



Oregon

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DATE: April 5, 2017

TO: Senate Committee on Judiciary

FROM: Amy Joyce, Legislative Liaison

SUBJECT: SB 693, driver license suspensions and hardship permits

INTRODUCTION

SB 693 will eliminate several driver license suspensions for non-driving related offenses, and will streamline the requirements for hardship permits to operate a vehicle while suspended. Forthcoming amendments will narrow the bill.

BACKGROUND

At any one time, Oregon has about 650,000 people with suspended driving privileges – with 2.6million active suspensions – on their record. Each year DMV processes roughly 360,000 suspensions on over 200,000 individual drivers.

Oregon law requires license suspension for many driving-related offenses such as DUII, or the Driver Improvement Program which requires administrative suspension if a person has too many moving violations in a short period of time. Oregon law also requires suspension for several offenses unrelated to driving. These include drug possession, theft of gasoline, littering. Finally, there are suspensions that span somewhere between a driving offense and something completely unrelated. These include such offenses as failure to appear in court or pay a traffic ticket. DMV has more than 400 separate codes for the various ways Oregon law requires suspension or revocation.

The laws granting limited driving privilege permits when suspended or revoked also are complex. The law provides for “hardship permits” for suspensions, and “probationary permits” for revocations. Various statutes allow a hardship permit for some offenses, such as DUII, vehicular assault, and reckless driving. But the statutes do not allow a hardship permit for other, arguably less serious offenses such as providing false information on the driver license application, or a conviction for possession of drugs. Permits allow the person to drive to work, substance abuse treatment, or for family medical needs. Some permits also allow use of the permit for “family necessities” such as grocery shopping, back and forth to school (for the person or their child), and caring for elderly family members. Specific proof is required to demonstrate each need, the permit must be limited to specific times of day, and DMV may impose other restrictions. The complexity of the hardship and probationary permit laws has necessitated DMV housing a handful of experts at headquarters; the permits are not issued in the field.

DISCUSSION

SB 693 eliminates several suspensions that are not directly related to driving. These include drug convictions, school offenses, failing to pay taxes, providing false information to a police officer, theft of gasoline, and littering. While the base bill would eliminate several other suspensions, DMV understands a forthcoming amendment would restore those suspensions. The suspension for failure to install an ignition interlock device after a DUII conviction is one of those. Suspensions from the courts for failure to appear on a traffic-related offense, or failure to comply (e.g. pay the fine) on a traffic ticket conviction, would be restored in the amendment. Several suspensions involving juveniles also would be restored in the amendment.

The permit complexity also is addressed in the bill. Probationary permits are eliminated and replaced with hardship permits. Further, some allowances for hardship permits are eliminated or clarified. Under the bill hardship permits are not allowed for second or subsequent DUII convictions, or for any commercial driving privilege. Hardship permits all would require the same qualifications: application, SR-22 proof of insurance, a wait time before eligibility, and a fee, and for DUII cases an ignition interlock also would be required. The driving privileges allowed under a hardship permit would be standardized: for work, substance abuse treatment, and medical needs.

SUMMARY

The bill and amendment provide an opportunity to eliminate several suspensions that are not related to driving. The bill will also streamline the hardship permit requirements, making the law more consistent, easier for customers to understand and comply, and more efficient for the agency to manage.

