

# Senate Bill 691

Sponsored by Senators DEMBROW, FREDERICK, Representative PARRISH, Senator WINTERS

## SUMMARY

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

Eliminates certain driving privilege suspensions.

## A BILL FOR AN ACT

Relating to driving privileges; creating new provisions; amending ORS 153.061, 153.073, 164.775, 165.805, 167.401, 305.385, 419C.306, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 802.170, 802.220, 802.550, 807.010, 807.060, 807.065, 807.120, 807.220, 807.240, 807.250, 809.135, 809.267, 809.270, 809.275, 809.280, 809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.515, 810.310 and 811.182; and repealing ORS 153.772, 339.254, 339.257, 419C.472, 807.066, 809.210, 809.220, 809.260, 809.265, 809.267, 809.320, 809.416, 809.423 and 813.620.

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

**SECTION 1. ORS 153.772, 339.254, 339.257, 419C.472, 807.066, 809.210, 809.220, 809.260, 809.265, 809.267, 809.320, 809.416, 809.423 and 813.620 are repealed.**

**SECTION 2.** ORS 153.061 is amended to read:

153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

(b) Make a first appearance in the manner provided in subsection (3) of this section before the time indicated in the summons.

(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which a police officer noted that the offense contributed to an accident and that the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way, the officer may not enter the amount of the presumptive fine on the summons and the defendant must make a first appearance by personally appearing in court at the time indicated in the summons.

(3) Except as provided in this section, a defendant who has been issued a violation citation may make a first appearance in the matter before the time indicated in the summons by one of the following means:

(a) The defendant may submit to the court a written or oral request for a trial.

(b) The defendant may enter a plea of no contest by delivering to the court the summons and a check or money order in the amount of the presumptive fine set forth in the summons. The entry of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment against the defendant without taking further evidence.

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

1 (4) The court may require that a defendant requesting a trial under subsection (3) of this section  
 2 deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such  
 3 other amount as the court determines appropriate if the defendant has failed to appear in any court  
 4 on one or more other charges in the past. If the defendant does not deposit the amount specified  
 5 by the court, the defendant must personally appear in court at the time indicated in the summons.  
 6 The amount deposited by the defendant may be applied against any fine imposed by the court, and  
 7 any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

8 (5) The court may require a defendant to appear personally in any case, or may require that all  
 9 defendants appear in specified categories of cases.

10 (6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this  
 11 section, and the court determines that the presumptive fine is not adequate by reason of previous  
 12 convictions of the defendant, the nature of the offense charged or other circumstances, the court  
 13 may require that a trial be held unless an additional fine amount is paid by the defendant before a  
 14 specified date. Notice of an additional fine amount under this subsection may be given to the de-  
 15 fendant by mail. In no event may the court require a total fine amount in excess of the maximum  
 16 fine established for the violation by statute.

17 *[(7) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined*  
 18 *by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails*  
 19 *to appear at any other subsequent time set for trial or other appearance, the driving privileges of the*  
 20 *defendant are subject to suspension under ORS 809.220.]*

21 **SECTION 3.** ORS 153.073 is amended to read:

22 153.073. Unless notice is waived by the defendant, the court shall mail or otherwise provide to  
 23 the defendant notice of the date, time and place at least five days before the date set for trial under  
 24 ORS 153.070. *[If the citation is for a traffic violation, or is for a violation of ORS 471.430, the notice*  
 25 *must contain a warning to the defendant that if the defendant fails to appear at the trial, the driving*  
 26 *privileges of the defendant are subject to suspension under ORS 809.220.]*

27 **SECTION 4.** ORS 164.775 is amended to read:

28 164.775. (1) It is unlawful for any person to discard any glass, cans or other trash, rubbish, de-  
 29 bris or litter on land within 100 yards of any of the waters of the state, as defined in ORS 468B.005,  
 30 other than in receptacles provided for the purpose of holding such trash, rubbish, debris or litter.

31 (2) It is unlawful for any person to discard any glass, cans or other similar refuse in any waters  
 32 of the state, as defined in ORS 468B.005.

33 (3) In addition to or in lieu of the penalties provided for violation of any provision of this sec-  
 34 tion, the court in which any individual is convicted of a violation of this section may order suspen-  
 35 sion of certain permits or licenses for a period not to exceed 90 days if the court finds that the  
 36 violation occurred during or in connection with the exercise of the privilege granted by the permit  
 37 or license. The permits and licenses to which this section applies are *[motor vehicle operator's per-*  
 38 *mits or licenses,]* hunting licenses, fishing licenses or boat registrations.

39 (4)(a) Any person sentenced under subsection (6) of this section to pay a fine for violation of this  
 40 section shall be permitted, in default of the payment of the fine, to work at clearing rubbish, trash  
 41 and debris from the lands and waters described by subsections (1) and (2) of this section. Credit in  
 42 compensation for such work shall be allowed at the rate of \$25 for each day of work.

43 (b) In any case, upon conviction, if punishment by imprisonment is imposed upon the defendant,  
 44 the form of the sentence shall include that the defendant shall be punished by confinement at labor  
 45 clearing rubbish, trash and debris from the lands and waters described by subsections (1) and (2) of

1 this section, for not less than one day nor more than five days.

2 (5) A citation conforming to the requirements of ORS 133.066 shall be used for all violations of  
 3 subsection (1) or (2) of this section in the state.

4 (6) Violation of this section is a Class B misdemeanor.

