  
14 motor carrier that owns the commercial motor vehicle if the operator is not  
15 the owner. This subsection applies to the following offenses, all of which are  
16 Class A traffic violations under ORS 825.990 (1):

17 “(a) Repeatedly violating or avoiding any order or rule of the Department  
18 of Transportation.

19 “(b) Repeatedly refusing or repeatedly failing, after being requested to do  
20 so, to furnish service authorized by certificate.

21 “(c) Refusing or failing to file the annual report as required by ORS  
22 825.320.

23 “(d) Refusing or failing to maintain records required by the department  
24 or to produce such records for examination as required by the department.

25 “(e) Failing to appear for a hearing after notice that the carrier’s certifi-  
26 cate or permit is under investigation.

27 “(f) Filing with the department an application that is false with regard  
28 to the ownership, possession or control of the equipment being used or the  
29 operation being conducted.

30 “(g) Delinquency in reporting or paying any fee, tax or penalty due to the

1 department under ORS chapter 825 or 826.

2 “(h) Refusing or failing to file a deposit or bond as required under ORS  
3 825.506.

4 “(i) Failing to comply with the applicable requirements for attendance at  
5 a motor carrier education program as required by ORS 825.402.

6 “(3) A weighmaster or motor carrier enforcement officer who finds evi-  
7 dence that a person operating a commercial motor vehicle has committed the  
8 offense of failure to pay the appropriate registration fee under ORS 803.315  
9 may issue a citation for the offense in the same manner as under ORS 810.410  
10 as if the weighmaster or motor carrier enforcement officer were a police of-  
11 ficer.

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

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

16 “(b) A person is a motor carrier enforcement officer under this section if  
17 the person is duly authorized as a motor carrier enforcement officer by the  
18 Department of Transportation.

19 “(6) A weighmaster or motor carrier enforcement officer may accept se-  
20 curity in the same manner as a police officer under ORS 810.440 and 810.450  
21 and may take as security for the offenses, in addition to other security per-  
22 mitted under this section, the sum fixed as the presumptive fine for the of-  
23 fense.

24 “(7) A weighmaster or motor carrier enforcement officer may arrest a  
25 person for the offense of failure to appear in a violation proceeding under  
26 ORS 153.992 if the violation is based upon a citation for any offense de-  
27 scribed 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  
30 same authority as a police officer under ORS 810.490 to enforce vehicle re-

1 quirements and detain vehicles. A person who fails to comply with the au-  
2 thority of a weighmaster or motor carrier enforcement officer under this  
3 subsection is subject to penalty under ORS 818.400.

4 **“SECTION 6.** ORS 131.602 is amended to read:

5 “131.602. The crimes to which ORS 131.550 (12)(b) applies are:

6 “(1) Bribe giving, as defined in ORS 162.015.

7 “(2) Bribe receiving, as defined in ORS 162.025.

8 “(3) Public investment fraud, as defined in ORS 162.117.

9 “(4) Bribing a witness, as defined in ORS 162.265.

10 “(5) Bribe receiving by a witness, as defined in ORS 162.275.

11 “(6) Simulating legal process, as defined in ORS 162.355.

12 “(7) Official misconduct in the first degree, as defined in ORS 162.415.

13 “(8) Assisting another person to commit suicide, as defined in ORS  
14 163.193.

15 “(9) Custodial interference in the second degree, as defined in ORS  
16 163.245.

17 “(10) Custodial interference in the first degree, as defined in ORS 163.257.

18 “(11) Buying or selling a person under 18 years of age, as defined in ORS  
19 163.537.

20 “(12) Using a child in a display of sexually explicit conduct, as defined  
21 in ORS 163.670.

22 “(13) Encouraging child sexual abuse in the first degree, as defined in  
23 ORS 163.684.

24 “(14) Encouraging child sexual abuse in the second degree, as defined in  
25 ORS 163.686.

26 “(15) Encouraging child sexual abuse in the third degree, as defined in  
27 ORS 163.687.

28 “(16) Possession of materials depicting sexually explicit conduct of a child  
29 in the first degree, as defined in ORS 163.688.

30 “(17) Possession of materials depicting sexually explicit conduct of a child

1 in the second degree, as defined in ORS 163.689.

2 “(18) Theft in the second degree, as defined in ORS 164.045.

3 “(19) Theft in the first degree, as defined in ORS 164.055.

4 “(20) Aggravated theft in the first degree, as defined in ORS 164.057.

5 “(21) Theft by extortion, as defined in ORS 164.075.

6 “(22) Theft by deception, as defined in ORS 164.085, if it is a felony or a  
7 Class A misdemeanor.

8 “(23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a  
9 Class A misdemeanor.

10 “(24) Theft of services, as defined in ORS 164.125, if it is a felony or a  
11 Class A misdemeanor.

12 “(25) Unauthorized use of a vehicle, as defined in ORS 164.135.

13 “(26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.

14 “(27) Laundering a monetary instrument, as defined in ORS 164.170.