Attachments:
Section-by-section summary of bill
DMV Suspensions guide

SB 693

Section 1	<ul style="list-style-type: none"> • Repeals mental health (RDL) recommendation for hardship permit to conform with amendments to ORS 807.250 (no longer allow permits on 2nd or subsequent DUII) • Repeals hardship wait times for assaults (ORS 807.252) – this bill moves the wait times to ORS 807.240 • Repeals need to notify LE of persons issued hardship permits within their community (ORS 807.260) • Repeals probationary permits (ORS 807.270) –this bill allows hardship permits instead for H.O. • Repeals need for “restoration” of Habitual Offender revocation to reinstate (ORS 809.650 and 809.660) – this bill ends revocation; same as all other revocations DMV processes. • Repeals treatment requirements for hardship permit on 2nd or subsequent DUII suspensions (ORS 813.500) to conform with amendments to ORS 807.250 (no longer allow permits on 2nd or subsequent DUII) • Repeals separate limitations of hardship permit for DUII suspensions (ORS 813.510) – these limitations are already located in ORS 807.250
Section 2	<ul style="list-style-type: none"> • Allows hardship permit for revocation of a Habitual Offender. • Eliminates allowance for family necessities on hardship permits. • Prohibits hardship permit if suspended for 2nd or subsequent DUII conviction.
Section 3	<ul style="list-style-type: none"> • Amends ORS 163.196 (Aggravated DWS) to conform with repeal of ORS 807.270 (probationary permits)
Section 4	<ul style="list-style-type: none"> • Amends ORS 430.165 (OHA fee schedules) to conform with repeal of ORS 813.500 and 813.510 (2nd DUII hardship permit)
Section 5	<ul style="list-style-type: none"> • Amends ORS 430.197 (Mental Health Services fund) to conform with repeal of ORS 813.500 and 813.510 (2nd DUII hardship permit)
Section 6	<ul style="list-style-type: none"> • Amends ORS 801.250 (definition of Driver Permit) to conform with repeal of ORS 807.270 (probationary permits)
Section 7	<ul style="list-style-type: none"> • Amends ORS 807.200 (restricted Class C licenses) to conform with repeal of ORS 807.270 (probationary permits)
Section 8	<ul style="list-style-type: none"> • Amends ORS 807.270 (fee schedule) to conform with repeal of ORS 807.270 (probationary permits)
Section 9	<ul style="list-style-type: none"> • Amends ORS 809.312 (issuance after suspension) to conform with amendments to ORS 165.805 and 471.430 (MIP and Misrepresentation of age offenses by minors) and also renumbering of ORS 809.415 (failure to comply)
Section 10	<ul style="list-style-type: none"> • Amends ORS 809.390 (revocations) to conform with repeal of ORS 807.270 (probationary permits)
Section 11	<ul style="list-style-type: none"> • Amends ORS 809.600 (Habitual Offender revocations) to emulate other revocations and end after a specific time period (5 years)
Section 12	<ul style="list-style-type: none"> • Amends ORS 811.175 (DWS) to conform with repeal of ORS 807.270 (probationary permits)
Section 13	<ul style="list-style-type: none"> • Amends ORS 811.182 (criminal DWS) to conform with repeal of ORS 807.270 (probationary permits) and amendments to ORS 809.409 (perjury/false affidavit to the Department on a vehicle transaction suspensions)
Section 14	<ul style="list-style-type: none"> • Amends ORS 813.040 (problem conditions) to conform with repeal of ORS 813.500 (treatment requirements)
Section 15	<ul style="list-style-type: none"> • Amends ORS 813.520 to conform with amendments to ORS 807.240 (hardship permits) and repeal of ORS 813.510 (eliminating permits on 2nd DUII), 807.250 (probationary permits)
Section 16	<ul style="list-style-type: none"> • Changes due to this bill apply to permits issued on or after effective date of act
Section 17	<ul style="list-style-type: none"> • Repeals suspension for: <ul style="list-style-type: none"> - Failure to appear (ORS 809.220) - Failure to comply (ORS 809.210) - School misconduct (ORS 339.254) - School attendance (ORS 809.423, 339.257) - Inhalant/Drug offense (ORS 809.265) - Drug/alcohol offenses by minors (ORS 809.260) - Failure to install IID (ORS 813.620) - Failure to appear on MIP charge (ORS 809.220, 419C.472) • Repeals school attendance requirement for issuance (ORS 807.066) • Repeals suspension for parental signature withdrawal (ORS 809.320)
Section 18	<ul style="list-style-type: none"> • Eliminates suspension for failure to appear on minor in possession charge
Section 19	<ul style="list-style-type: none"> • Amends ORS 153.073 to conform with repeal of ORS 809.220 (Failure to appear on MIP charge)
Section 20	<ul style="list-style-type: none"> • Eliminates suspension for littering
Section 21	<ul style="list-style-type: none"> • Eliminates suspension for misrepresentation of age
Section 22	<ul style="list-style-type: none"> • Eliminates suspension for tobacco offenses by minor
Section 23	<ul style="list-style-type: none"> • Eliminates suspension for failure to pay taxes
Section 24	<ul style="list-style-type: none"> • Amends subsection (3) of ORS 419C.306 to conform with repeal of ORS 809.419C.472 (Failure to appear on MIP charge)
Section 25	<ul style="list-style-type: none"> • Eliminates suspension for misrepresentation of age by minor, alcohol
Section 26	<ul style="list-style-type: none"> • Eliminates suspension misrepresentation of age by minor, marijuana
Section 27	<ul style="list-style-type: none"> • Amends ORS 742.449 to conform with repeal of ORS 809.260 (drug/alcohol offenses by minors) and elimination of MIP suspensions (ORS 471.430)

