

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2115**

1 On page 1 of the printed bill, line 3, delete “421.121,” and delete  
2 “813.012.”

3 Delete lines 6 through 29 and delete pages 2 through 15 and insert:

4 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part**  
5 **of the Oregon Vehicle Code.**

6 **“SECTION 2. ‘Intoxicant’ means:**

7 **“(1) Intoxicating liquor;**

8 **“(2) Controlled substances;**

9 **“(3) Inhalants; or**

10 **“(4) Any of the following drugs:**

11 **“(a) Amitriptyline.**

12 **“(b) Cyclobenzaprine.**

13 **“(c) Diphenhydramine.**

14 **“(d) Dextromethorphan.**

15 **“(e) Tramadol.**

16 **“SECTION 3. Section 2 of this 2013 Act is repealed on January 2,**  
17 **2016.**

18 **“SECTION 4. ORS 801.272 is amended to read:**

19 **“801.272. ‘Field sobriety test’ means a physical or mental test, approved**  
20 **by the Department of State Police by rule after consultation with the De-**  
21 **partment of Public Safety Standards and Training, that enables a police of-**  
22 **ficer or trier of fact to screen for or detect probable impairment from**

1 *[intoxicating liquor, a controlled substance, an inhalant or any combination*  
2 *of intoxicating liquor, an inhalant and a controlled substance]* **an intoxicant**  
3 **or a combination of intoxicants.**

4 **“SECTION 5.** ORS 801.272, as amended by section 4 of this 2013 Act, is  
5 amended to read:

6 “801.272. ‘Field sobriety test’ means a physical or mental test, approved  
7 by the Department of State Police by rule after consultation with the De-  
8 partment of Public Safety Standards and Training, that enables a police of-  
9 ficer or trier of fact to screen for or detect probable impairment from [*an*  
10 *intoxicant or a combination of intoxicants]* **intoxicating liquor, a controlled**  
11 **substance, an inhalant or any combination of intoxicating liquor, an**  
12 **inhalant and a controlled substance.**

13 **“SECTION 6.** **The amendments to ORS 801.272 by section 5 of this**  
14 **2013 Act become operative on January 2, 2016.**

15 **“SECTION 7.** ORS 807.060, as amended by section 4, chapter 9, Oregon  
16 Laws 2012, is amended to read:

17 “807.060. The Department of Transportation may not grant driving privi-  
18 leges to a person under a license if the person is not eligible under this  
19 section. The following are not eligible for a license:

20 “(1) A person under 16 years of age.

21 “(2)(a) A person under 18 years of age who is not an emancipated minor  
22 unless the application of the person is signed by the person’s mother, father  
23 or legal guardian. A person who signs an application under this paragraph  
24 may have the driving privileges canceled as provided under ORS 809.320.

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

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

29 “(4) A person that the department determines has a problem condition  
30 involving [*alcohol, inhalants or controlled substances]* **intoxicants** as de-

1 scribed under ORS 813.040.

2 “(5) A person the department reasonably believes has a mental or physical  
3 condition or impairment that affects the person’s ability to safely operate a  
4 motor vehicle upon the highways.

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

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

9 “(8) A person who cannot be issued a license under the Driver License  
10 Compact under ORS 802.540.

11 “(9) A person who is not subject to the Driver License Compact under  
12 ORS 802.540 but whose driving privileges are currently under suspension or  
13 revocation in any other state upon grounds which, if committed in this state,  
14 would be grounds for the suspension or revocation of the driving privileges  
15 of the person.

16 “(10) A person who has been declared a habitual offender under ORS  
17 809.640. A person declared not eligible to be licensed under this subsection  
18 may become eligible by having eligibility restored under ORS 809.640.

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

21 “(12) A person while the person’s driving privileges are revoked in this  
22 state.

23 “(13) A person during a period when the person’s driving privileges are  
24 suspended in this state.

25 “(14) A person who holds a current out-of-state license or driver permit  
26 or a valid Oregon license or driver permit. A person who is not eligible un-  
27 der this subsection may become eligible by surrendering the license, driver  
28 permit or out-of-state license or driver permit to the department before is-  
29 suance of the license. Nothing in this subsection authorizes a person to  
30 continue to operate a motor vehicle on the basis of an out-of-state license

1 or permit if the person is required by ORS 807.062 to obtain an Oregon li-  
2 cense or permit.

3 “(15) A person who has not complied with the requirements and respon-  
4 sibilities created by citation for or conviction of a traffic offense in another  
5 jurisdiction if an agreement under ORS 802.530 authorizes the department to  
6 withhold issuance of a license.

7 “(16) A person who has not complied with the requirements of section 2,  
8 chapter 9, Oregon Laws 2012.

9 “**SECTION 8.** ORS 807.060, as amended by section 4, chapter 9, Oregon  
10 Laws 2012, and section 7 of this 2013 Act, is amended to read:

11 “807.060. The Department of Transportation may not grant driving privi-  
12 leges to a person under a license if the person is not eligible under this  
13 section. The following are not eligible for a license:

14 “(1) A person under 16 years of age.

15 “(2)(a) A person under 18 years of age who is not an emancipated minor  
16 unless the application of the person is signed by the person’s mother, father  
17 or legal guardian. A person who signs an application under this paragraph  
18 may have the driving privileges canceled as provided under ORS 809.320.

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

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

23 “(4) A person that the department determines has a problem condition  
24 involving [*intoxicants*] **alcohol, inhalants or controlled substances** as de-  
25 scribed under ORS 813.040.

26 “(5) A person the department reasonably believes has a mental or physical  
27 condition or impairment that affects the person’s ability to safely operate a  
28 motor vehicle upon the highways.

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

1       “(7) A person who is required to make future responsibility filings but  
2 has not made filings as required.

3       “(8) A person who cannot be issued a license under the Driver License  
4 Compact under ORS 802.540.

5       “(9) A person who is not subject to the Driver License Compact under  
6 ORS 802.540 but whose driving privileges are currently under suspension or  
7 revocation in any other state upon grounds which, if committed in this state,  
8 would be grounds for the suspension or revocation of the driving privileges  
9 of the person.

10       “(10) A person who has been declared a habitual offender under ORS  
11 809.640. A person declared not eligible to be licensed under this subsection  
12 may become eligible by having eligibility restored under ORS 809.640.

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

15       “(12) A person while the person’s driving privileges are revoked in this  
16 state.

17       “(13) A person during a period when the person’s driving privileges are  
18 suspended in this state.

19       “(14) A person who holds a current out-of-state license or driver permit  
20 or a valid Oregon license or driver permit. A person who is not eligible un-  
21 der this subsection may become eligible by surrendering the license, driver  
22 permit or out-of-state license or driver permit to the department before is-  
23 suance of the license. Nothing in this subsection authorizes a person to  
24 continue to operate a motor vehicle on the basis of an out-of-state license  
25 or permit if the person is required by ORS 807.062 to obtain an Oregon li-  
26 cense or permit.

27       “(15) A person who has not complied with the requirements and respon-  
28 sibilities created by citation for or conviction of a traffic offense in another  
29 jurisdiction if an agreement under ORS 802.530 authorizes the department to  
30 withhold issuance of a license.

1       “(16) A person who has not complied with the requirements of section 2,  
2 chapter 9, Oregon Laws 2012.

3       “**SECTION 9. The amendments to ORS 807.060 by section 8 of this**  
4 **2013 Act become operative on January 2, 2016.**

5       “**SECTION 10.** ORS 807.060, as amended by sections 4 and 5, chapter 9,  
6 Oregon Laws 2012, is amended to read:

7       “807.060. The Department of Transportation may not grant driving privi-  
8 leges to a person under a license if the person is not eligible under this  
9 section. The following are not eligible for a license:

10       “(1) A person under 16 years of age.

11       “(2)(a) A person under 18 years of age who is not an emancipated minor  
12 unless the application of the person is signed by the person’s mother, father  
13 or legal guardian. A person who signs an application under this paragraph  
14 may have the driving privileges canceled as provided under ORS 809.320.

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

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

19       “(4) A person that the department determines has a problem condition  
20 involving [*alcohol, inhalants or controlled substances*] **intoxicants** as de-  
21 scribed under ORS 813.040.

22       “(5) A person the department reasonably believes has a mental or physical  
23 condition or impairment that affects the person’s ability to safely operate a  
24 motor vehicle upon the highways.

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

27       “(7) A person who is required to make future responsibility filings but  
28 has not made filings as required.

29       “(8) A person who cannot be issued a license under the Driver License  
30 Compact under ORS 802.540.

1       “(9) A person who is not subject to the Driver License Compact under  
2 ORS 802.540 but whose driving privileges are currently under suspension or  
3 revocation in any other state upon grounds which, if committed in this state,  
4 would be grounds for the suspension or revocation of the driving privileges  
5 of the person.

6       “(10) A person who has been declared a habitual offender under ORS  
7 809.640. A person declared not eligible to be licensed under this subsection  
8 may become eligible by having eligibility restored under ORS 809.640.

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

11       “(12) A person while the person’s driving privileges are revoked in this  
12 state.

13       “(13) A person during a period when the person’s driving privileges are  
14 suspended in this state.

15       “(14) A person who holds a current out-of-state license or driver permit  
16 or a valid Oregon license or driver permit. A person who is not eligible un-  
17 der this subsection may become eligible by surrendering the license, driver  
18 permit or out-of-state license or driver permit to the department before is-  
19 suance of the license. Nothing in this subsection authorizes a person to  
20 continue to operate a motor vehicle on the basis of an out-of-state license  
21 or permit if the person is required by ORS 807.062 to obtain an Oregon li-  
22 cense or permit.

23       “(15) A person who has not complied with the requirements and respon-  
24 sibilities created by citation for or conviction of a traffic offense in another  
25 jurisdiction if an agreement under ORS 802.530 authorizes the department to  
26 withhold issuance of a license.