5 (7) In addition to and not in lieu of the criminal penalty authorized by subsection (6) of this  
 6 section, the civil penalty authorized by ORS 468.140 may be imposed for violation of this section.

7 (8) Nothing in this section or ORS 164.785 prohibits the operation of a disposal site, as defined  
 8 in ORS 459.005, for which a permit is required by the Department of Environmental Quality, for  
 9 which such a permit has been issued and which is being operated and maintained in accordance with  
 10 the terms and conditions of such permit.

11 **SECTION 5.** ORS 165.805 is amended to read:

12 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

13 (a) Being less than a certain, specified age, the person knowingly purports to be of any age other  
 14 than the true age of the person with the intent of securing a right, benefit or privilege which by law  
 15 is denied to persons under that certain, specified age; or

16 (b) Being unmarried, the person knowingly represents that the person is married with the intent  
 17 of securing a right, benefit or privilege which by law is denied to unmarried persons.

18 (2) Misrepresentation of age by a minor is a Class C misdemeanor.

19 (3) In addition to and not in lieu of any other penalty established by law, a person who, using  
 20 a driver permit or license or other identification issued by the Department of Transportation of this  
 21 state or its equivalent in another state, commits the crime of misrepresentation of age by a minor  
 22 in order to purchase or consume alcoholic liquor may be required to perform community service  
 23 *[and the court shall order that the person's driving privileges and right to apply for driving privileges*  
 24 *be suspended for a period not to exceed one year. If a court has issued an order suspending driving*  
 25 *privileges under this section, the court, upon petition of the person, may withdraw the order at any time*  
 26 *the court deems appropriate. The court notification to the department under this subsection may include*  
 27 *a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is*  
 28 *otherwise eligible for the permit].*

29 (4) The prohibitions of this section do not apply to any person acting under the direction of the  
 30 Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local  
 31 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting  
 32 sales of alcoholic beverages to persons who are under a certain, specified age.

33 (5) The prohibitions of this section do not apply to a person under the age of 21 years who is  
 34 acting under the direction of a licensee for the purpose of investigating possible violations by em-  
 35 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the  
 36 age of 21 years.

37 **SECTION 6.** ORS 167.401 is amended to read:

38 167.401. (1)(a) Except as provided in subsection (4) of this section, a person under 18 years of  
 39 age may not purchase, attempt to purchase or acquire tobacco products or inhalant delivery sys-  
 40 tems.

41 (b) A person under 18 years of age may not possess tobacco products or an inhalant delivery  
 42 system unless the person is in a private residence accompanied by the parent or guardian of the  
 43 person and the parent or guardian has consented to the person possessing tobacco products or the  
 44 inhalant delivery system.

45 (2) A person who violates subsection (1) of this section commits a Class B violation.

1 (3)(a) In lieu of any other penalty established by law, a person who is convicted for the first  
2 **or second** time of a violation of subsection (1) of this section may be ordered to participate in an  
3 education program about using tobacco products or inhalant delivery systems or a cessation pro-  
4 gram for users of tobacco products or inhalant delivery systems or to perform community service  
5 related to diseases associated with using tobacco products or inhalant delivery systems. *[Except as*  
6 *provided in paragraph (b) of this subsection, a person may be ordered to participate in a program de-*  
7 *scribed in this paragraph only once.]*

8 *[(b) In addition to and not in lieu of any other penalty established by law, a person who is con-*  
9 *victed of a second violation of subsection (1) of this section through misrepresentation of age may be*  
10 *required to participate in a program described in paragraph (a) of this subsection or to perform com-*  
11 *munity service as described in paragraph (a) of this subsection, and the court shall order that the*  
12 *person's driving privileges or right to apply for driving privileges be suspended for a period not to*  
13 *exceed one year. If a court has issued an order suspending driving privileges under this paragraph,*  
14 *the court, upon petition of the person, may withdraw the order at any time the court deems appropriate.*  
15 *The court notification to the Department of Transportation under this paragraph may include a rec-*  
16 *ommendation that the person be granted a hardship permit under ORS 807.240 if the person is other-*  
17 *wise eligible for the permit.]*

18 (4) A person under 18 years of age who is acting under the supervision of an adult may pur-  
19 chase, attempt to purchase or acquire tobacco products or an inhalant delivery system for the pur-  
20 pose of testing compliance with a federal law, state law, local law or retailer management policy  
21 limiting or regulating the delivery of tobacco products or inhalant delivery systems to minors.

22 **SECTION 7.** ORS 305.385 is amended to read:

23 305.385. (1) Upon request of the Department of Revenue, an agency issuing or renewing a license  
24 to conduct a business, trade or profession shall annually, on or before March 1, supply the depart-  
25 ment with a list of specified licenses issued or renewed by the agency during the preceding calendar  
26 year.

27 (2) Upon request of the department, an agency shall annually, on or before March 1, supply the  
28 department with a list of specified persons contracting with the agency to provide goods, services  
29 or real estate space to the agency during the preceding calendar year.

30 (3) The lists required by subsections (1) and (2) of this section shall contain the name, address,  
31 Social Security or federal employer identification number of each licensee or provider or such other  
32 information as the department may by rule require.

33 (4)(a) If the department determines that any licensee or provider has neglected or refused to file  
34 any return or to pay any tax and that such person has not filed in good faith a petition before the  
35 department contesting the tax, and the department has been unable to obtain payment of the tax  
36 through other methods of collection, the Director of the Department of Revenue may,  
37 notwithstanding ORS 118.525, 314.835 or 314.840 or any similar provision of law, notify the agency  
38 and the person in writing.