Section 28	<ul style="list-style-type: none"> Amends ORS 742.562 to conform with repeal of ORS 809.260 (drug/alcohol offenses by minors) and elimination of MIP suspensions (ORS 471.430)
Section 29	<ul style="list-style-type: none"> Amends ORS 742.566 to conform with repeal of ORS 809.260 (drug/alcohol offenses by minors) and elimination of MIP suspensions (ORS 471.430)
Section 30	<ul style="list-style-type: none"> Amends ORS 746.265 to conform with repeal of ORS 809.260 (drug/alcohol offenses by minors) and elimination of MIP suspensions (ORS 471.430)
Section 31	<ul style="list-style-type: none"> Replaces suspension for NSF check with cancellation
Section 32	<ul style="list-style-type: none"> Eliminates FTA suspensions from displaying on certified driver records if reinstated.
Section 33	<ul style="list-style-type: none"> Amends ORS 802.550 (DL compact laws) to conform with renumbering of ORS 809.409 (revocation for crimes)
Section 34	<ul style="list-style-type: none"> Amends ORS 807.010 (no driving privilege offense) to conform with repeal of ORS 809.210 (failure to comply)
Section 35	<ul style="list-style-type: none"> Amends ORS 807.060 (licensing) to conform with repeal of ORS 809.320 (suspension for withdrawal of parental signature)
Section 36	<ul style="list-style-type: none"> Amends ORS 807.065 (licensing) to conform with repeal of ORS 807.066 (school attendance licensing requirement)
Section 37	<ul style="list-style-type: none"> Amends ORS 807.120 (restrictions) to conform with repeal of ORS 809.210 (failure to comply)
Section 38	<ul style="list-style-type: none"> Eliminates Emergency Operator Permits during (Court Denial) suspension to conform with repeal of ORS 809.360 (drug and alcohol offenses by minors)
Section 39	<ul style="list-style-type: none"> Eliminates suspension of applying for DL or permit in two different names (ORS 809.135)
Section 40	<ul style="list-style-type: none"> Amends ORS 809.267 (\$15 fee the court charges offender to give DMV notice to suspension for failure to appear) to conform with amendments to ORS 153.061
Section 41	<ul style="list-style-type: none"> Eliminates suspension for FTC with court-ordered driver course, but maintains authority for court to issue restrictions.
Section 42	<ul style="list-style-type: none"> Amends ORS 809.275 (court to take possession of DL upon conviction) to confirm with repeal and amendments to ORS 165.805, 471.430, 809.260, 809.265, and 809.270
Section 43	<ul style="list-style-type: none"> Amends ORS 809.280 (DMV imposing of suspensions) to confirm with repeal and amendments to ORS 809.270, 419C.472, 809.220, 471.40, 810.310, 809.260, 165.807, 471.430, and 809.265
Section 44	<ul style="list-style-type: none"> Eliminates suspension for transfer of documents for purposes of misrepresentation of age Eliminates suspension for providing false information to a police officer
Section 45	<ul style="list-style-type: none"> Amends ORS 809.380 (suspensions) to conform with repeal of ORS 809.210, 809.2210, and 809.423 (failure to appear, failure to comply and school attendance)
Section 46	<ul style="list-style-type: none"> Eliminates suspension for fraudulent vehicle transaction
Section 47	<ul style="list-style-type: none"> Eliminates suspension for theft of gas
Section 48	<ul style="list-style-type: none"> Amends ORS 809.415 (judgements) to conform with amendments to ORS 809.416 (related to failure to comply), 471.430 (MIP), 809.416 (related to failure to comply), and 809.440 (hearings and administrative reviews)
Section 49	<ul style="list-style-type: none"> Deletes references in ORS 809.515 (CDL suspensions) to conform with repealed ORS 809.210 and 809.220 (failure to appear and failure to comply)
Section 50	<ul style="list-style-type: none"> Amends ORS 810.310 (license in lieu of bail) to conform with repealed ORS 809.220 (failure to appear)
Section 51	<ul style="list-style-type: none"> Applies to conduct on or after effective date of bill.
Section 52	<ul style="list-style-type: none"> Captions

Oregon Suspension/Revocation/Cancellation Guide

If eligible for a hardship permit, "Yes" will be noted in the "HARDSHIP?" column along with the wait time a person must serve before DMV can issue a permit. Wait times begin on the suspension effective date or incarceration release date.