27       “**SECTION 11.** ORS 807.060, as amended by sections 4 and 5, chapter 9,  
28 Oregon Laws 2012, and section 10 of this 2013 Act is amended to read:

29       “807.060. The Department of Transportation may not grant driving privi-  
30 leges to a person under a license if the person is not eligible under this

1 section. The following are not eligible for a license:

2 “(1) A person under 16 years of age.

3 “(2)(a) A person under 18 years of age who is not an emancipated minor  
4 unless the application of the person is signed by the person’s mother, father  
5 or legal guardian. A person who signs an application under this paragraph  
6 may have the driving privileges canceled as provided under ORS 809.320.

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

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

11 “(4) A person that the department determines has a problem condition  
12 involving [*intoxicants*] **alcohol, inhalants or controlled substances** as de-  
13 scribed under ORS 813.040.

14 “(5) A person the department reasonably believes has a mental or physical  
15 condition or impairment that affects the person’s ability to safely operate a  
16 motor vehicle upon the highways.

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

19 “(7) A person who is required to make future responsibility filings but  
20 has not made filings as required.

21 “(8) A person who cannot be issued a license under the Driver License  
22 Compact under ORS 802.540.

23 “(9) A person who is not subject to the Driver License Compact under  
24 ORS 802.540 but whose driving privileges are currently under suspension or  
25 revocation in any other state upon grounds which, if committed in this state,  
26 would be grounds for the suspension or revocation of the driving privileges  
27 of the person.

28 “(10) A person who has been declared a habitual offender under ORS  
29 809.640. A person declared not eligible to be licensed under this subsection  
30 may become eligible by having eligibility restored under ORS 809.640.



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

3       “(12) A person while the person’s driving privileges are revoked in this  
4       state.

5       “(13) A person during a period when the person’s driving privileges are  
6       suspended in this state.

7       “(14) A person who holds a current out-of-state license or driver permit  
8       or a valid Oregon license or driver permit. A person who is not eligible un-  
9       der this subsection may become eligible by surrendering the license, driver  
10       permit or out-of-state license or driver permit to the department before is-  
11       suanance of the license. Nothing in this subsection authorizes a person to  
12       continue to operate a motor vehicle on the basis of an out-of-state license  
13       or permit if the person is required by ORS 807.062 to obtain an Oregon li-  
14       cense or permit.

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

19       **“SECTION 12. The amendments to ORS 807.060 by section 11 of this**  
20       **2013 Act become operative on January 2, 2016.**

21       **“SECTION 13. ORS 807.250 is amended to read:**

22       “807.250. (1) In addition to any requirements under ORS 807.240 and any  
23       applicable conditions under ORS 813.500 and 813.520, the Department of  
24       Transportation may not issue a hardship permit under ORS 807.240 to a  
25       person whose suspension of driving privileges is based upon a conviction of  
26       any of the following unless the person submits to the department a recom-  
27       mendation from the judge before whom the person was convicted:

28       “(a) ORS 811.140.

29       “(b) ORS 811.540.

30       “(c) Driving while under the influence of intoxicants. If a person’s driving

1 privileges are suspended for a conviction for driving while under the influ-  
2 ence of intoxicants and the person is determined under ORS 813.500 to have  
3 a problem condition involving [*alcohol, inhalants or controlled substances*]  
4 **intoxicants** as described in ORS 813.040, the judge must:

5 “(A) Make the recommendation with reference to the best interest of the  
6 public as well as of the defendant and the recommendation must be in writ-  
7 ing.

8 “(B) Recommend times, places, routes and days minimally necessary for  
9 the person to seek or retain employment, to attend any alcohol or drug  
10 treatment or rehabilitation program or to receive necessary medical treat-  
11 ment for the person or a member of the person’s immediate family.

12 “(2) The department may not issue a hardship permit to a person whose  
13 suspension of driving privileges is based on a conviction described in ORS  
14 809.265.

15 “(3) The department may not issue a hardship permit to a person whose  
16 driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783.

17 “(4) The department may not issue a hardship permit to a person whose  
18 driving privileges are suspended pursuant to ORS 809.280 (4) or 809.416 (1)  
19 or (2).

20 “**SECTION 14.** ORS 807.250, as amended by section 13 of this 2013 Act,  
21 is amended to read:

22 “807.250. (1) In addition to any requirements under ORS 807.240 and any  
23 applicable conditions under ORS 813.500 and 813.520, the Department of  
24 Transportation may not issue a hardship permit under ORS 807.240 to a  
25 person whose suspension of driving privileges is based upon a conviction of  
26 any of the following unless the person submits to the department a recom-  
27 mendation from the judge before whom the person was convicted:

28 “(a) ORS 811.140.

29 “(b) ORS 811.540.

30 “(c) Driving while under the influence of intoxicants. If a person’s driving

1 privileges are suspended for a conviction for driving while under the influ-  
2 ence of intoxicants and the person is determined under ORS 813.500 to have  
3 a problem condition involving [*intoxicants*] **alcohol, inhalants or con-**  
4 **trolled substances** as described in ORS 813.040, the judge must:

5 “(A) Make the recommendation with reference to the best interest of the  
6 public as well as of the defendant and the recommendation must be in writ-  
7 ing.

8 “(B) Recommend times, places, routes and days minimally necessary for  
9 the person to seek or retain employment, to attend any alcohol or drug  
10 treatment or rehabilitation program or to receive necessary medical treat-  
11 ment for the person or a member of the person’s immediate family.

12 “(2) The department may not issue a hardship permit to a person whose  
13 suspension of driving privileges is based on a conviction described in ORS  
14 809.265.

15 “(3) The department may not issue a hardship permit to a person whose  
16 driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783.

17 “(4) The department may not issue a hardship permit to a person whose  
18 driving privileges are suspended pursuant to ORS 809.280 (4) or 809.416 (1)  
19 or (2).

20 **“SECTION 15. The amendments to ORS 807.250 by section 14 of this**  
21 **2013 Act become operative on January 2, 2016.**

22 **“SECTION 16.** ORS 809.235 is amended to read:

23 “809.235. (1)(a) Notwithstanding ORS 809.409 (2), the court shall order  
24 that a person’s driving privileges be permanently revoked if the person is  
25 convicted of any degree of murder and the court finds that the person in-  
26 tentiously used a motor vehicle as a dangerous weapon resulting in the  
27 death of the victim, or if the person is convicted of aggravated vehicular  
28 homicide, manslaughter in the first or second degree resulting from the op-  
29 eration of a motor vehicle, criminally negligent homicide resulting from the  
30 operation of a motor vehicle or assault in the first degree resulting from the

1 operation of a motor vehicle.

2 “(b) The court shall order that a person’s driving privileges be perma-  
3 nently revoked if the person is convicted of felony driving while under the  
4 influence of intoxicants in violation of ORS 813.010 or if the person is con-  
5 victed for a third or subsequent time of any of the following offenses in any  
6 combination:

7 “(A) Driving while under the influence of intoxicants in violation of:

8 “(i) ORS 813.010; or

9 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction.

10 “(B) A driving under the influence of intoxicants offense in another ju-  
11 risdiction that involved the impaired driving of a vehicle due to the use of  
12 [*intoxicating liquor, a controlled substance, an inhalant or any combination*  
13 *thereof*] **an intoxicant or a combination of intoxicants.**

14 “(C) A driving offense in another jurisdiction that involved operating a  
15 vehicle while having a blood alcohol content above that jurisdiction’s per-  
16 missible blood alcohol content.

17 “(c) For the purposes of paragraph (b) of this subsection, a conviction for  
18 a driving offense in another jurisdiction based solely on a person under 21  
19 years of age having a blood alcohol content that is lower than the permis-  
20 sible blood alcohol content in that jurisdiction for a person 21 years of age  
21 or older does not constitute a prior conviction.

22 “(2)(a) A person whose driving privileges are revoked as described in  
23 subsection (1) of this section may file a petition in the circuit court of the  
24 county in which the person’s driving privileges were revoked for an order  
25 restoring the person’s driving privileges. A petition may be filed under this  
26 subsection no sooner than 10 years after the person is:

27 “(A) Released on parole or post-prison supervision for the crime for which  
28 the person’s driving privileges were revoked and any other crimes arising  
29 out of the same criminal episode;

30 “(B) Sentenced to probation for the crime for which the person’s driving

1 privileges were revoked, unless the probation is revoked, in which case the  
2 petition may be filed no sooner than 10 years after the date probation is re-  
3 voked; or

4 “(C) Sentenced for the crime for which the person’s driving privileges  
5 were revoked, if no other provision of this paragraph applies.

6 “(b) Notwithstanding paragraph (a) of this subsection, if during the re-  
7 vocation period for the crime for which the person was convicted the person  
8 is convicted of a criminal offense involving a motor vehicle, the person may  
9 file a petition to restore driving privileges as described in paragraph (a) of  
10 this subsection no sooner than 10 years from the date of the most recent  
11 conviction involving a motor vehicle.

12 “(c) The district attorney of the county in which the person’s driving  
13 privileges were revoked shall be named and served as the respondent in the  
14 petition.

15 “(3) The court shall hold a hearing on a petition filed in accordance with  
16 subsection (2) of this section. In determining whether to grant the petition,  
17 the court shall consider:

18 “(a) The nature of the offense for which driving privileges were revoked.

19 “(b) The degree of violence involved in the offense.

20 “(c) Other criminal and relevant noncriminal behavior of the petitioner  
21 both before and after the conviction that resulted in the revocation.

22 “(d) The recommendation of the person’s parole officer, which shall be  
23 based in part on a psychological evaluation ordered by the court to deter-  
24 mine whether the person is presently a threat to the safety of the public.

25 “(e) Any other relevant factors.

26 “(4) The court shall order a petitioner’s driving privileges restored if, af-  
27 ter a hearing described in subsection (3) of this section, the court finds by  
28 clear and convincing evidence that the petitioner:

29 “(a) Is rehabilitated;

30 “(b) Does not pose a threat to the safety of the public; and

1       “(c) If the sentence for the crime for which the petitioner’s driving priv-  
2       ileges were revoked required the petitioner to complete an alcohol or drug  
3       treatment program, has completed an alcohol or drug treatment program in  
4       a facility approved by the Director of the Oregon Health Authority or a  
5       similar program in another jurisdiction.