39 (b) Upon receipt of such notice, the agency shall refuse to reissue, renew or extend any license,  
40 contract or agreement until the agency receives a certificate issued by the department that the  
41 person is in good standing with respect to any returns due and taxes payable to the department as  
42 of the date of the certificate.

43 (c) Upon the written request of the director and after a hearing and notice to the licensee as  
44 required under any applicable provision of law, the agency shall suspend the person's license if the  
45 agency finds that the returns and taxes have not been filed or paid and that the licensee has not

1 filed in good faith a petition before the department contesting the tax and the department has been  
 2 unable to obtain payment of the tax through other methods of collection. For the purpose of the  
 3 agency's findings, the written representation to that effect by the department to the agency shall  
 4 constitute prima facie evidence of the person's failure to file returns or pay the tax. The department  
 5 shall have the right to intervene in any license suspension proceeding.

6 (d) Any license suspended under this subsection [*shall*] **may** not be reissued or renewed until  
 7 the agency receives a certificate issued by the department that the licensee is in good standing with  
 8 respect to any returns due and taxes payable to the department as of the date of the certificate.

9 **(e) This subsection does not apply to driver licenses or driver permits.**

10 (5) The department may enter into an installment payment agreement with a licensee or pro-  
 11 vider with respect to any unpaid tax, penalty and interest. The agreement shall provide for interest  
 12 on the outstanding amount at the rate prescribed by ORS 305.220. The department may issue a  
 13 provisional certificate of good standing pursuant to subsection (4)(b) and (d) of this section which  
 14 shall remain in effect so long as the licensee or provider fully complies with the terms of the in-  
 15 stallment agreement. Failure by the licensee or provider to fully comply with the terms of the in-  
 16 stallment agreement shall render the agreement and the provisional certificate of good standing null  
 17 and void, unless the department determines that the failure was due to reasonable cause. If the de-  
 18 partment determines that the failure was not due to reasonable cause, the total amount of the tax,  
 19 penalty and interest shall be immediately due and payable, and the department shall notify any af-  
 20 fected agency that the licensee or provider is not in good standing. The agency shall then take ap-  
 21 propriate action under subsection (4)(b) and (d) of this section.

22 (6) No contract or other agreement for the purpose of providing goods, services or real estate  
 23 space to any agency shall be entered into, renewed or extended with any person, unless the person  
 24 certifies in writing, under penalty of perjury, that the person is, to the best of the person's knowl-  
 25 edge, not in violation of any tax laws described in ORS 305.380 (4).

26 (7) The certification under subsection (6) of this section shall be required for each contract and  
 27 renewal or extension of a contract or may be provided on an annual basis. A certification shall not  
 28 be required for a contract if the consideration for the goods, services or real estate space provided  
 29 under the contract is no more than \$1,000.

30 (8)(a) The requirements of the certification under subsection (6) of this section shall be subject  
 31 to the rules adopted by the department in accordance with this section.

32 (b) The department may by rule exempt certain contracts from the requirements of subsection  
 33 (6) of this section.

34 **SECTION 8.** ORS 419C.306 is amended to read:

35 419C.306. (1) The summons shall require the person or persons who have physical custody of the  
 36 youth to appear and bring the youth before the court at the time and place stated in the summons.  
 37 The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours,  
 38 after the issuance of the summons. If it appears to the court that the welfare of the youth or of the  
 39 public requires that the youth immediately be taken into custody, the court may indorse an order  
 40 on the summons as provided in ORS 419C.080 (2) directing the officer serving it to take the youth  
 41 into custody.

42 (2)(a) Summons shall be issued to the legal parents of the youth, without regard to who has legal  
 43 or physical custody of the youth, and to the legal guardians, if any, of the youth.

44 (b) Parents or guardians summoned pursuant to paragraph (a) of this subsection shall appear  
 45 personally pursuant to the summons. Following the initial appearance, parents or guardians shall

1 appear as directed by the court.

2 (c) An employer may not discharge, threaten to discharge, intimidate or coerce any employee  
3 by reason of the employee's attendance at a juvenile court hearing as required under paragraph (a)  
4 of this subsection.

5 (d) This subsection may not be construed to alter or affect an employer's policies or agreements  
6 with employees concerning employees' wages during times when an employee attends a juvenile  
7 court hearing under paragraph (a) of this subsection.

8 (3) If the youth is 12 years of age or older, a certified copy of the summons shall be served upon  
9 the youth. *[If the petition alleges that the youth is within the jurisdiction of the court for having vio-*  
10 *lated ORS 471.430, the summons must contain a statement that, if the youth fails to appear as required*  
11 *in the summons, the driving privileges of the youth are subject to suspension under ORS 419C.472.]*

12 (4) Summons may be issued requiring the appearance of any person whose presence the court  
13 deems necessary. When a summons is issued to a youth pursuant to a petition alleging jurisdiction  
14 under ORS 419C.005, a copy of the summons shall be mailed to all victims whose names appear on  
15 the petition pursuant to ORS 419C.255 (2). The copy of the summons shall be accompanied by a no-  
16 tice that the victim may be present for the youth's appearance before the court and is entitled to  
17 request and receive notification of future hearings before the court in regard to the particular case.  
18 The copy of the summons shall also be accompanied by a notice informing the victim of the pro-  
19 visions of ORS 30.765.