15 “(28) Engaging in a financial transaction in property derived from un-  
16 lawful activity, as defined in ORS 164.172.

17 “(29) Burglary in the second degree, as defined in ORS 164.215.

18 “(30) Burglary in the first degree, as defined in ORS 164.225.

19 “(31) Possession of a burglary tool or theft device, as defined in ORS  
20 164.235.

21 “(32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.

22 “(33) Arson in the second degree, as defined in ORS 164.315.

23 “(34) Arson in the first degree, as defined in ORS 164.325.

24 “(35) Computer crime, as defined in ORS 164.377.

25 “(36) Robbery in the third degree, as defined in ORS 164.395.

26 “(37) Robbery in the second degree, as defined in ORS 164.405.

27 “(38) Robbery in the first degree, as defined in ORS 164.415.

28 “(39) Unlawful labeling of a sound recording, as defined in ORS 164.868.

29 “(40) Unlawful recording of a live performance, as defined in ORS 164.869.

30 “(41) Unlawful labeling of a videotape recording, as defined in ORS

1 164.872.

2 “(42) A violation of ORS 164.886.

3 “(43)(a) Endangering aircraft in the first degree, as defined in ORS  
4 164.885.

5 “(b) Endangering aircraft in the second degree, as defined in ORS 164.885.

6 “(44) Interference with agricultural operations, as defined in ORS 164.887.

7 “(45) Forgery in the second degree, as defined in ORS 165.007.

8 “(46) Forgery in the first degree, as defined in ORS 165.013.

9 “(47) Criminal possession of a forged instrument in the second degree, as  
10 defined in ORS 165.017.

11 “(48) Criminal possession of a forged instrument in the first degree, as  
12 defined in ORS 165.022.

13 “(49) Criminal possession of a forgery device, as defined in ORS 165.032.

14 “(50) Criminal simulation, as defined in ORS 165.037.

15 “(51) Fraudulently obtaining a signature, as defined in ORS 165.042.

16 “(52) Fraudulent use of a credit card, as defined in ORS 165.055.

17 “(53) Negotiating a bad check, as defined in ORS 165.065.

18 “(54) Possessing a fraudulent communications device, as defined in ORS  
19 165.070.

20 “(55) Unlawful factoring of a payment card transaction, as defined in ORS  
21 165.074.

22 “(56) Falsifying business records, as defined in ORS 165.080.

23 “(57) Sports bribery, as defined in ORS 165.085.

24 “(58) Sports bribe receiving, as defined in ORS 165.090.

25 “(59) Misapplication of entrusted property, as defined in ORS 165.095.

26 “(60) Issuing a false financial statement, as defined in ORS 165.100.

27 “(61) Obtaining execution of documents by deception, as defined in ORS  
28 165.102.

29 “(62) A violation of ORS 165.543.

30 “(63) Cellular counterfeiting in the third degree, as defined in ORS



1 165.577.

2 “(64) Cellular counterfeiting in the second degree, as defined in ORS  
3 165.579.

4 “(65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.

5 “(66) Identity theft, as defined in ORS 165.800.

6 “(67) A violation of ORS 166.190.

7 “(68) Unlawful use of a weapon, as defined in ORS 166.220.

8 “(69) A violation of ORS 166.240.

9 “(70) Unlawful possession of a firearm, as defined in ORS 166.250.

10 “(71) A violation of ORS 166.270.

11 “(72) Unlawful possession of a machine gun, short-barreled rifle, short-  
12 barreled shotgun or firearms silencer, as defined in ORS 166.272.

13 “(73) A violation of ORS 166.275.

14 “(74) Unlawful possession of armor piercing ammunition, as defined in  
15 ORS 166.350.

16 “(75) A violation of ORS 166.370.

17 “(76) Unlawful possession of a destructive device, as defined in ORS  
18 166.382.

19 “(77) Unlawful manufacture of a destructive device, as defined in ORS  
20 166.384.

21 “(78) Possession of a hoax destructive device, as defined in ORS 166.385.

22 “(79) A violation of ORS 166.410.

23 “(80) Providing false information in connection with a transfer of a  
24 firearm, as defined in ORS 166.416.

25 “(81) Improperly transferring a firearm, as defined in ORS 166.418.

26 “(82) Unlawfully purchasing a firearm, as defined in ORS 166.425.

27 “(83) A violation of ORS 166.429.

28 “(84) A violation of ORS 166.470.

29 “(85) A violation of ORS 166.480.

30 “(86) A violation of ORS 166.635.