Implied Consent (IC) (ORS 813.100)

TYPE	LENGTH	HARDSHIP?
Breath/Blood/Urine Test Refusal	1 year	Yes (90 days)
Breath/Blood/Urine Test Refusal – Increased	3 years	Yes (3 years)
BAC Failure	90 days	Yes (30 days)
BAC Failure – Increased	1 year	Yes (1 year)
Urine Test Refusal (Consecutive suspension)	1 years	Yes (180 days)
Urine Test Refusal – Increased (Consecutive suspension)	3 years	Yes (3 years)

- Suspension lengths are increased if any of the following occurred in Oregon or any other jurisdiction within 5 years prior to current arrest: DUII conviction; participation in a diversion or similar alcohol or drug program; or a suspension of driving privileges under the Implied Consent Law. (ORS 813.430)
- A suspension for refusing to take a urine test shall be consecutive to any other suspension imposed under the Motorist Implied Consent law and the wait time for a hardship permit shall double. (ORS 813.132)
- A court may impose a fine of \$650 if the person refuses to submit to a breath or urine test. This is separate from any other court fine resulting from the DUII arrest. (ORS 813.095)

A person may be suspended for the same offense under the IC laws and the DUII laws. IC actions are DMV administrative suspensions separate from any suspension or revocation imposed by a court on the DUII conviction for the same offense.

- Any wait time served on a DUII/IC suspension resulting from the same offense will be credited to the wait time for the corresponding DUII/IC suspension.

DUII

(ORS 813.010)

CONVICTION	ORDERED BY	TYPE	LENGTH	HARDSHIP?	
DUII -	1st Conviction ORS 813.400, 809.428	Court or DMV Form 735-6116	Suspension	1 year	*Yes
	2nd w/in 5 yrs ORS 813.400, 809.428	Court or DMV Form 735-6116	Suspension	3 years	Yes (90 days)
	3rd or Felony DUII ORS 813.400(2), 809.235	Court Form 735-6116	Revocation	**Permanent	No
DUII by Controlled Substance or Inhalant ORS 809.265 <i>This suspension is in addition to the (1 or 3 year) suspension or permanent revocation noted above for the DUII conviction.</i>	Court Form 735-6115C	Suspension	6 months	No	

* There is a 30 day wait time if the person has been convicted of a separate traffic crime within the previous year.
**Person may petition the court to restore driving privileges after minimum 10 years from the revocation effective date.

CRIMINAL CONVICTIONS

CONVICTION	ORDERED BY	TYPE	LENGTH	HARDSHIP?
Aggravated Driving While Suspended or Revoked (DWS/DWR) ORS 163.196, 809.409(2)	Court or DMV Form 735-6116	Revocation	Not < 10 years	No
Assault Resulting from the Operation of a Motor Vehicle				
First Degree ORS 163.185, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
Second Degree ORS 163.175, 809.411(10)(b)	Court or DMV Form 735-6116	Suspension	Not < 8 yrs	Yes (4 years)
Third Degree ORS 163.165, 809.411(10)(c)	Court or DMV Form 735-6116	Suspension	Not < 5 yrs	Yes (2 years)
Fourth Degree ORS 163.160, 809.411(10)(d)	Court or DMV Form 735-6116	Suspension	Not < 1 year	Yes (6 months)
Attempt to Elude Police ORS 811.540, 809.411(5)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
Criminal Mischief Resulting from Op of MV ORS 164.345, 164.354, 164.365, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
Criminal Trespass II w/MV ORS 164.245, 809.411(8)	Court or DMV Form 735-6116	Suspension	6 months	Yes
DWS/DWR (Felony) ORS 809.409(5), 811.182	Court or DMV Form 735-6116	Revocation	1 year	No
DUII ORS 813.010	See DUII section above			