20 **SECTION 9.** ORS 471.430 is amended to read:

21 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire  
22 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent  
23 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of  
24 age may not have personal possession of alcoholic beverages.

25 (2) For the purposes of this section, personal possession of alcoholic beverages includes the ac-  
26 ceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such  
27 beverages. However, this section does not prohibit the acceptance or consumption by any person  
28 of sacramental wine as part of a religious rite or service.

29 (3) Except as authorized by rule or as necessitated in an emergency, a person under 21 years  
30 of age may not enter or attempt to enter any portion of a licensed premises that is posted or oth-  
31 erwise identified as being prohibited to the use of minors.

32 (4)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection  
33 (1) or (3) of this section commits a Class B violation.

34 (b) A person commits a Class A violation if the person violates subsection (1) of this section by  
35 reason of personal possession of alcoholic beverages while the person is operating a motor vehicle,  
36 as defined in ORS 801.360.

37 (5) In addition to and not in lieu of any other penalty established by law, a person under 21  
38 years of age who violates subsection (1) of this section through misrepresentation of age may be  
39 required to perform community service *[and the court shall order that the person's driving privileges*  
40 *and right to apply for driving privileges be suspended for a period not to exceed one year. If a court*  
41 *has issued an order suspending driving privileges under this section, the court, upon petition of the*  
42 *person, may withdraw the order at any time the court deems appropriate. The court notification to the*  
43 *Department of Transportation under this subsection may include a recommendation that the person be*  
44 *granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit].*

45 *[(6) If a person cited under this section is at least 13 years of age but less than 21 years of age*

1 *at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in*  
 2 *addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the*  
 3 *department for the department to suspend the person's driving privileges under ORS 809.280 (4).]*

4 [(7)] (6) In addition to and not in lieu of any penalty established by law, the court may order a  
 5 person who violates this section to undergo assessment and treatment as provided in ORS 471.432.  
 6 The court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if  
 7 the person has previously been found to have violated this section.

8 [(8)] (7) The prohibitions of this section do not apply to a person under 21 years of age who is  
 9 acting under the direction of the Oregon Liquor Control Commission or under the direction of state  
 10 or local law enforcement agencies for the purpose of investigating possible violations of laws pro-  
 11 hibiting sales of alcoholic beverages to persons who are under 21 years of age.

12 [(9)] (8) The prohibitions of this section do not apply to a person under 21 years of age who is  
 13 acting under the direction of a licensee for the purpose of investigating possible violations by em-  
 14 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under  
 15 21 years of age.

16 [(10)(a)] (9)(a) A person under 21 years of age is not in violation of, and is immune from prose-  
 17 cution under, this section if:

18 (A) The person contacted emergency medical services or a law enforcement agency in order to  
 19 obtain medical assistance for another person who was in need of medical assistance due to alcohol  
 20 consumption and the evidence of the violation of this section was obtained as a result of the person's  
 21 having contacted emergency medical services or a law enforcement agency; or

22 (B) The person was in need of medical assistance due to alcohol consumption and the evidence  
 23 of the violation of this section was obtained as a result of the person's having sought or obtained  
 24 the medical assistance.

25 (b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result  
 26 of a person's having sought medical assistance in proceedings for crimes or offenses other than a  
 27 violation of this section.

28 **SECTION 10.** ORS 475B.260 is amended to read:

29 475B.260. (1)(a) A person under 21 years of age may not attempt to purchase, purchase or ac-  
 30 quire a marijuana item.

31 (b) For purposes of this subsection, purchasing a marijuana item includes accepting a marijuana  
 32 item, and acquiring a marijuana item includes consuming a marijuana item, provided that the con-  
 33 sumption of the marijuana item occurred no more than 24 hours before the determination that the  
 34 person consumed the marijuana item.

35 (2) Except as authorized by the Oregon Liquor Control Commission by rule, or as necessary in  
 36 an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a  
 37 licensed premises that is posted or otherwise identified as being prohibited to the use of persons  
 38 under 21 years of age.

39 (3) A person who violates subsection (1) or (2) of this section commits a Class B violation.

40 (4) In addition to and not in lieu of any other penalty established by law, a court may require  
 41 a person under 21 years of age who violates subsection (1) of this section through misrepresentation  
 42 of age to perform community service.[, and the court may order that the person's driving privileges  
 43 and right to apply for driving privileges be suspended for a period not to exceed one year. If a court  
 44 has issued an order suspending driving privileges under this section, the court, upon petition of the  
 45 person, may withdraw the order at any time the court deems appropriate. The court notification to the

1 *Department of Transportation under this subsection may include a recommendation that the person be*  
 2 *granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.]*

3 *[(5) If a person cited under this section is at least 13 years of age but less than 21 years of age*  
 4 *at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in*  
 5 *addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the*  
 6 *department for the department to suspend the person's driving privileges under ORS 809.280 (4).]*

7 *[(6) (5) In addition to and not in lieu of any penalty established by law, the court may order a*  
 8 *person to undergo assessment and treatment if the person has previously been found to have vio-*  
 9 *lated this section.*

10 *[(7) (6) The prohibitions of this section do not apply to a person under 21 years of age who is*  
 11 *acting under the direction of the commission or under the direction of state or local law enforce-*  
 12 *ment agencies for the purpose of investigating possible violations of laws prohibiting sales of*  
 13 *marijuana items to persons who are under 21 years of age.*