6       “(5) Upon receiving a court order to restore a person’s driving privileges,  
7       the department may reinstate driving privileges in accordance with ORS  
8       809.390, except that the department may not reinstate driving privileges of  
9       any person whose privileges are revoked under this section until the person  
10      complies with future responsibility filings.

11      “**SECTION 17.** ORS 809.235, as amended by section 16 of this 2013 Act,  
12      is amended to read:

13      “809.235. (1)(a) Notwithstanding ORS 809.409 (2), the court shall order  
14      that a person’s driving privileges be permanently revoked if the person is  
15      convicted of any degree of murder and the court finds that the person in-  
16      tentionally used a motor vehicle as a dangerous weapon resulting in the  
17      death of the victim, or if the person is convicted of aggravated vehicular  
18      homicide, manslaughter in the first or second degree resulting from the op-  
19      eration of a motor vehicle, criminally negligent homicide resulting from the  
20      operation of a motor vehicle or assault in the first degree resulting from the  
21      operation of a motor vehicle.

22      “(b) The court shall order that a person’s driving privileges be perma-  
23      nently revoked if the person is convicted of felony driving while under the  
24      influence of intoxicants in violation of ORS 813.010 or if the person is con-  
25      victed for a third or subsequent time of any of the following offenses in any  
26      combination:

27      “(A) Driving while under the influence of intoxicants in violation of:

28      “(i) ORS 813.010; or

29      “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction.

30      “(B) A driving under the influence of intoxicants offense in another ju-

1 jurisdiction that involved the impaired driving of a vehicle due to the use of  
2 [*an intoxicant or a combination of intoxicants*] **intoxicating liquor, a con-**  
3 **trolled substance, an inhalant or any combination thereof.**

4 “(C) A driving offense in another jurisdiction that involved operating a  
5 vehicle while having a blood alcohol content above that jurisdiction’s per-  
6 missible blood alcohol content.

7 “(c) For the purposes of paragraph (b) of this subsection, a conviction for  
8 a driving offense in another jurisdiction based solely on a person under 21  
9 years of age having a blood alcohol content that is lower than the permis-  
10 sible blood alcohol content in that jurisdiction for a person 21 years of age  
11 or older does not constitute a prior conviction.

12 “(2)(a) A person whose driving privileges are revoked as described in  
13 subsection (1) of this section may file a petition in the circuit court of the  
14 county in which the person’s driving privileges were revoked for an order  
15 restoring the person’s driving privileges. A petition may be filed under this  
16 subsection no sooner than 10 years after the person is:

17 “(A) Released on parole or post-prison supervision for the crime for which  
18 the person’s driving privileges were revoked and any other crimes arising  
19 out of the same criminal episode;

20 “(B) Sentenced to probation for the crime for which the person’s driving  
21 privileges were revoked, unless the probation is revoked, in which case the  
22 petition may be filed no sooner than 10 years after the date probation is re-  
23 voked; or

24 “(C) Sentenced for the crime for which the person’s driving privileges  
25 were revoked, if no other provision of this paragraph applies.

26 “(b) Notwithstanding paragraph (a) of this subsection, if during the re-  
27 vocation period for the crime for which the person was convicted the person  
28 is convicted of a criminal offense involving a motor vehicle, the person may  
29 file a petition to restore driving privileges as described in paragraph (a) of  
30 this subsection no sooner than 10 years from the date of the most recent

1 conviction involving a motor vehicle.

2 “(c) The district attorney of the county in which the person’s driving  
3 privileges were revoked shall be named and served as the respondent in the  
4 petition.

5 “(3) The court shall hold a hearing on a petition filed in accordance with  
6 subsection (2) of this section. In determining whether to grant the petition,  
7 the court shall consider:

8 “(a) The nature of the offense for which driving privileges were revoked.

9 “(b) The degree of violence involved in the offense.

10 “(c) Other criminal and relevant noncriminal behavior of the petitioner  
11 both before and after the conviction that resulted in the revocation.

12 “(d) The recommendation of the person’s parole officer, which shall be  
13 based in part on a psychological evaluation ordered by the court to deter-  
14 mine whether the person is presently a threat to the safety of the public.

15 “(e) Any other relevant factors.

16 “(4) The court shall order a petitioner’s driving privileges restored if, af-  
17 ter a hearing described in subsection (3) of this section, the court finds by  
18 clear and convincing evidence that the petitioner:

19 “(a) Is rehabilitated;

20 “(b) Does not pose a threat to the safety of the public; and

21 “(c) If the sentence for the crime for which the petitioner’s driving priv-  
22 ileges were revoked required the petitioner to complete an alcohol or drug  
23 treatment program, has completed an alcohol or drug treatment program in  
24 a facility approved by the Director of the Oregon Health Authority or a  
25 similar program in another jurisdiction.

26 “(5) Upon receiving a court order to restore a person’s driving privileges,  
27 the department may reinstate driving privileges in accordance with ORS  
28 809.390, except that the department may not reinstate driving privileges of  
29 any person whose privileges are revoked under this section until the person  
30 complies with future responsibility filings.



1       **SECTION 18. The amendments to ORS 809.235 by section 17 of this**  
2       **2013 Act become operative on January 2, 2016.**

3       **SECTION 19.** ORS 809.265 is amended to read:

4       “809.265. (1) Unless the court finds compelling circumstances not to order  
5       suspension of driving privileges, the court in which a person is convicted of  
6       an offense described in this subsection shall order suspension of the person’s  
7       driving privileges. This subsection applies when a person is convicted of:

8       “(a) Any offense involving manufacturing, possession or delivery of con-  
9       trolled substances.

10       “(b) Driving while under the influence of intoxicants in violation of ORS  
11       813.010 or of a municipal ordinance if the person was under the influence  
12       of an [*inhalant or a controlled substance*] **intoxicant other than**  
13       **intoxicating liquor.**

14       “(2) Upon receipt of an order under this section, the department shall  
15       take action as directed under ORS 809.280.

16       **SECTION 20.** ORS 809.265, as amended by section 19 of this 2013 Act,  
17       is amended to read:

18       “809.265. (1) Unless the court finds compelling circumstances not to order  
19       suspension of driving privileges, the court in which a person is convicted of  
20       an offense described in this subsection shall order suspension of the person’s  
21       driving privileges. This subsection applies when a person is convicted of:

22       “(a) Any offense involving manufacturing, possession or delivery of con-  
23       trolled substances.

24       “(b) Driving while under the influence of intoxicants in violation of ORS  
25       813.010 or of a municipal ordinance if the person was under the influence  
26       of an [*intoxicant other than intoxicating liquor*] **inhalant or a controlled**  
27       **substance.**

28       “(2) Upon receipt of an order under this section, the department shall  
29       take action as directed under ORS 809.280.

30       **SECTION 21. The amendments to ORS 809.265 by section 20 of this**

1 **2013 Act become operative on January 2, 2016.**

2 **SECTION 22.** ORS 809.730 is amended to read:

3 “809.730. (1) A motor vehicle may be seized and forfeited if the person  
4 operating the vehicle is arrested or issued a citation for driving while under  
5 the influence of intoxicants in violation of ORS 813.010 and the person,  
6 within three years prior to the arrest or issuance of the citation, has been  
7 convicted of:

8 “(a) Driving while under the influence of intoxicants in violation of:

9 “(A) ORS 813.010; or

10 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

11 “(b) A driving under the influence of intoxicants offense in another ju-  
12 risdiction that involved the impaired driving of a vehicle due to the use of  
13 [*intoxicating liquor, a controlled substance, an inhalant or any combination*  
14 *thereof*] **an intoxicant or a combination of intoxicants;**

15 “(c) A driving offense in another jurisdiction that involved operating a  
16 vehicle while having a blood alcohol content above that jurisdiction’s per-  
17 missible blood alcohol content;

18 “(d) Murder, manslaughter, criminally negligent homicide or assault that  
19 resulted from the operation of a motor vehicle in this state or in another  
20 jurisdiction; or

21 “(e) Aggravated vehicular homicide under ORS 163.149 or aggravated  
22 driving while suspended or revoked under ORS 163.196.

23 “(2) For the purposes of subsection (1) of this section, a conviction for a  
24 driving offense in another jurisdiction based solely on a person under 21  
25 years of age having a blood alcohol content that is lower than the permis-  
26 sible blood alcohol content in that jurisdiction for a person 21 years of age  
27 or older does not constitute a prior conviction.

28 “(3) All seizure and forfeiture proceedings under this section shall be  
29 conducted in accordance with ORS chapter 131A.

30 **SECTION 23.** ORS 809.730, as amended by section 22 of this 2013 Act,

1 is amended to read:

2 “809.730. (1) A motor vehicle may be seized and forfeited if the person  
3 operating the vehicle is arrested or issued a citation for driving while under  
4 the influence of intoxicants in violation of ORS 813.010 and the person,  
5 within three years prior to the arrest or issuance of the citation, has been  
6 convicted of:

7 “(a) Driving while under the influence of intoxicants in violation of:

8 “(A) ORS 813.010; or

9 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

10 “(b) A driving under the influence of intoxicants offense in another ju-  
11 risdiction that involved the impaired driving of a vehicle due to the use of  
12 [*an intoxicant or a combination of intoxicants*] **intoxicating liquor, a con-**  
13 **trolled substance, an inhalant or any combination thereof;**

14 “(c) A driving offense in another jurisdiction that involved operating a  
15 vehicle while having a blood alcohol content above that jurisdiction’s per-  
16 missible blood alcohol content;

17 “(d) Murder, manslaughter, criminally negligent homicide or assault that  
18 resulted from the operation of a motor vehicle in this state or in another  
19 jurisdiction; or

20 “(e) Aggravated vehicular homicide under ORS 163.149 or aggravated  
21 driving while suspended or revoked under ORS 163.196.