CRIMINAL CONVICTIONS (Continued from page 1)

CRIMINAL CONVICTIONS (Continued from page 1)					
CONVICTION	ORDERED BY	TYPE	LENGTH	HARDSHIP?	
Failure to Perform Duties of a Driver – Injury/Serious Injury/Fatal ORS 811.705, 809.409(3)	Court or DMV Form 735-6116	Revocation	Injury→ 1 yr Serious-not<3 yrs Fatal-not<5 yrs	No	
Failure to Perform Duties of a Driver– Property Damage ORS 811.700, 809.411(4)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
False Affidavit to DOT re: registration/operation MV laws ORS 809.409(4)	Court or DMV Form 735-6116	Revocation	1 year	No	
False App for DL or ID ORS 807.430, 807.530, 809.310(3)(a)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No	
False Info to Police Officer Enforcing MV Laws ORS 807.620, 809.310(3)(h)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No	
False Swearing to Receive DL ORS 807.520, 809.310(3)(b)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No	
Fleeing Police Officer ORS 811.540, 809.411(5)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
Hit and Run	See Failure to Perform Duties of a Driver				
HOMICIDE	Aggravated Vehicular Homicide ORS 163.149, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
	Criminally Negligent Homicide Resulting from Op of MV ORS 163.145, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
	Manslaughter 1st or 2nd Degree Resulting from OP of MV ORS 163.118, 163.125, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
	Murder (any Degree) w/MV used as a dangerous weapon ORS 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
	ALL - Vehicular Homicide, Murder resulting from Op of a MV, Aggravated DWS or DWR, Assault I, Criminally Negligent Homicide or Manslaughter ORS 809.409(2)	DMV	Revocation	Not<10 yrs	No
Menacing Resulting from Operation of MV ORS 163.190, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
Minor in Possession by Misrepresentation of Age ORS 471.430(5), ORS 809.280(8)	Court Form 735-6115D	Suspension	Not >1 yr	Yes	
Misrepresentation of Age to Purchase/Consume Alcohol ORS 165.805(3), ORS 809.280(8)	Court Form 735-6115D	Suspension	Not >1 yr	Yes	
Permit Misuse of DL or ID ORS 807.430, 807.590, 809.310(3)(d)	Court or DMV Form 735-6116	Suspension	1 year	No	
Reckless Driving ORS 811.140, 809.411(3)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
Reckless Endangering Resulting from Op of MV ORS 163.195, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
Reckless Endangerment of Highway Workers ORS 811.231, 809.411(6)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes	
Perjury to DOT re: laws on registration/operation of MV ORS 809.409(4)	Court or DMV Form 735-6116	Revocation	1 year	No	
Theft (1st, 2nd or 3rd Degree) of Gasoline ORS 164.043, 164.045, 164.055, 809.411(7)	Court Form 735-6116	Suspension	6 months	Yes	
Transfer of Docs for the Purpose of Misrepresentation ORS 807.510, 809.310(3)(g)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No	
Unlawfully Producing ID/DL/Permits, Etc. ORS 807.500, 809.310(3)(f)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No	
Using DL or ID of Another ORS 807.430, 807.600, 809.310(3)(e)	Court or DMV Form 735-6116	Suspension	1 year	No	
Using Invalid DL or ID ORS 807.430, 807.580, 809.310(3)(c)	Court or DMV Form 735-6116	Suspension	1 year	No	
Unlawful Use of MV (Felony) ORS 809.409(5)	Court or DMV Form 735-6116	Revocation	1 year	No	
Vehicular Assault of Bicyclist/Pedestrian ORS 811.060, 809.411(10)(d)	Court or DMV Form 735-6116	Suspension	Not<1 year	Yes (6 months)	
OTHER	Any Offense Involving manufacturing, possession or delivery of controlled substance ORS 809.265	Court Form 735-6115C	Suspension	6 months	No
	Any Felony w/Material Element Involving Op of Motor Vehicle ORS 809.409(5)	Court or DMV Form 735-6116	Revocation	1 year	No
	Guilty Except for Insanity of Traffic Offense and Committed to PSRB ORS 809.419(6)	Court or DMV Form 735-6116	Suspension	Until Eligible ORS 807.090	No