14 *[(8) (7) The prohibitions of this section do not apply to a person under 21 years of age who is*  
 15 *acting under the direction of a licensee for the purpose of investigating possible violations by em-*  
 16 *ployees of the licensee of laws prohibiting sales of marijuana items to persons who are under 21*  
 17 *years of age.*

18 *[(9)(a) (8)(a) A person under 21 years of age is not in violation of, and is immune from prose-*  
 19 *cution under, this section if:*

20 *(A) The person contacted emergency medical services or a law enforcement agency in order to*  
 21 *obtain medical assistance for another person who was in need of medical assistance because that*  
 22 *person consumed a marijuana item and the evidence of the violation of this section was obtained*  
 23 *as a result of the person's having contacted emergency medical services or a law enforcement*  
 24 *agency; or*

25 *(B) The person was in need of medical assistance because the person consumed a marijuana item*  
 26 *and the evidence of the violation of this section was obtained as a result of the person's having*  
 27 *sought or obtained the medical assistance.*

28 *(b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result*  
 29 *of a person's having sought medical assistance in proceedings for crimes or offenses other than a*  
 30 *violation of this section.*

31 **SECTION 11.** ORS 742.449 is amended to read:

32 742.449. An insurer issuing motor vehicle liability insurance policies in this state may not assign  
 33 an insured or applicant for insurance to a higher risk category than the person would otherwise be  
 34 assigned to solely because the person has[:]

35 *[(1)] let a prior motor vehicle liability policy lapse, unless the person was in violation of ORS*  
 36 *806.010 at any time after the prior policy lapsed[: or]*

37 *[(2) Had driving privileges suspended pursuant to ORS 809.280 (6) or (8) if the suspension is based*  
 38 *on a nondriving offense].*

39 **SECTION 12.** ORS 742.562 is amended to read:

40 742.562. (1) A notice of cancellation of a policy shall be effective only if it is based on one or  
 41 more of the following reasons:

42 (a) Nonpayment of premium.

43 (b) Fraud or material misrepresentation affecting the policy or in the presentation of a claim  
 44 thereunder, or violation of any of the terms or conditions of the policy.

45 (c) The named insured or any operator either resident in the same household or who customarily



operates an automobile insured under the policy has had driving privileges suspended or revoked pursuant to law during the policy period, or, if the policy is a renewal, during its policy period or the 180 days immediately preceding its effective date. *[An insurer may not cancel a policy for the reason that the driving privileges of the named insured or operator were suspended pursuant to ORS 809.280 (6) or (8) if the suspension was based on a nondriving offense.]*

(2) This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(3) This section shall not apply to nonrenewal.

**SECTION 13.** ORS 742.566 is amended to read:

742.566. (1) An insurer shall offer renewal of a policy, contingent upon payment of premium as stated in the offer, to an insured unless the insurer mails or delivers to the named insured, at the address shown in the policy, at least 30 days' advance notice of nonrenewal. Such notice shall contain or be accompanied by a statement of the reason or reasons for nonrenewal.

(2) The insurer shall not be required to notify the named insured or any other insured of nonrenewal of the policy if the insurer has mailed or delivered a notice of expiration or cancellation on or prior to the 30th day preceding expiration of the policy period.

(3) Notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any replacement or succeeding automobile insurance policy, with respect to any automobile designated in both policies.

*[(4) An insurer may not refuse to renew a policy for the reason that the driving privileges of the named insured or any operator either resident in the same household or who customarily operates an automobile insured under the policy were suspended pursuant to ORS 809.280 (6) or (8) if the suspension was based on a nondriving offense.]*

**SECTION 14.** ORS 746.265 is amended to read:

746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of an individual's nonemployment driving record under ORS 802.220 when evaluating the individual's application to obtain or renew personal insurance, as defined in ORS 746.600, that provides automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage or automobile physical damage coverage on an individually owned passenger vehicle, including pickup and panel trucks and station wagons:

(a) For the purpose of determining whether to issue or renew the individual's policy.

(b) For the purpose of determining the rates of the individual's policy.

(2) For the purposes specified in subsection (1) of this section, an insurer that issues or renews a policy described in subsection (1) of this section may not consider any:

(a) Accident or conviction for violation of motor vehicle laws that occurred more than three years immediately preceding the application for the policy or for renewal of the policy; **or**

(b) Diversion agreements under ORS 813.220 that were entered into more than three years immediately preceding the application for the policy or for renewal of the policy; *or*

*[(c) Suspension of driving privileges pursuant to ORS 809.280 (6) or (8) if the suspension is based on a nondriving offense].*

(3) Subsection (2) of this section does not apply if an insurer considers an individual's nonemployment driving record under ORS 802.220 for the purpose of providing a discount to the individual.

**SECTION 15.** ORS 802.170 is amended to read:

802.170. If any person pays the Department of Transportation any fee or tax with a bank check

1 and the check is returned to the department as uncollectible, or if a person pays the department  
 2 with a credit or debit card and for any reason the department does not get payment from the issuer  
 3 of the card, the department may charge the person the fee for dishonored checks or other orders for  
 4 the payment of money under ORS 30.701 (5). If the person does not pay the fee charged under this  
 5 section, the department may do all of the following:

6 (1) Suspend or cancel, or refuse to issue or renew, any vehicle registration or title[,] **or** vehicle  
 7 permit[, *driver license or driver permit*] in payment of which the check or other order for the pay-  
 8 ment of money was presented.