22 “(2) For the purposes of subsection (1) of this section, a conviction for a  
23 driving offense in another jurisdiction based solely on a person under 21  
24 years of age having a blood alcohol content that is lower than the permis-  
25 sible blood alcohol content in that jurisdiction for a person 21 years of age  
26 or older does not constitute a prior conviction.

27 “(3) All seizure and forfeiture proceedings under this section shall be  
28 conducted in accordance with ORS chapter 131A.

29 **“SECTION 24. The amendments to ORS 813.730 by section 23 of this**  
30 **2013 Act become operative on January 2, 2016.**

1       **“SECTION 25.** ORS 813.010 is amended to read:

2       “813.010. (1) A person commits the offense of driving while under the in-  
3 fluence of intoxicants if the person drives a vehicle while the person:

4       “(a) Has 0.08 percent or more by weight of alcohol in the blood of the  
5 person as shown by chemical analysis of the breath or blood of the person  
6 made under ORS 813.100, 813.140 or 813.150;

7       “(b) Is under the influence of [*intoxicating liquor, a controlled substance*  
8 *or an inhalant*] **an intoxicant**; or

9       “(c) Is under the influence of any combination of [*intoxicating liquor, an*  
10 *inhalant and a controlled substance*] **intoxicants.**

11       “(2) A person may not be convicted of driving while under the influence  
12 of intoxicants on the basis of being under the influence of a controlled sub-  
13 stance or an inhalant unless the fact that the person was under the influence  
14 of a controlled substance or an inhalant is pleaded in the accusatory in-  
15 strument and is either proved at trial or [*is*] admitted by the person through  
16 a guilty plea.

17       “(3) A person convicted of the offense described in this section is subject  
18 to ORS 813.020 in addition to this section.

19       “(4) Except as provided in subsection (5) of this section, the offense de-  
20 scribed in this section, driving while under the influence of intoxicants, is  
21 a Class A misdemeanor and is applicable upon any premises open to the  
22 public.

23       “(5)(a) Driving while under the influence of intoxicants is a Class C fel-  
24 ony if the current offense was committed in a motor vehicle and the person  
25 has, at least three times in the 10 years prior to the date of the current of-  
26 fense, been convicted of, or been found to be within the jurisdiction of the  
27 juvenile court for an act that if committed by an adult would be, any of the  
28 following offenses in any combination:

29       “(A) Driving while under the influence of intoxicants in violation of:

30       “(i) This section; or

1 “(ii) The statutory counterpart to this section in another jurisdiction.

2 “(B) A driving under the influence of intoxicants offense in another ju-  
3 risdiction that involved the impaired driving or operation of a vehicle, an  
4 aircraft or a boat due to the use of [*intoxicating liquor, a controlled sub-*  
5 *stance, an inhalant or any combination thereof*] **an intoxicant or a combi-**  
6 **nation of intoxicants.**

7 “(C) A driving offense in another jurisdiction that involved operating a  
8 vehicle, an aircraft or a boat while having a blood alcohol content above  
9 that jurisdiction’s permissible blood alcohol content.

10 “(b) For the purposes of paragraph (a) of this subsection, a conviction or  
11 adjudication for a driving offense in another jurisdiction based solely on a  
12 person under 21 years of age having a blood alcohol content that is lower  
13 than the permissible blood alcohol content in that jurisdiction for a person  
14 21 years of age or older does not constitute a prior conviction or adjudi-  
15 cation.

16 “(6) In addition to any other sentence that may be imposed, the court  
17 shall impose one or more of the following fines on a person convicted of  
18 driving while under the influence of intoxicants as follows:

19 “(a) For a person’s first conviction, a minimum of \$1,000.

20 “(b) For a person’s second conviction, a minimum of \$1,500.

21 “(c) For a person’s third or subsequent conviction, a minimum of \$2,000  
22 if the person is not sentenced to a term of imprisonment.

23 “(d) For a person who drives a vehicle while the person has 0.15 percent  
24 or more by weight of alcohol in the blood of the person as shown by chemical  
25 analysis of the breath or blood of the person made under ORS 813.100, 813.140  
26 or 813.150, a minimum of \$2,000.

27 “(7) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a  
28 court may impose on a person convicted of driving while under the influence  
29 of intoxicants if:

30 “(a) The current offense was committed in a motor vehicle; and

1       “(b) There was a passenger in the motor vehicle who was under 18 years  
2 of age and was at least three years younger than the person driving the  
3 motor vehicle.

4       “**SECTION 26.** ORS 813.010, as amended by section 25 of this 2013 Act,  
5 is amended to read:

6       “813.010. (1) A person commits the offense of driving while under the in-  
7 fluence of intoxicants if the person drives a vehicle while the person:

8       “(a) Has 0.08 percent or more by weight of alcohol in the blood of the  
9 person as shown by chemical analysis of the breath or blood of the person  
10 made under ORS 813.100, 813.140 or 813.150;

11       “(b) Is under the influence of [*an intoxicant*] **intoxicating liquor, a**  
12 **controlled substance or an inhalant;** or

13       “(c) Is under the influence of any combination of [*intoxicants*]  
14 **intoxicating liquor, a controlled substance or an inhalant.**

15       “(2) A person may not be convicted of driving while under the influence  
16 of intoxicants on the basis of being under the influence of a controlled sub-  
17 stance or an inhalant unless the fact that the person was under the influence  
18 of a controlled substance or an inhalant is pleaded in the accusatory in-  
19 strument and is either proved at trial or admitted by the person through a  
20 guilty plea.

21       “(3) A person convicted of the offense described in this section is subject  
22 to ORS 813.020 in addition to this section.

23       “(4) Except as provided in subsection (5) of this section, the offense de-  
24 scribed in this section, driving while under the influence of intoxicants, is  
25 a Class A misdemeanor and is applicable upon any premises open to the  
26 public.

27       “(5)(a) Driving while under the influence of intoxicants is a Class C fel-  
28 ony if the current offense was committed in a motor vehicle and the person  
29 has, at least three times in the 10 years prior to the date of the current of-  
30 fense, been convicted of, or been found to be within the jurisdiction of the

1 juvenile court for an act that if committed by an adult would be, any of the  
2 following offenses in any combination:

3 “(A) Driving while under the influence of intoxicants in violation of:

4 “(i) This section; or

5 “(ii) The statutory counterpart to this section in another jurisdiction.

6 “(B) A driving under the influence of intoxicants offense in another ju-  
7 risdiction that involved the impaired driving or operation of a vehicle, an  
8 aircraft or a boat due to the use of [*an intoxicant or a combination of*  
9 *intoxicants*] **intoxicating liquor, a controlled substance, an inhalant or**  
10 **any combination thereof.**

11 “(C) A driving offense in another jurisdiction that involved operating a  
12 vehicle, an aircraft or a boat while having a blood alcohol content above  
13 that jurisdiction’s permissible blood alcohol content.

14 “(b) For the purposes of paragraph (a) of this subsection, a conviction or  
15 adjudication for a driving offense in another jurisdiction based solely on a  
16 person under 21 years of age having a blood alcohol content that is lower  
17 than the permissible blood alcohol content in that jurisdiction for a person  
18 21 years of age or older does not constitute a prior conviction or adjudi-  
19 cation.

20 “(6) In addition to any other sentence that may be imposed, the court  
21 shall impose one or more of the following fines on a person convicted of  
22 driving while under the influence of intoxicants as follows:

23 “(a) For a person’s first conviction, a minimum of \$1,000.

24 “(b) For a person’s second conviction, a minimum of \$1,500.

25 “(c) For a person’s third or subsequent conviction, a minimum of \$2,000  
26 if the person is not sentenced to a term of imprisonment.

27 “(d) For a person who drives a vehicle while the person has 0.15 percent  
28 or more by weight of alcohol in the blood of the person as shown by chemical  
29 analysis of the breath or blood of the person made under ORS 813.100, 813.140  
30 or 813.150, a minimum of \$2,000.

1       “(7) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a  
2 court may impose on a person convicted of driving while under the influence  
3 of intoxicants if:

4       “(a) The current offense was committed in a motor vehicle; and

5       “(b) There was a passenger in the motor vehicle who was under 18 years  
6 of age and was at least three years younger than the person driving the  
7 motor vehicle.

8       **“SECTION 27. The amendments to ORS 813.010 by section 26 of this  
9 2013 Act become operative on January 2, 2016.**

10       **“SECTION 28. Section 29 of this 2013 Act is added to and made a  
11 part of the Oregon Vehicle Code.**

12       **“SECTION 29. (1) For the purposes of this section, ‘drug’ means a  
13 drug described in section 2 (4) of this 2013 Act.**

14       **“(2) In a prosecution under ORS 813.010 for driving while under the  
15 influence of intoxicants other than intoxicating liquor, a controlled  
16 substance or an inhalant, it is an affirmative defense that:**

17       **“(a) The defendant lawfully obtained and consumed a drug;**

18       **“(b) The defendant consumed the drug in the prescribed or recom-  
19 mended dosage and followed all directions and warnings relating to  
20 consumption of the drug, including directions, if any, from the man-  
21 ufacturer of the drug, the pharmacist who provided the drug to the  
22 defendant and the physician or other health care professional who  
23 prescribed or recommended the drug to the defendant; and**

24       **“(c) The defendant experienced a reaction to the drug that the de-  
25 fendant could not reasonably have anticipated and that caused the  
26 defendant to be impaired while driving or operating the vehicle.**

27       **“(3) A defendant may not assert the affirmative defense described  
28 in subsection (2) of this section unless the defendant gives notice of  
29 intent to do so in writing filed with the court and served on the pros-  
30 ecuting attorney at least 21 days before the first trial date set for the**



1 case. The notice must specify the drug the defendant claims caused  
2 the impairment.