JUVENILE

CAUSE	ORDERED BY	TYPE	LENGTH	HARDSHIP?
Any Offense Involving (ORS 809.260): <ul style="list-style-type: none"> • Alcohol - Possession, Use or Abuse (13-20 years of age) • Controlled Substance - Unlawful Possession, Manufacture, or Distribution (13-17 years of age) • Possession of Weapon in a Public Building or School (13-17 years of age) <p>The suspension remains in effect for: (809.280(6))</p> <ul style="list-style-type: none"> • 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1st order • 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2nd or subsequent order <p>Note: If the person is 18-20 years of age, suspension is for 1 year because the "until 17" or "until 18" options do not apply</p> <p>On all above actions, the court may reinstate privileges after 90 days (180 days if controlled substance offense) for 1st conviction; 1 yr on 2nd or subsequent conviction (ORS 809.260)</p>	Court Form 735-6115A	Suspension	See below	Eligible for either Hardship Permit or Emergency Driver Permit
Failure to Appear on MIP (alcohol or marijuana) ORS 809.280, 419C.472, 475B.260	Court Form 735-6115	Suspension	Not >10 yrs	No
MIP by Misrepresentation of Age (alcohol or marijuana) ORS 471.430(5), ORS 809.280(8), 475B.260	Court Form 735-6115A	Suspension	Not >1 year	Yes
Misrepresentation of Age to Purchase/Consume Alcohol ORS 165.805(3), ORS 809.280(8)	Court Form 735-6115D	Suspension	Not >1 year	Yes
Withdrawal from School ORS 339.257, 809.423(3)	School District Form 735-7186	Suspension	Until enrolled or 18 yrs old	No
Withdrawal of Parent/Guardian License Approval ORS 809.320	DMV	Cancellation	Until re-approved or 18 yrs old	No
School Administration Suspension ORS 339.254, 809.423(1)	School District Form 735-7186A	Suspension	Not > 1 yr or Until 21 yrs old	Yes
Tobacco Purchase/Possession by Misrep of Age (2 nd or subsequent offense) ORS 167.401, 809.423(2)	Court Form 735-6115	Suspension	Not > 1 year	Yes

DMV DRIVER IMPROVEMENT PROGRAMS

CAUSE	TYPE	LENGTH	HARDSHIP?
Adult Driver Improvement Program: ORS 809.480, OAR 735-072-0027	Three convictions, three accidents, or a combination that totals three, in an 18-month period.	Restriction	30 days No
	Four convictions, or four accidents, or a combination that totals four, in a 24-month period.	Suspension	30 days Yes
Provisional (under 18 yrs) Driver Improvement Program: ORS 809.480, OAR 735-072-0023	Two convictions, two accidents, or a combination that totals two.	Restriction	90 days No
	Three convictions, or three accidents, or a combination that totals three.	Suspension	Six months Yes
	A conviction for a traffic crime, such as DUII, Reckless driving, etc.	Suspension	One year Yes
Habitual Incompetent, Reckless, or Criminally Negligent Driver/Serious Violation of MV Laws ORS 809.421(1)		Suspension	Indefinite
Habitual Offender Program: ORS 809.600, 809.610, 809.640, 809.650(2)	Two convictions or a combination that totals two, within a 5-year period for DUII; Criminal DWS/DWR; Reckless driving; Failure to perform duties of a driver; Flee/Attempt to elude; Vehicular homicide; Aggravated DWS/DWR, Murder, Manslaughter, Negligent homicide, Assault, Reckless endangering, Menacing or Criminal mischief resulting from operation of a MV.	Restriction	--- No
	Nineteen convictions within a five-year period.	Restriction	--- No

DMV DRIVER IMPROVEMENT PROGRAMS (Continued from page 3)

CAUSE		TYPE	LENGTH	HARDSHIP?
Habitual Offender (continued)	Three convictions or a combination that totals three, within a 5-year period for DUII; Criminal DWS/DWR; Reckless driving; Failure to perform duties of a driver; Flee/Attempt to elude; Vehicular homicide; or Murder, manslaughter, negligent homicide, assault, reckless endangering, menacing or criminal mischief resulting from operation of a MV.	Revocation	Not < 5 yrs	No, but may be eligible for a Probationary Permit
	Twenty convictions within a five-year period.	Revocation	Not < 5 yrs	No, but may be eligible for a Probationary Permit