9 **(2) Cancel, or refuse to issue or renew, any driver license or driver permit in payment**  
 10 **of which the check or other order for the payment of money was presented.**

11 [(2)] (3) Authorize any department employee or police officer to seize and recover any evidence  
 12 of the registration, title, license or permit suspended or canceled.

13 [(3)] (4) If evidence of the suspended or canceled registration, title, license or permit is not re-  
 14 covered, refuse to conduct any further transactions with the person until the fee charged under this  
 15 section is paid.

16 **SECTION 16.** ORS 802.220 is amended to read:

17 802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the  
 18 Department of Transportation maintains under ORS 802.200 on vehicles are public records. The re-  
 19 cords of vehicles registered under ORS 805.060 are not public records and are exempt from public  
 20 inspection as provided under ORS 181A.220 and are for the confidential use of criminal justice  
 21 agencies described under ORS 181A.010. The department may charge the fee established under ORS  
 22 802.230 for furnishing information under this section concerning a vehicle or its owner.

23 (2) The department may charge the fee established under ORS 802.230 for furnishing to the  
 24 public information from the records the department maintains under ORS 802.200 concerning driver  
 25 licenses or driver permits.

26 (3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS  
 27 810.375 shall be open to the inspection of any person during reasonable business hours. Nothing in  
 28 this subsection authorizes the release of personal information as defined in ORS 802.175.

29 (4) The department shall upon request furnish any person certified abstracts of the employment  
 30 driving record and the nonemployment driving record of any person whose driving records are  
 31 maintained under ORS 802.200. If an abstract of the employment driving record is not specifically  
 32 requested, the department shall only furnish an abstract of the nonemployment driving record.  
 33 Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.  
 34 The department shall collect the fee established for abstracts of driving records under ORS 802.230.  
 35 A certified abstract issued under this section shall not contain any of the following, unless the ab-  
 36 stract is being requested under ORS 746.265 (3):

37 (a) Any accident or conviction for violation of motor vehicles laws that occurred more than  
 38 three years immediately preceding a request for abstract.

39 [(b) *Any suspension ordered under ORS 809.220 after the department has received notice to rein-*  
 40 *state a person's suspended driving privileges under ORS 809.220.*]

41 [(c)] (b) Any diversion agreement under ORS 813.220 entered into more than three years imme-  
 42 diately preceding a request for the abstract.

43 (5) Except as otherwise provided in this subsection, accident reports filed with the department  
 44 under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report  
 45 and shall be for the confidential use of state administrative and enforcement agencies. The depart-

1 ment may use the confidential accident reports to provide the following information to the persons  
2 described:

3 (a) Upon request, the department shall disclose the following information to any party involved  
4 in the accident or to their personal representative or any member of the family of a party involved  
5 in the accident:

6 (A) The identity of the owner, driver, occupants and the registration number of a vehicle in-  
7 volved in the accident;

8 (B) The names of any companies insuring the owner or driver of a vehicle involved in the acci-  
9 dent; and

10 (C) The names of any witnesses to the accident.

11 (b) The department shall furnish a certificate showing that a specified accident report has or  
12 has not been made to the department upon demand of any person who has or claims to have made  
13 such a report or upon demand of a court.

14 (6) The department shall tabulate and may analyze all accident reports to develop statistical  
15 information based thereon as to the number and circumstances of traffic accidents. The department  
16 shall publish information compiled under this section in the manner provided under ORS 802.050.

17 (7) Except as otherwise provided in this subsection, the records the department is required un-  
18 der ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The de-  
19 partment may charge a fee established under ORS 802.230 for furnishing information from the  
20 records on trip permits. Nothing in this subsection authorizes the release of personal information  
21 as defined in ORS 802.175.

22 (8) The records the department maintains under ORS 802.200 concerning odometer readings for  
23 vehicles are public records. The department may separately furnish information concerning  
24 odometer readings shown by its records. The department may charge the fee established under ORS  
25 802.230 for information separately provided under this subsection. Nothing in this subsection au-  
26 thORIZES the release of personal information as defined in ORS 802.175.

27 **SECTION 17.** ORS 802.550 is amended to read:

28 802.550. The following relate to the Driver License Compact under ORS 802.540:

29 (1) The Director of Transportation or the director's deputy shall act as the compact adminis-  
30 trator. The compact administrator shall not be entitled to any additional compensation on account  
31 of service as compact administrator, but shall be entitled to expenses incurred in connection with  
32 such service, payable the same as expenses in connection with services as the normal duties of the  
33 person.

34 (2) When reference in the compact is made to the executive head in this state, the reference  
35 applies to the Governor of this state.

36 (3) When reference in the compact is made to the licensing authority in this state, the reference  
37 applies to the Department of Transportation.

38 (4) In accordance with subdivision (c) of Article IV of the compact, the following offenses or  
39 violations provided by Oregon law hereby are designated as offenses or violations of a substantially  
40 similar nature as the respective denominations and descriptions of conduct appearing in subdivision  
41 (a) of Article IV of the compact.

42 (a) ORS 809.409 (1) and (2) - Article IV (a) (1).

43 (b) ORS 813.400 - Article IV (a) (2).

44 (c) ORS 809.409 [(5)] (4) - Article IV (a) (3).

45 (d) ORS 809.409 (3) - Article IV (a) (4).

1 (5) Offenses or violations other than those referred to in subsection (4) of this section reported  
 2 to the department pursuant to Article III of the compact shall be given effect within the purpose  
 3 of Article IV (b) of the compact as the other laws of this state provide.