3 “(4) The affirmative defense provided under this section may be  
4 asserted only with respect to the impairment that was caused by an  
5 unanticipated adverse reaction to the drug specified in the notice given  
6 under subsection (3) of this section, and may not be asserted with re-  
7 spect to impairment caused by use of the drug specified in the notice  
8 in conjunction with intoxicating liquor, a controlled substance or an  
9 inhalant.

10 “**SECTION 30.** Section 29 of this 2013 Act is repealed on January 2,  
11 2016.

12 “**SECTION 31.** ORS 813.040 is amended to read:

13 “813.040. This section establishes, for purposes of ORS 471.432, 807.060 and  
14 813.500, when a person has a problem condition involving [*alcohol, inhalants*  
15 *or controlled substances*] **intoxicants**. For purposes of ORS 471.432, 807.060  
16 and 813.500, a person has a problem condition involving [*alcohol, inhalants*  
17 *or controlled substances*] **intoxicants** if it is determined that the person has  
18 a problem condition in which the person’s health or that of others is sub-  
19 stantially impaired or endangered or the person’s social or economic function  
20 is substantially disrupted because of the person’s:

21 “(1) Habitual or periodic use of alcoholic beverages; or

22 “(2) Use of or loss of the ability to control the use of controlled sub-  
23 stances, inhalants or other substances with abuse potential including a con-  
24 dition that may have developed:

25 “(a) A physical dependence in which the body requires a continuing sup-  
26 ply of a drug, inhalant or controlled substance to avoid characteristic with-  
27 drawal symptoms; or

28 “(b) A psychological dependence characterized by an overwhelming mental  
29 desire for continued use of a drug, inhalant or controlled substance.

30 “**SECTION 32.** ORS 813.040, as amended by section 31 of this 2013 Act,

1 is amended to read:

2 “813.040. This section establishes, for purposes of ORS 471.432, 807.060 and  
3 813.500, when a person has a problem condition involving [*intoxicants*] **al-**  
4 **cohol, inhalants or controlled substances**. For purposes of ORS 471.432,  
5 807.060 and 813.500, a person has a problem condition involving  
6 [*intoxicants*] **alcohol, inhalants or controlled substances** if it is deter-  
7 mined that the person has a problem condition in which the person’s health  
8 or that of others is substantially impaired or endangered or the person’s so-  
9 cial or economic function is substantially disrupted because of the person’s:

10 “(1) Habitual or periodic use of alcoholic beverages; or

11 “(2) Use of or loss of the ability to control the use of controlled sub-  
12 stances, inhalants or other substances with abuse potential including a con-  
13 dition that may have developed:

14 “(a) A physical dependence in which the body requires a continuing sup-  
15 ply of a drug, inhalant or controlled substance to avoid characteristic with-  
16 drawal symptoms; or

17 “(b) A psychological dependence characterized by an overwhelming mental  
18 desire for continued use of a drug, inhalant or controlled substance.

19 **“SECTION 33. The amendments to ORS 813.040 by section 32 of this**  
20 **2013 Act become operative on January 2, 2016.**

21 **“SECTION 34. ORS 813.131 is amended to read:**

22 “813.131. (1) Any person who operates a motor vehicle upon premises open  
23 to the public or the highways of this state shall be deemed to have given  
24 consent, subject to the Motorist Implied Consent Law, to a chemical test of  
25 the person’s urine for the purpose of determining the presence of [*a con-*  
26 *trolled substance or an inhalant*] **an intoxicant other than intoxicating**  
27 **liquor** in the person’s body if the person is arrested for driving while under  
28 the influence of intoxicants in violation of ORS 813.010 or of a municipal  
29 ordinance and either:

30 “(a) The person takes the breath test described in ORS 813.100 and the

1 test discloses a blood alcohol content of less than 0.08 percent; or

2 “(b) The person is involved in an accident resulting in injury or property  
3 damage. A urine test may be requested under this paragraph regardless of  
4 whether a breath test has been requested and regardless of the results of a  
5 breath test, if one is taken.

6 “(2) A police officer may not request a urine test unless the officer is  
7 certified by the Board on Public Safety Standards and Training as having  
8 completed at least eight hours of training in recognition of drug impaired  
9 driving and the officer has a reasonable suspicion that the person arrested  
10 has been driving while under the influence of [*a controlled substance, an*  
11 *inhalant*] **an intoxicant other than intoxicating liquor** or any combina-  
12 tion of [*an inhalant, a controlled substance and intoxicating liquor*]  
13 **intoxicants.**

14 “(3) A person asked to give a urine sample shall be given privacy and  
15 may not be observed by a police officer when producing the sample.

16 “(4)(a) At the trial of any civil or criminal action, suit or proceeding  
17 arising out of the acts committed by a person driving a motor vehicle while  
18 under the influence of intoxicants, a valid chemical analysis of a person’s  
19 urine is admissible as evidence and may be used with other evidence, if any,  
20 to determine whether the person was driving while under the influence of  
21 intoxicants.

22 “(b) A chemical analysis of a person’s urine is valid under this subsection  
23 if analysis is performed in an accredited or licensed toxicology laboratory.

24 “**SECTION 35.** ORS 813.131, as amended by section 34 of this 2013 Act,  
25 is amended to read:

26 “813.131. (1) Any person who operates a motor vehicle upon premises open  
27 to the public or the highways of this state shall be deemed to have given  
28 consent, subject to the Motorist Implied Consent Law, to a chemical test of  
29 the person’s urine for the purpose of determining the presence of [*an*  
30 *intoxicant other than intoxicating liquor*] **a controlled substance or an**

1 **inhalant** in the person's body if the person is arrested for driving while  
2 under the influence of intoxicants in violation of ORS 813.010 or of a mu-  
3 nicipal ordinance and either:

4 “(a) The person takes the breath test described in ORS 813.100 and the  
5 test discloses a blood alcohol content of less than 0.08 percent; or

6 “(b) The person is involved in an accident resulting in injury or property  
7 damage. A urine test may be requested under this paragraph regardless of  
8 whether a breath test has been requested and regardless of the results of a  
9 breath test, if one is taken.

10 “(2) A police officer may not request a urine test unless the officer is  
11 certified by the Board on Public Safety Standards and Training as having  
12 completed at least eight hours of training in recognition of drug impaired  
13 driving and the officer has a reasonable suspicion that the person arrested  
14 has been driving while under the influence of [*an intoxicant other than*  
15 *intoxicating liquor*] **a controlled substance or an inhalant** or any combi-  
16 nation of [*intoxicants*] **an inhalant, a controlled substance and**  
17 **intoxicating liquor.**

18 “(3) A person asked to give a urine sample shall be given privacy and  
19 may not be observed by a police officer when producing the sample.

20 “(4)(a) At the trial of any civil or criminal action, suit or proceeding  
21 arising out of the acts committed by a person driving a motor vehicle while  
22 under the influence of intoxicants, a valid chemical analysis of a person's  
23 urine is admissible as evidence and may be used with other evidence, if any,  
24 to determine whether the person was driving while under the influence of  
25 intoxicants.

26 “(b) A chemical analysis of a person's urine is valid under this subsection  
27 if analysis is performed in an accredited or licensed toxicology laboratory.

28 **“SECTION 36. The amendments to ORS 813.131 by section 35 of this**  
29 **2013 Act become operative on January 2, 2016.**

30 **“SECTION 37.** ORS 813.140 is amended to read:

1 “813.140. Nothing in ORS 813.100 is intended to preclude the adminis-  
2 tration of a chemical test described in this section. A police officer may ob-  
3 tain a chemical test of the blood to determine the amount of [*alcohol*]  
4 **intoxicants** in any person’s blood or a test of the person’s [*blood or*]  
5 urine[, *or both,*] to determine the presence of [*a controlled substance or an*  
6 *inhalant*] **an intoxicant other than intoxicating liquor** in the person as  
7 provided in the following:

8 “(1) If, when requested by a police officer, the person expressly consents  
9 to such a test.

10 “(2) Notwithstanding subsection (1) of this section, from a person without  
11 the person’s consent if:

12 “(a) The police officer has probable cause to believe that the person was  
13 driving while under the influence of intoxicants and that evidence of the  
14 offense will be found in the person’s blood or urine; and

15 “(b) The person is unconscious or otherwise in a condition rendering the  
16 person incapable of expressly consenting to the test or tests requested.

17 **“SECTION 38.** ORS 813.140, as amended by section 37 of this 2013 Act,  
18 is amended to read:

19 “813.140. Nothing in ORS 813.100 is intended to preclude the adminis-  
20 tration of a chemical test described in this section. A police officer may ob-  
21 tain a chemical test of the blood to determine the amount of [*intoxicants*]  
22 **alcohol** in any person’s blood or a test of the person’s **blood or urine, or**  
23 **both**, to determine the presence of [*an intoxicant other than intoxicating li-*  
24 *quor*] **a controlled substance or an inhalant** in the person as provided in  
25 the following:

26 “(1) If, when requested by a police officer, the person expressly consents  
27 to such a test.

28 “(2) Notwithstanding subsection (1) of this section, from a person without  
29 the person’s consent if:

30 “(a) The police officer has probable cause to believe that the person was

1 driving while under the influence of intoxicants and that evidence of the  
2 offense will be found in the person's blood or urine; and

3 “(b) The person is unconscious or otherwise in a condition rendering the  
4 person incapable of expressly consenting to the test or tests requested.