- 1       “(87) A violation of ORS 166.638.
- 2       “(88) Unlawful paramilitary activity, as defined in ORS 166.660.
- 3       “(89) A violation of ORS 166.720.
- 4       “(90) Prostitution, as defined in ORS 167.007.
- 5       “(91) Patronizing a prostitute, as defined in ORS 167.008.
- 6       “(92) Promoting prostitution, as defined in ORS 167.012.
- 7       “(93) Compelling prostitution, as defined in ORS 167.017.
- 8       “(94) Exhibiting an obscene performance to a minor, as defined in ORS
- 9       167.075.
- 10       “(95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 11       “(96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 12       “(97) Possession of gambling records in the second degree, as defined in
- 13       ORS 167.132.
- 14       “(98) Possession of gambling records in the first degree, as defined in ORS
- 15       167.137.
- 16       “(99) Possession of a gambling device, as defined in ORS 167.147.
- 17       “(100) Possession of a gray machine, as defined in ORS 167.164.
- 18       “(101) Cheating, as defined in ORS 167.167.
- 19       “(102) Tampering with drug records, as defined in ORS 167.212.
- 20       “(103) A violation of ORS 167.262.
- 21       “(104) Research and animal interference, as defined in ORS 167.312.
- 22       “(105) Animal abuse in the first degree, as defined in ORS 167.320.
- 23       “(106) Aggravated animal abuse in the first degree, as defined in ORS
- 24       167.322.
- 25       “(107) Animal neglect in the first degree, as defined in ORS 167.330.
- 26       “(108) Interfering with an assistance, a search and rescue or a therapy
- 27       animal, as defined in ORS 167.352.
- 28       “(109) Involvement in animal fighting, as defined in ORS 167.355.
- 29       “(110) Dogfighting, as defined in ORS 167.365.
- 30       “(111) Participation in dogfighting, as defined in ORS 167.370.

1 “(112) Unauthorized use of a livestock animal, as defined in ORS 167.385.  
2 “(113) Interference with livestock production, as defined in ORS 167.388.  
3 “(114) A violation of ORS 167.390.  
4 “(115) Participation in cockfighting, as defined in ORS 167.431.  
5 “(116) A violation of ORS 471.410.  
6 “(117) Failure to report missing precursor substances, as defined in ORS  
7 475.955.  
8 “(118) Illegally selling drug equipment, as defined in ORS 475.960.  
9 “(119) Providing false information on a precursor substances report, as  
10 defined in ORS 475.965.  
11 “(120) Unlawful delivery of an imitation controlled substance, as defined  
12 in ORS 475.912.  
13 “(121) A violation of ORS 475.752, if it is a felony or a Class A  
14 misdemeanor.  
15 “(122) A violation of ORS 475.914, if it is a felony or a Class A  
16 misdemeanor.  
17 “(123) A violation of ORS 475.916.  
18 “(124) A violation of ORS 475.906, if it is a felony or a Class A  
19 misdemeanor.  
20 “(125) A violation of ORS 475.904.  
21 “(126) Misuse of an identification card, as defined in ORS 807.430.  
22 “(127) Unlawful production of identification cards, licenses, permits, forms  
23 or camera cards, as defined in ORS 807.500.  
24 “(128) Transfer of documents for the purposes of misrepresentation, as  
25 defined in ORS 807.510.  
26 “(129) Using an invalid license, as defined in ORS 807.580.  
27 “(130) Permitting misuse of a license, as defined in ORS 807.590.  
28 “(131) Using another’s license, as defined in ORS 807.600.  
29 “(132) Criminal driving while suspended or revoked, as defined in ORS  
30 811.182[, *when it is a felony*].

1       “(133) Aggravated driving while suspended or revoked, as defined in  
2       **ORS 163.196.**

3       “(134) Driving while suspended or revoked, as defined in ORS  
4       **811.175, when it is a Class C misdemeanor.**

5       “[(133)] (135) Driving while under the influence of intoxicants, as defined  
6       in ORS 813.010, when it is a felony.

7       “[(134)] (136) Unlawful distribution of cigarettes, as defined in ORS  
8       323.482.

9       “[(135)] (137) Unlawful distribution of tobacco products, as defined in ORS  
10       323.632.

11       “[(136)] (138) A violation of ORS 180.440 (2) or 180.486 (2).

12       “[(137)] (139) A violation described in ORS 475.806 to 475.894, if it is a  
13       felony.

14       “[(138)] (140) Subjecting another person to involuntary servitude in the  
15       first degree, as defined in ORS 163.264.

16       “[(139)] (141) Subjecting another person to involuntary servitude in the  
17       second degree, as defined in ORS 163.263.

18       “[(140)] (142) Trafficking in persons, as defined in ORS 163.266.

19       “[(141)] (143) Luring a minor, as defined in ORS 167.057.

20       “[(142)] (144) Online sexual corruption of a child in the second degree,  
21       as defined in ORS 163.432.

22       “[(143)] (145) Online sexual corruption of a child in the first degree, as  
23       defined in ORS 163.433.

24       “[(144)] (146) An attempt, conspiracy or solicitation to commit a crime in  
25       subsections (1) to [(143)] (145) of this section if the attempt, conspiracy or  
26       solicitation is a felony or a Class A misdemeanor.

27       **“SECTION 7. Section 2 of this 2013 Act and the amendments to ORS**  
28       **131.602 and 811.175 by sections 4 and 6 of this 2013 Act apply to offenses**  
29       **occurring on or after the effective date of this 2013 Act.”.**

30