4 **SECTION 18.** ORS 807.010 is amended to read:

5 807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the  
 6 person operates a motor vehicle upon a highway or premises open to the public in this state and the  
 7 person does not have an appropriate grant of driving privileges from this state in the form of a li-  
 8 cense, driver permit, endorsement or statutory grant of driving privileges allowing the person to  
 9 engage in the particular type of operation.

10 (2) A person to whom a license or driver permit is issued commits the offense of violating license  
 11 restrictions if the person operates a motor vehicle in any manner that violates restrictions that are  
 12 placed upon the person's driving privileges by the Department of Transportation under ORS 807.120  
 13 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

14 (3) Nothing in this section is applicable to a person who is driving while suspended or revoked  
 15 in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to  
 16 the provisions and penalties provided therein and are not subject to the penalties and provisions of  
 17 this section.

18 (4) Except as provided in subsection (5) of this section, the offense described in subsection (1)  
 19 of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

20 (5) The offense described in subsection (1) of this section, operating a vehicle without driving  
 21 privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is  
 22 a Class A traffic violation.

23 (6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condi-  
 24 tion that the person, within 120 days of the date of sentencing:

25 (A) Complete a motorcycle education course established by the department under ORS 802.320;  
 26 and

27 (B) Obtain a motorcycle endorsement issued under ORS 807.170.

28 (b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing  
 29 the court shall:

30 (A) If the person has successfully completed the requirements described in paragraph (a)(A) and  
 31 (B) of this subsection, dismiss the fine imposed under subsection (5) of this section; or

32 (B) If the person has not successfully completed the requirements described in paragraph (a)(A)  
 33 and (B) of this subsection:

34 (i) Grant the person an extension based on good cause shown; or

35 (ii) Impose the fine under subsection (5) of this section.

36 (7) The offense described in subsection (2) of this section, operating in violation of license re-  
 37 strictions, is a Class B traffic violation.

38 **SECTION 19.** ORS 807.060 is amended to read:

39 807.060. The Department of Transportation may not grant driving privileges to a person under  
 40 a license if the person is not eligible under this section. The following are not eligible for a license:

41 (1) A person under 16 years of age.

42 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application  
 43 of the person is signed by the person's mother, father or legal guardian. [*A person who signs an*  
 44 *application under this paragraph may have the driving privileges canceled as provided under ORS*  
 45 *809.320.*]

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

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

4 (4) A person that the department determines has a problem condition involving alcohol,  
5 inhalants or controlled substances as described under ORS 813.040.

6 (5) A person the department reasonably believes has a mental or physical condition or impair-  
7 ment that affects the person's ability to safely operate a motor vehicle upon the highways.

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

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

12 (8) A person who cannot be issued a license under the Driver License Compact under ORS  
13 802.540.

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

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

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

23 (12) A person while the person's driving privileges are revoked in this state.

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

25 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license  
26 or driver permit. A person who is not eligible under this subsection may become eligible by sur-  
27 rendering the license, driver permit or out-of-state license or driver permit to the department before  
28 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a  
29 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
30 807.062 to obtain an Oregon license or permit.

31 (15) A person who has not complied with the requirements and responsibilities created by cita-  
32 tion for or conviction of a traffic offense in another jurisdiction if an agreement under ORS 802.530  
33 authorizes the department to withhold issuance of a license.

34 (16) A person who has not complied with the requirement of ORS 813.022 (1).

35 **SECTION 20.** ORS 807.065 is amended to read:

36 807.065. (1) The Department of Transportation may not issue a driver license to a person who  
37 is under 18 years of age unless the person:

38 (a) Complies with the requirements of ORS 807.040 [and 807.066];

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

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

44 (d) Certifies to the department that the person has had at least 50 hours of driving experience  
45 during which the person was supervised by a person at least 21 years of age who has had a valid

1 driver license for at least three years; and

2 (e) Completes a traffic safety education course that meets standards developed by the depart-  
3 ment under ORS 336.802. In lieu of completion of a traffic safety education course, a person may  
4 certify to the department that the person has had at least 50 hours of driving experience during  
5 which the person was supervised by a person at least 21 years of age who has had a valid driver  
6 license for at least three years, in addition to the 50 hours required by paragraph (d) of this sub-  
7 section.

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

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

15 (4) A driver license issued pursuant to this section shall be a provisional driver license.

16 (5) The department shall prominently identify each driver license issued pursuant to this section  
17 as a provisional driver license.

18 **SECTION 21.** ORS 807.120 is amended to read:

19 807.120. (1) The Department of Transportation may place restrictions on any driving privileges  
20 granted a person if the department determines that there is good cause to restrict the driving priv-  
21 ileges of the person in order to ensure the safe operation of a motor vehicle by the person.

22 (2) Restrictions placed on a driver license or driver permit by the department under this section  
23 shall be suitable to the driving ability of the person whose driving privileges are restricted. The  
24 restrictions may include:

25 (a) Restrictions on the type of motor vehicle the person may operate;

26 (b) Requirements for special mechanical control devices on motor vehicles operated by the per-  
27 son; or

28 (c) Any other restrictions the department determines appropriate to ensure the safe operation  
29 of a motor vehicle by the person.

30 (3) The department shall place a restriction on the commercial driver license of a person who  
31 performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver  
32 license in a vehicle that:

33 (a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the  
34 person from operating commercial motor vehicles equipped with service brakes that operate fully  
35 or partially by air pressure.