5 **“SECTION 39. The amendments to ORS 813.140 by section 38 of this**  
6 **2013 Act become operative on January 2, 2016.**

7 **“SECTION 40. ORS 813.150 is amended to read:**

8 *“813.150. [In addition to a chemical test of the breath, blood or urine ad-*  
9 *ministered under ORS 813.100 or 813.140, upon the request of a police officer,*  
10 *a person shall be permitted upon request, at the person's own expense, rea-*  
11 *sonable opportunity to have any licensed physician and surgeon, licensed pro-*  
12 *fessional nurse or qualified technician, chemist or other qualified person of the*  
13 *person's own choosing administer a chemical test or tests of the person's breath*  
14 *or blood for the purpose of determining the alcoholic content of the person's*  
15 *blood or a chemical test or tests of the person's blood or urine, or both, for the*  
16 *purpose of determining the presence of a controlled substance or an inhalant*  
17 *in the person. The failure or inability to obtain such a test or tests by a person*  
18 *shall not preclude the admission of evidence relating to a test or tests taken*  
19 *upon the request of a police officer.]*

20 **“(1) In addition to a chemical test of the breath, blood or urine ad-**  
21 **ministered under ORS 813.100 or 813.140, upon the request of a police**  
22 **officer, a person shall be permitted upon request, at the person's own**  
23 **expense, reasonable opportunity to have any licensed physician and**  
24 **surgeon, licensed professional nurse or qualified technician, chemist**  
25 **or other qualified person of the person's own choosing administer a**  
26 **chemical test or tests of the person's:**

27 **“(a) Breath for the purpose of determining the alcoholic content of**  
28 **the person's blood;**

29 **“(b) Blood for the purpose of determining the presence of**  
30 **intoxicants in the person's blood; or**

1       “(c) Urine for the purpose of determining the presence of  
2       intoxicants other than intoxicating liquor in the person.

3       “(2) The failure or inability of a person to obtain a test or tests as  
4       described in subsection (1) of this section does not preclude the ad-  
5       mission of evidence relating to a test or tests taken upon the request  
6       of a police officer.

7       “**SECTION 41.** ORS 813.150, as amended by section 40 of this 2013 Act,  
8       is amended to read:

9       “813.150. *[(1) In addition to a chemical test of the breath, blood or urine*  
10       *administered under ORS 813.100 or 813.140, upon the request of a police offi-*  
11       *cer, a person shall be permitted upon request, at the person’s own expense,*  
12       *reasonable opportunity to have any licensed physician and surgeon, licensed*  
13       *professional nurse or qualified technician, chemist or other qualified person*  
14       *of the person’s own choosing administer a chemical test or tests of the*  
15       *person’s:]*

16       “*[(a) Breath for the purpose of determining the alcoholic content of the*  
17       *person’s blood;]*

18       “*[(b) Blood for the purpose of determining the presence of intoxicants in the*  
19       *person’s blood; or]*

20       “*[(c) Urine for the purpose of determining the presence of intoxicants other*  
21       *than intoxicating liquor in the person.]*

22       “*[(2) The failure or inability of a person to obtain a test or tests as de-*  
23       *scribed in subsection (1) of this section does not preclude the admission of ev-*  
24       *idence relating to a test or tests taken upon the request of a police officer.]* **In**  
25       **addition to a chemical test of the breath, blood or urine administered**  
26       **under ORS 813.100 or 813.140, upon the request of a police officer, a**  
27       **person shall be permitted upon request, at the person’s own expense,**  
28       **reasonable opportunity to have any licensed physician and surgeon,**  
29       **licensed professional nurse or qualified technician, chemist or other**  
30       **qualified person of the person’s own choosing administer a chemical**

1 test or tests of the person’s breath or blood for the purpose of deter-  
2 mining the alcoholic content of the person’s blood or a chemical test  
3 or tests of the person’s blood or urine, or both, for the purpose of de-  
4 termining the presence of a controlled substance or an inhalant in the  
5 person. The failure or inability to obtain such a test or tests by a  
6 person shall not preclude the admission of evidence relating to a test  
7 or tests taken upon the request of a police officer.

8 **“SECTION 42. The amendments to ORS 813.150 by section 41 of this**  
9 **2013 Act become operative on January 2, 2016.**

10 **“SECTION 43. ORS 813.215 is amended to read:**

11 “813.215. (1) A defendant is eligible for diversion if the defendant meets  
12 all of the following conditions:

13 “(a) On the date the defendant filed the petition for a driving while under  
14 the influence of intoxicants diversion agreement, the defendant had no  
15 charge, other than the charge for the present offense, pending for:

16 “(A) An offense of driving while under the influence of intoxicants in vi-  
17 olation of:

18 “(i) ORS 813.010; or

19 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

20 “(B) A driving under the influence of intoxicants offense in another ju-  
21 risdiction that involved the impaired driving of a vehicle due to the use of  
22 *[intoxicating liquor, a controlled substance, an inhalant or any combination*  
23 *thereof]* **an intoxicant or a combination of intoxicants; or**

24 “(C) A driving offense in another jurisdiction that involved operating a  
25 vehicle while having a blood alcohol content above that jurisdiction’s per-  
26 missible blood alcohol content.

27 “(b) The defendant has not been convicted of an offense described in  
28 paragraph (a) of this subsection within the period beginning 15 years before  
29 the date of the commission of the present offense and ending on the date the  
30 defendant filed the petition for a driving while under the influence of



1   intoxicants diversion agreement.

2       “(c) The defendant has not been convicted of a felony offense described  
3   in ORS 813.010 (5)(a).

4       “(d) The defendant was not participating in a driving while under the  
5   influence of intoxicants diversion program or in any similar alcohol or drug  
6   rehabilitation program, other than a program entered into as a result of the  
7   charge for the present offense, in this state or in another jurisdiction on the  
8   date the defendant filed the petition for a driving while under the influence  
9   of intoxicants diversion agreement.

10       “(e) The defendant did not participate in a diversion or rehabilitation  
11   program described in paragraph (d) of this subsection, other than a program  
12   entered into as a result of the charge for the present offense, within the pe-  
13   riod beginning 15 years before the date of the commission of the present of-  
14   fense and ending on the date the defendant filed the petition for a driving  
15   while under the influence of intoxicants diversion agreement.

16       “(f) The defendant had no charge of an offense of aggravated vehicular  
17   homicide or of murder, manslaughter, criminally negligent homicide or as-  
18   sault that resulted from the operation of a motor vehicle pending in this  
19   state or in another jurisdiction on the date the defendant filed the petition  
20   for a driving while under the influence of intoxicants diversion agreement.

21       “(g) The defendant has not been convicted of an offense described in  
22   paragraph (f) of this subsection within the period beginning 15 years before  
23   the date of the commission of the present offense and ending on the date the  
24   defendant filed the petition for a driving while under the influence of  
25   intoxicants diversion agreement.

26       “(h) The defendant did not hold a commercial driver license on the date  
27   of the commission of the offense.

28       “(i) The defendant was not operating a commercial motor vehicle at the  
29   time of the offense.

30       “(j) The present driving while under the influence of intoxicants offense

1 did not involve an accident resulting in:

2 “(A) Death of any person; or

3 “(B) Physical injury as defined in ORS 161.015 to any person other than  
4 the defendant.

5 “(2) For the purposes of subsection (1)(a) of this section, a conviction for  
6 a driving offense in another jurisdiction based solely on a person under 21  
7 years of age having a blood alcohol content that is lower than the permis-  
8 sible blood alcohol content in that jurisdiction for a person 21 years of age  
9 or older does not constitute a prior conviction.

10 “(3) A defendant is eligible for a second or subsequent diversion if the  
11 defendant meets all of the conditions of subsection (1) of this section and the  
12 defendant has not been convicted of any other criminal offense involving a  
13 motor vehicle within the period beginning 15 years before the date of the  
14 commission of the present offense and ending on the date the defendant filed  
15 the petition for the second or subsequent driving while under the influence  
16 of intoxicants diversion agreement.

17 **“SECTION 44.** ORS 813.215, as amended by section 43 of this 2013 Act,  
18 is amended to read:

19 “813.215. (1) A defendant is eligible for diversion if the defendant meets  
20 all of the following conditions:

21 “(a) On the date the defendant filed the petition for a driving while under  
22 the influence of intoxicants diversion agreement, the defendant had no  
23 charge, other than the charge for the present offense, pending for:

24 “(A) An offense of driving while under the influence of intoxicants in vi-  
25 olation of:

26 “(i) ORS 813.010; or

27 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

28 “(B) A driving under the influence of intoxicants offense in another ju-  
29 risdiction that involved the impaired driving of a vehicle due to the use of  
30 [*an intoxicant or a combination of intoxicants*] **intoxicating liquor, a con-**

1 **trolled substance, an inhalant or any combination thereof; or**

2 “(C) A driving offense in another jurisdiction that involved operating a  
3 vehicle while having a blood alcohol content above that jurisdiction’s per-  
4 missible blood alcohol content.

5 “(b) The defendant has not been convicted of an offense described in  
6 paragraph (a) of this subsection within the period beginning 15 years before  
7 the date of the commission of the present offense and ending on the date the  
8 defendant filed the petition for a driving while under the influence of  
9 intoxicants diversion agreement.

10 “(c) The defendant has not been convicted of a felony offense described  
11 in ORS 813.010 (5)(a).

12 “(d) The defendant was not participating in a driving while under the  
13 influence of intoxicants diversion program or in any similar alcohol or drug  
14 rehabilitation program, other than a program entered into as a result of the  
15 charge for the present offense, in this state or in another jurisdiction on the  
16 date the defendant filed the petition for a driving while under the influence  
17 of intoxicants diversion agreement.

18 “(e) The defendant did not participate in a diversion or rehabilitation  
19 program described in paragraph (d) of this subsection, other than a program  
20 entered into as a result of the charge for the present offense, within the pe-  
21 riod beginning 15 years before the date of the commission of the present of-  
22 fense and ending on the date the defendant filed the petition for a driving  
23 while under the influence of intoxicants diversion agreement.

24 “(f) The defendant had no charge of an offense of aggravated vehicular  
25 homicide or of murder, manslaughter, criminally negligent homicide or as-  
26 sault that resulted from the operation of a motor vehicle pending in this  
27 state or in another jurisdiction on the date the defendant filed the petition  
28 for a driving while under the influence of intoxicants diversion agreement.

29 “(g) The defendant has not been convicted of an offense described in  
30 paragraph (f) of this subsection within the period beginning 15 years before

1 the date of the commission of the present offense and ending on the date the  
2 defendant filed the petition for a driving while under the influence of  
3 intoxicants diversion agreement.