NON-CRIMINAL CAUSES

CAUSE	ORDERED BY	TYPE	LENGTH	HARDSHIP?
Accident – Cause or Contribute to Death by Operating a MV – DMV Determined Immediate Endangerment ORS 809.417(3)(c)	DMV	Suspension	1 year	No
Accident – Cause or Contribute to Death by Operating a MV ORS 809.417(3)(a)	DMV	Suspension	1 year	Yes
Accident Report – Fail to File ORS 809.417(1)	DMV	Suspension	Not > 5 yrs	Yes
Careless Driving w/Serious Injury/Death to Vulnerable User ORS 811.135, 809.280(13)	Court Form 735-6115D	Suspension	1 year	Yes
Driver Improvement Course –Court Order to Complete ORS 809.270	Court Form 735-6115B	Suspension	Not > 5 yrs	Yes
Failure to Appear for Major or Other Traffic Offense ORS 809.220, ORS 809.280(4)	Court Form 735-6115	Suspension	Not >10 yrs	No
Failure to Install Ignition Interlock ORS 813.602(7)	DMV	Suspension	Not > 5 yrs	Yes
Failure to Make Future Responsibility Filing ORS 809.415(3)	DMV	Suspension	Not > 3 yrs	No
Failure to Obtain Medical Clearance ORS 809.419(2), 807.070, 807.090	DMV	Suspension	Indefinite	No
Failure to Pay Child Support ORS 25.750, 25.780	DOJ or DA	Suspension	Indefinite	No
Failure to Pay Traffic Offense Fine ORS 809.210	Court Form 735-6115	Suspension	Not > 20 yrs	No
Failure to Appear or Satisfactorily Complete Required Exam ORS 809.419(1)	DMV	Suspension	Indefinite	No
False Certification of Financial Responsibility ORS 809.415(2)	DMV	Suspension	Not > 3 yrs	No
Hospital Notice of Mental Condition ORS 809.419(5), 807.700	DMV	Suspension	Indefinite	No
Incompetence to Drive MV Because of Mental/Physical Condition ORS 809.419(3)	DMV	Suspension	Indefinite	No
Motor Vehicle Registration – Court Order ORS 809.010 (Suspension only impacts vehicle registration – not driving privileges)	Court Form 735-6128	Vehicle Suspension	Up to 120 days	No
Tampering of Ignition Interlock Device ORS 813.602(7)	DMV	Suspension	Not > 5 yrs	Yes
Uninsured Accident ORS 809.417(2)	DMV	Suspension	1 year	Yes
Unsettled Judgment ORS 809.415(1)	Court Form 735-6702	Suspension	Not > 7 yrs	Yes
Violation of Driving Restrictions ORS 809.421(3)	DMV	Suspension	Not > 1 yr	No
Incompetence to Operate Motorcycle ORS 809.419(4)	DMV	Revocation	Indefinite	No
Speeding: ORS 811.109(4)(5), 809.280(11)(12)	Court Form 735-6115C	Suspension	Up to 30 days	Yes
	Court Form 735-6115C	Suspension	30-90 days	Yes

COMMERCIAL DRIVER LICENSE (CDL) / COMMERCIAL MOTOR VEHICLE (CMV)

- DMV can NOT issue a Hardship Permit for commercial driving privileges
- Other than Implied Consent, DMV provides the notice for all suspensions of CDL/CMV privileges