4 “(h) The defendant did not hold a commercial driver license on the date  
5 of the commission of the offense.

6 “(i) The defendant was not operating a commercial motor vehicle at the  
7 time of the offense.

8 “(j) The present driving while under the influence of intoxicants offense  
9 did not involve an accident resulting in:

10 “(A) Death of any person; or

11 “(B) Physical injury as defined in ORS 161.015 to any person other than  
12 the defendant.

13 “(2) For the purposes of subsection (1)(a) of this section, a conviction for  
14 a driving offense in another jurisdiction based solely on a person under 21  
15 years of age having a blood alcohol content that is lower than the permis-  
16 sible blood alcohol content in that jurisdiction for a person 21 years of age  
17 or older does not constitute a prior conviction.

18 “(3) A defendant is eligible for a second or subsequent diversion if the  
19 defendant meets all of the conditions of subsection (1) of this section and the  
20 defendant has not been convicted of any other criminal offense involving a  
21 motor vehicle within the period beginning 15 years before the date of the  
22 commission of the present offense and ending on the date the defendant filed  
23 the petition for the second or subsequent driving while under the influence  
24 of intoxicants diversion agreement.

25 **“SECTION 45. The amendments to ORS 813.215 by section 44 of this**  
26 **2013 Act become operative on January 2, 2016.**

27 **“SECTION 46.** ORS 813.220 is amended to read:

28 “813.220. After the time for requesting a hearing under ORS 813.210 has  
29 expired with no request for a hearing, or after a hearing requested under  
30 ORS 813.210, the court shall determine whether to allow or deny a petition

1 for a driving while under the influence of intoxicants diversion agreement.

2 In making a determination under this section, the court:

3 “(1) Shall consider whether the diversion will be of benefit to the de-  
4 fendant and the community.

5 “(2) May take into consideration whether there was an early recognition  
6 by the defendant during the proceeding that a course of diagnosis and  
7 treatment of problem drinking, alcoholism or drug dependency would be  
8 beneficial.

9 “(3) May take into consideration whether there is a probability that the  
10 defendant will cooperate with the diagnostic assessment and treatment  
11 agencies.

12 “(4) May take into consideration whether the defendant will observe the  
13 restrictions contained in the diversion agreement.

14 “(5) May take into consideration whether the offense was committed in  
15 a motor vehicle and whether there was a passenger in the motor vehicle who  
16 was under 18 years of age and at least three years younger than the de-  
17 fendant.

18 “(6) Shall deny the petition for a driving while under the influence of  
19 intoxicants diversion agreement if the defendant failed to appear at an  
20 arraignment on the present offense without good cause.

21 “(7) Shall deny the petition for a driving while under the influence of  
22 intoxicants diversion agreement if, after the date the defendant filed the pe-  
23 tition, the defendant was charged with or convicted of:

24 “(a) An offense of driving while under the influence of intoxicants in vi-  
25 olation of:

26 “(A) ORS 813.010; or

27 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

28 “(b) A driving under the influence of intoxicants offense in another ju-  
29 risdiction that involved the impaired driving of a vehicle due to the use of  
30 [*intoxicating liquor, a controlled substance, an inhalant or any combination*

1 *thereof]* **an intoxicant or a combination of intoxicants; or**

2 “(c) A driving offense in another jurisdiction that involved operating a  
3 vehicle while having a blood alcohol content above that jurisdiction’s per-  
4 missible blood alcohol content.

5 “(8) Shall deny the petition for a driving while under the influence of  
6 intoxicants diversion agreement if the defendant participated in a driving  
7 while under the influence of intoxicants diversion program or in any similar  
8 alcohol or drug rehabilitation program, other than a program entered into  
9 as a result of the charge for the present offense, in this state or in another  
10 jurisdiction after the date the defendant filed the petition.

11 “(9) Shall deny the petition for a driving while under the influence of  
12 intoxicants diversion agreement if the defendant was charged with or con-  
13 victed of an offense of aggravated vehicular homicide or of murder,  
14 manslaughter, criminally negligent homicide or assault that resulted from  
15 the operation of a motor vehicle in this state or in another jurisdiction after  
16 the date the defendant filed the petition.

17 “(10) Shall deny the petition for a driving while under the influence of  
18 intoxicants diversion agreement if the defendant has been convicted of a  
19 felony offense described in ORS 813.010 (5)(a).

20 “(11) For the purposes of subsection (7) of this section, may not consider  
21 a conviction for a driving offense in another jurisdiction based solely on a  
22 person under 21 years of age having a blood alcohol content that is lower  
23 than the permissible blood alcohol content in that jurisdiction for a person  
24 21 years of age or older as a prior conviction.

25 “(12) May not deny the petition for a driving while under the influence  
26 of intoxicants diversion agreement solely on the basis that the defendant is  
27 a member of the Armed Forces of the United States, the reserve components  
28 of the Armed Forces of the United States or the National Guard and has  
29 been called or demonstrates that the defendant will be called to active duty,  
30 and the military service will impair the defendant’s ability to complete the

1 diversion program.

2 **“SECTION 47.** ORS 813.220, as amended by section 46 of this 2013 Act,  
3 is amended to read:

4 “813.220. After the time for requesting a hearing under ORS 813.210 has  
5 expired with no request for a hearing, or after a hearing requested under  
6 ORS 813.210, the court shall determine whether to allow or deny a petition  
7 for a driving while under the influence of intoxicants diversion agreement.  
8 In making a determination under this section, the court:

9 “(1) Shall consider whether the diversion will be of benefit to the de-  
10 fendant and the community.

11 “(2) May take into consideration whether there was an early recognition  
12 by the defendant during the proceeding that a course of diagnosis and  
13 treatment of problem drinking, alcoholism or drug dependency would be  
14 beneficial.

15 “(3) May take into consideration whether there is a probability that the  
16 defendant will cooperate with the diagnostic assessment and treatment  
17 agencies.

18 “(4) May take into consideration whether the defendant will observe the  
19 restrictions contained in the diversion agreement.

20 “(5) May take into consideration whether the offense was committed in  
21 a motor vehicle and whether there was a passenger in the motor vehicle who  
22 was under 18 years of age and at least three years younger than the de-  
23 fendant.

24 “(6) Shall deny the petition for a driving while under the influence of  
25 intoxicants diversion agreement if the defendant failed to appear at an  
26 arraignment on the present offense without good cause.

27 “(7) Shall deny the petition for a driving while under the influence of  
28 intoxicants diversion agreement if, after the date the defendant filed the pe-  
29 tition, the defendant was charged with or convicted of:

30 “(a) An offense of driving while under the influence of intoxicants in vi-

1 olation of:

2 “(A) ORS 813.010; or

3 “(B) The statutory counterpart to ORS 813.010 in another jurisdiction;

4 “(b) A driving under the influence of intoxicants offense in another ju-  
5 risdiction that involved the impaired driving of a vehicle due to the use of  
6 [*an intoxicant or a combination of intoxicants*] **intoxicating liquor, a con-**  
7 **trolled substance, an inhalant or any combination thereof; or**

8 “(c) A driving offense in another jurisdiction that involved operating a  
9 vehicle while having a blood alcohol content above that jurisdiction’s per-  
10 missible blood alcohol content.

11 “(8) Shall deny the petition for a driving while under the influence of  
12 intoxicants diversion agreement if the defendant participated in a driving  
13 while under the influence of intoxicants diversion program or in any similar  
14 alcohol or drug rehabilitation program, other than a program entered into  
15 as a result of the charge for the present offense, in this state or in another  
16 jurisdiction after the date the defendant filed the petition.

17 “(9) Shall deny the petition for a driving while under the influence of  
18 intoxicants diversion agreement if the defendant was charged with or con-  
19 victed of an offense of aggravated vehicular homicide or of murder,  
20 manslaughter, criminally negligent homicide or assault that resulted from  
21 the operation of a motor vehicle in this state or in another jurisdiction after  
22 the date the defendant filed the petition.

23 “(10) Shall deny the petition for a driving while under the influence of  
24 intoxicants diversion agreement if the defendant has been convicted of a  
25 felony offense described in ORS 813.010 (5)(a).

26 “(11) For the purposes of subsection (7) of this section, may not consider  
27 a conviction for a driving offense in another jurisdiction based solely on a  
28 person under 21 years of age having a blood alcohol content that is lower  
29 than the permissible blood alcohol content in that jurisdiction for a person  
30 21 years of age or older as a prior conviction.



1 “(12) May not deny the petition for a driving while under the influence  
2 of intoxicants diversion agreement solely on the basis that the defendant is  
3 a member of the Armed Forces of the United States, the reserve components  
4 of the Armed Forces of the United States or the National Guard and has  
5 been called or demonstrates that the defendant will be called to active duty,  
6 and the military service will impair the defendant’s ability to complete the  
7 diversion program.

8 **“SECTION 48. The amendments to ORS 813.220 by section 47 of this**  
9 **2013 Act become operative on January 2, 2016.**

10 **“SECTION 49.** ORS 813.430 is amended to read:

11 “813.430. This section establishes circumstances under which ORS 813.420  
12 requires an increase in the time for suspension of driving privileges and  
13 under which ORS 813.520 requires an increase in the time before the De-  
14 partment of Transportation may issue a hardship permit. A person is subject  
15 to an increase in suspension time under this section if any of the following  
16 apply:

17 “(1) The person is presently participating in a driving while under the  
18 influence of intoxicants diversion program in this state or in any similar  
19 alcohol or drug rehabilitation program in this or another jurisdiction.

20 “(2) Within the five years preceding the date of arrest any of the follow-  
21 ing occurred:

22 “(a) A suspension of the person’s driving privileges under ORS 813.410 or  
23 482.540 (1981 Replacement Part) became effective.

24 “(b) The person was convicted of:

25 “(A) Driving while under the influence of intoxicants in violation of:

26 “(i) ORS 813.010;

27 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction; or

28 “(iii) A municipal ordinance in this state or another jurisdiction;

29 “(B) A driving under the influence of intoxicants offense in another ju-  
30 risdiction that involved the impaired driving of a vehicle due to the use of

1 [intoxicating liquor, a controlled substance, an inhalant or any combination  
2 thereof] **an intoxicant or a combination of intoxicants;** or

3 “(C) A driving offense in another jurisdiction that involved operating a  
4 vehicle while having a blood alcohol content above that jurisdiction’s per-  
5 missible blood alcohol content.

6 “(c) The person commenced participating in a driving while under the  
7 influence of intoxicants diversion program in this state or in any similar  
8 alcohol or drug rehabilitation program in this or another jurisdiction.

9 “(3) For the purposes of subsection (2)(b) of this section, a conviction for  
10 a driving offense in another jurisdiction based solely on a person under 21  
11 years of age having a blood alcohol content that is lower than the permis-  
12 sible blood alcohol content in that jurisdiction for a person 21 years of age  
13 or older does not constitute a prior conviction.

14 **“SECTION 50.** ORS 813.430, as amended by section 49 of this 2013 Act,  
15 is amended to read:

16 “813.430. This section establishes circumstances under which ORS 813.420  
17 requires an increase in the time for suspension of driving privileges and  
18 under which ORS 813.520 requires an increase in the time before the De-  
19 partment of Transportation may issue a hardship permit. A person is subject  
20 to an increase in suspension time under this section if any of the following  
21 apply:

22 “(1) The person is presently participating in a driving while under the  
23 influence of intoxicants diversion program in this state or in any similar  
24 alcohol or drug rehabilitation program in this or another jurisdiction.

25 “(2) Within the five years preceding the date of arrest any of the follow-  
26 ing occurred:

27 “(a) A suspension of the person’s driving privileges under ORS 813.410 or  
28 482.540 (1981 Replacement Part) became effective.

29 “(b) The person was convicted of:

30 “(A) Driving while under the influence of intoxicants in violation of:

1       “(i) ORS 813.010;

2       “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction; or

3       “(iii) A municipal ordinance in this state or another jurisdiction;

4       “(B) A driving under the influence of intoxicants offense in another ju-

5       risdiction that involved the impaired driving of a vehicle due to the use of

6       [*an intoxicant or a combination of intoxicants*] **intoxicating liquor, a con-**

7       **trolled substance, an inhalant or any combination thereof; or**

8       “(C) A driving offense in another jurisdiction that involved operating a

9       vehicle while having a blood alcohol content above that jurisdiction’s per-

10       missible blood alcohol content.

11       “(c) The person commenced participating in a driving while under the

12       influence of intoxicants diversion program in this state or in any similar

13       alcohol or drug rehabilitation program in this or another jurisdiction.

14       “(3) For the purposes of subsection (2)(b) of this section, a conviction for

15       a driving offense in another jurisdiction based solely on a person under 21

16       years of age having a blood alcohol content that is lower than the permis-

17       sible blood alcohol content in that jurisdiction for a person 21 years of age

18       or older does not constitute a prior conviction.

19       **“SECTION 51. The amendments to ORS 813.430 by section 50 of this**

20       **2013 Act become operative on January 2, 2016.**

21       **“SECTION 52. ORS 813.500 is amended to read:**

22       “813.500. (1) If a person’s license is suspended for driving while under the

23       influence of intoxicants under ORS 813.400 and the suspension period is de-

24       termined by ORS 809.428 (2)(b) or (c), the Department of Transportation may

25       only issue a hardship permit to the person under ORS 807.240 if the person,

26       in addition to any requirement under ORS 807.240 and any applicable re-

27       quirements under ORS 807.250 and 813.520:

28       “(a) Is examined by the Oregon Health Authority to determine whether

29       the person has a problem condition involving [*alcohol, inhalants or controlled*

30       *substances*] **intoxicants** as described in ORS 813.040; and

1 “(b) Complies with the requirements of this section.

2 “(2) If the authority determines that the person has a problem condition  
3 involving [*alcohol, inhalants or controlled substances*] **intoxicants**, as de-  
4 scribed in ORS 813.040, the department may issue the permit to the person  
5 only if both the following apply:

6 “(a) The person enrolled in a program for rehabilitation for alcoholism  
7 or drug dependence approved by the authority.

8 “(b) The authority recommends, on the basis of the person’s progress in  
9 the rehabilitation program, such reinstatement in writing to the department.  
10 If the authority makes a recommendation under this paragraph, the authority  
11 shall state specifically in the recommendation the times, places, routes and  
12 days of the week minimally necessary for the person to seek or retain em-  
13 ployment, to attend any alcohol or drug treatment or rehabilitation program  
14 or to obtain necessary medical treatment for the person or a member of the  
15 person’s immediate family.

16 “(3) If the authority determines that the person does not have a problem  
17 condition involving [*alcohol, inhalants or controlled substances*] **intoxicants**  
18 as described in ORS 813.040, the department may issue the permit to the  
19 person only if, in addition to any requirements under ORS 807.240, the person  
20 enters an alcohol or drug information program approved by the authority and  
21 the department determines that issuance of a permit is appropriate. If the  
22 department issues a permit to a person described in this subsection, the de-  
23 partment shall require, under ORS 807.240, that the person complete the  
24 program as a condition of retaining the permit.

25 “**SECTION 53.** ORS 813.500, as amended by section 52 of this 2013 Act,  
26 is amended to read:

27 “813.500. (1) If a person’s license is suspended for driving while under the  
28 influence of intoxicants under ORS 813.400 and the suspension period is de-  
29 termined by ORS 809.428 (2)(b) or (c), the Department of Transportation may  
30 only issue a hardship permit to the person under ORS 807.240 if the person,

1 in addition to any requirement under ORS 807.240 and any applicable re-  
2 quirements under ORS 807.250 and 813.520:

3 “(a) Is examined by the Oregon Health Authority to determine whether  
4 the person has a problem condition involving [*intoxicants*] **alcohol,**  
5 **inhalants or controlled substances** as described in ORS 813.040; and

6 “(b) Complies with the requirements of this section.

7 “(2) If the authority determines that the person has a problem condition  
8 involving [*intoxicants*] **alcohol, inhalants or controlled substances,** as  
9 described in ORS 813.040, the department may issue the permit to the person  
10 only if both the following apply:

11 “(a) The person enrolled in a program for rehabilitation for alcoholism  
12 or drug dependence approved by the authority.

13 “(b) The authority recommends, on the basis of the person’s progress in  
14 the rehabilitation program, such reinstatement in writing to the department.  
15 If the authority makes a recommendation under this paragraph, the authority  
16 shall state specifically in the recommendation the times, places, routes and  
17 days of the week minimally necessary for the person to seek or retain em-  
18 ployment, to attend any alcohol or drug treatment or rehabilitation program  
19 or to obtain necessary medical treatment for the person or a member of the  
20 person’s immediate family.

21 “(3) If the authority determines that the person does not have a problem  
22 condition involving [*intoxicants*] **alcohol, inhalants or controlled sub-**  
23 **stances** as described in ORS 813.040, the department may issue the permit  
24 to the person only if, in addition to any requirements under ORS 807.240, the  
25 person enters an alcohol or drug information program approved by the au-  
26 thority and the department determines that issuance of a permit is appro-  
27 priate. If the department issues a permit to a person described in this  
28 subsection, the department shall require, under ORS 807.240, that the person  
29 complete the program as a condition of retaining the permit.

30 **SECTION 54. The amendments to ORS 813.500 by section 53 of this**

1 **2013 Act become operative on January 2, 2016.**

2 **“SECTION 55.** ORS 821.250 is amended to read:

3 “821.250. (1) A person commits the offense of permitting dangerous oper-  
4 ation of a snowmobile or an all-terrain vehicle if the person is the owner or  
5 other person having charge or control of a snowmobile or an all-terrain ve-  
6 hicle and the person knowingly authorizes or permits any person to operate  
7 the vehicle across a highway who is:

8 “(a) Incapable by reason of age, physical or mental disability; or

9 “(b) Under the influence of [*intoxicating liquor, inhalants or controlled*  
10 *substances*] **an intoxicant.**

11 “(2) In addition to other penalties provided by this section, operators or  
12 owners may be liable as provided under ORS 821.310.

13 “(3) The offense described in this section, permitting dangerous operation  
14 of a snowmobile or an all-terrain vehicle, is a Class A traffic violation.

15 **“SECTION 56.** ORS 821.250, as amended by section 55 of this 2013 Act,  
16 is amended to read:

17 “821.250. (1) A person commits the offense of permitting dangerous oper-  
18 ation of a snowmobile or an all-terrain vehicle if the person is the owner or  
19 other person having charge or control of a snowmobile or an all-terrain ve-  
20 hicle and the person knowingly authorizes or permits any person to operate  
21 the vehicle across a highway who is:

22 “(a) Incapable by reason of age, physical or mental disability; or

23 “(b) Under the influence of [*an intoxicant*] **intoxicating liquor,**  
24 **inhalants or controlled substances.**

25 “(2) In addition to other penalties provided by this section, operators or  
26 owners may be liable as provided under ORS 821.310.

27 “(3) The offense described in this section, permitting dangerous operation  
28 of a snowmobile or an all-terrain vehicle, is a Class A traffic violation.

29 **“SECTION 57. The amendments to ORS 821.250 by section 56 of this**  
30 **2013 Act become operative on January 2, 2016.**

1       **“SECTION 58. Sections 2 and 29 of this 2013 Act and the amend-**  
2 **ments to ORS 801.272, 807.060, 807.250, 809.235, 809.265, 809.730, 813.010,**  
3 **813.040, 813.131, 813.140, 813.150, 813.215, 813.220, 813.430, 813.500 and**  
4 **821.250 by sections 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, 40, 43, 46, 49, 52**  
5 **and 55 of this 2013 Act apply to crimes committed on or after the ef-**  
6 **fective date of this 2013 Act.”.**

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