CAUSE		TYPE	LENGTH
Implied Consent: While operating a commercial motor vehicle (>.04% BAC) ORS 813.410(2), 809.510	Breath/Blood/Urine Test Refusal	Suspension	3 years
	Breath/Blood/Urine Test Refusal – Transporting Hazardous Material	Suspension	5 years
	Breath/Blood/Urine Test Refusal – Increased	Suspension	Lifetime
	BAC Failure	Suspension	1 year
	BAC Failure – Transporting Hazardous Material	Suspension	3 years
	BAC Failure – Increased	Suspension	Lifetime
DUII: While operating a commercial motor vehicle. ORS 809.510, 809.520	1st conviction	Suspension	1 year
	1st conviction – Transporting Hazardous Material	Suspension	3 years
	2nd or subsequent conviction	Suspension	Lifetime
Driving CMV While Suspended/Revoked for CMV Violations ORS 809.510(1)(c)		Suspension	1 year
Driving CMV While Suspended/Revoked for CMV Violations – Transporting Hazardous Material ORS 809.510(2)		Suspension	3 years
Failure to File a Tax Return or Pay a Tax ORS 305.385		Suspension	Indefinite
Failure to Pay Child Support ORS 25.750, 25.780		Suspension	Indefinite
Failure to Perform Duties of a Driver ORS 809.510(1)(a), 811.700, 811.705		Suspension	1 year
Failure to Perform Duties of a Driver – Transporting Hazardous Material ORS 809.510(2), 811.700, 811.705		Suspension	3 years
Felony Involving Op of MV ORS 809.510(1)(b)		Suspension	1 year
Felony Involving Op of MV – Transporting Hazardous Material ORS 809.510(2)		Suspension	3 years
Hit & Run – Injury/Property ORS 809.510(1)		See Failure to Perform Duties above	
Imminent Hazard ORS 809.515(2)		Suspension	Not > 1 year
Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in a CMV – ORS 809.510(1)(d)		Suspension	1 year
Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in a CMV – Hazardous Material – ORS 809.510(2)		Suspension	3 years
Out-of-Service Order Violation ORS 809.530(1), 809.530(3)		Suspension	180 days or 3 years
Out-of-Service Order Violation – Transporting Hazardous Material ORS 809.530(2), 809.530(4)		Suspension	1 year or 5 years
Railroad Related Violation ORS 809.535, 811.455, 811.460, 811.475, 811.462		Suspension	60 days, 120 days or 1 year
Serious Traffic Violation Two or three convictions within a 3-year period ORS 809.525, OAR 735-063-0130		Suspension	2→60 days 3→120 days
Use of Commercial MV in felony involving Manufacture/Distribution of Controlled Substance ORS 809.520(1)		Suspension	Lifetime
Violation of Posted Weight Limits ORS 809.120(1)		Suspension	Not > 90 days
Two or more below circumstances in any combination (ORS 809.520(2)): <ul style="list-style-type: none"> • DUII Conviction in MV or CMV • Implied Consent Breath Test Refusal in MV or CMV • Implied Consent Suspension (>.04% in CMV) • Failure to Perform Duties of a Driver in MV or CMV • Felony Conviction in MV or CMV • DWS/DWR Conviction in MV while suspended or revoked for CMV Violation • Murder/Manslaughter/Criminally Negligent Homicide/Aggravated Driving While Suspended or Revoked, or Assault Conviction while in CMV 		Suspension	Lifetime

MISCELLANEOUS INFORMATION

Incarceration

Other than Habitual Offender, any suspension or revocation "Length" noted with "not<" indicates the time length is established by the persons release from incarceration.

- If the sentencing did **not** include incarceration, the sanction time length is as noted above from the beginning date of the revocation or suspension.
- If the sentencing included incarceration, the sanction time length is as noted above from the date the person is released from incarceration for all crimes arising out of the same criminal episode.

Non-Resident / No Current Driving Privileges

A court may suspend or revoke the driving privileges of any nonresident for any cause for which the driving privileges of a resident of this state may be suspended or revoked. ORS 809.230

If a person is not currently licensed or the person's privileges expire within the suspension period, DMV or the Court shall suspend or revoke the person's right to apply for driving privileges to operate motor vehicles in this state. ORS 809.360

Out-of-Jurisdiction

DMV may suspend Oregon driving privileges and/or commercial driving privileges if the driver is suspended or revoked out-of-state or based on an out-of-state conviction. ORS 809.400, 809.510(6)

Suspension Schedule (ORS 809.428)

	Schedule I	Schedule II
1 st Offense	90 days	1 year
2 nd Offense	1 year	3 years
3 rd or subsequent w/in 5 years	3 years	3 years

Court Possession of License (ORS 809.240 and 809.275)

A court shall take immediate possession of any license or driver permit held by a defendant upon ordering a suspension or revocation under:

ORS 165.805	ORS 809.240	ORS 809.409	ORS 811.135
ORS 471.430	ORS 809.260	ORS 809.411	ORS 813.400
ORS 809.120	ORS 809.265	ORS 809.413	ORS 813.403
ORS 809.235	ORS 809.270	ORS 811.109	

Hardship Wait Times

Oregon Revised Statutes 807.252 and 813.520