36 (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking  
37 system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed  
38 under this paragraph prohibits the person from operating commercial motor vehicles equipped with  
39 service brakes that operate solely by air pressure.

40 (c) Is equipped with an automatic transmission. A restriction imposed under this paragraph  
41 prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

42 (d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle  
43 towed in combination with the power unit. A restriction under this paragraph prohibits the person  
44 from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel  
45 hitch between the power unit and first towed unit.

1 (4) The department shall place a restriction on the commercial driver license and the commer-  
2 cial learner driver permit of a person who does not pass an air brakes knowledge test administered  
3 under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor  
4 vehicle with service brakes that operate fully or partially by air pressure.

5 (5) The department may impose restrictions under this section by setting forth the restrictions  
6 on the regular license form or by issuing a special form for licenses with restrictions.

7 (6) The department shall place restrictions on driving privileges under this section when ordered  
8 by a court under ORS [809.210 or] 809.270. Any restriction imposed under this subsection shall be  
9 made a part of the person's driving record and shall remain in effect until the court notifies the  
10 department in writing that the restrictions are removed.

11 (7) The department may impose restrictions under this section on driving privileges that are  
12 restored after having been suspended or revoked. The restrictions imposed under this subsection  
13 may include any restrictions that have been recommended by a convicting magistrate.

14 (8) The use of the term "restrictions" in this section includes any restrictions, conditions or  
15 requirements.

16 (9) Violation of any restrictions placed on driving privileges under this section is punishable as  
17 provided under ORS 807.010.

18 **SECTION 22.** ORS 807.220 is amended to read:

19 807.220. (1) The Department of Transportation shall provide for the issuance of emergency driver  
20 permits in a manner consistent with this section.

21 (2) Except as otherwise provided in this section, an emergency driver permit is subject to the  
22 fees, provisions, conditions, prohibitions and penalties applicable to a Class C license.

23 (3) The following apply to an emergency driver permit:

24 (a) The department may issue an emergency driver permit to a person 14 years of age or older.

25 (b) The department shall place restrictions on the permit that designate the routes over which  
26 the permit is valid. The department shall designate routes it determines necessary from the facts  
27 creating the emergency.

28 (c) The permit shall only be issued if the department is satisfied that an emergency exists that  
29 requires operation of a motor vehicle by the applicant.

30 (d) The department may establish a form for the permit that differs from the form required for  
31 a license.

32 (e) The only fee required for issuance of the permit is the emergency driver permit fee under  
33 ORS 807.370.

34 (f) The department may establish a period for the expiration of the permit that coincides with  
35 the end of the emergency that is the basis for the permit.

36 (g) The department shall cancel the permit if the department determines that the holder of the  
37 permit has operated a motor vehicle over any highway or for any purpose other than one approved  
38 under the permit.

39 (h) If an emergency driver permit is canceled, the person issued the permit is ineligible to be  
40 issued another emergency driver permit for a period of one year.

41 (i) In addition to any other application requirements for the emergency driver permit, the ap-  
42 plicant must obtain the endorsement on the application of the sheriff of the county in which the  
43 applicant resides.

44 *[(4) The department may issue an emergency driver permit, if the person qualifies for the permit,*  
45 *to a person whose driving privileges are suspended under ORS 809.280 because the department has*

1 received an order suspending driving privileges under ORS 809.260. In addition to other emergencies,  
2 a situation that leaves the applicant with no alternative means to travel to and from school is an  
3 emergency for purposes of a permit issued under this subsection.]

4 **SECTION 23.** ORS 807.240 is amended to read:

5 807.240. The Department of Transportation shall provide for issuance of hardship driver permits  
6 in a manner consistent with this section. A hardship driver permit grants the driving privileges  
7 provided in this section or under the permit. Except as otherwise provided in this section, a hardship  
8 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to  
9 a license. The following apply to a hardship driver permit:

10 (1) The department may only issue a permit to a person whose driving privileges under the ve-  
11 hicle code have been suspended.

12 (2) Except as provided in ORS 813.520, the department may reinstate the privilege to operate a  
13 motor vehicle of any person whose license to operate a motor vehicle has been suspended by issuing  
14 the person a hardship permit described under this section if such person qualifies under this section,  
15 ORS 807.250, 807.252 and 813.500. However, the department may not issue a hardship permit au-  
16 thORIZING a person to drive a commercial motor vehicle.

17 (3) To qualify for a hardship permit, a person must do all of the following in addition to any  
18 applicable provisions under ORS 807.250, 807.252 and 813.500:

19 (a) The person must submit to the department an application for the permit that demonstrates  
20 the person's need for the permit.

21 (b) The person must present satisfactory evidence, as determined by the department by rule:

22 (A) That the person must operate a motor vehicle as a requisite of the person's occupation or  
23 employment;

24 (B) That the person must operate a motor vehicle to seek employment or to get to or from a  
25 place of employment;

26 (C) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment  
27 or rehabilitation program;

28 (D) That the person or a member of the person's immediate family requires medical treatment  
29 on a regular basis and that the person must operate a motor vehicle in order that the treatment  
30 may be obtained; or

31 (E) That the person's driving privileges are suspended for driving uninsured in violation of ORS  
32 806.010 [or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason] and  
33 that the person must operate a motor vehicle in order to provide necessary services to the person  
34 or to a member of the person's family. The department shall determine by rule what constitutes  
35 necessary services for purposes of this subparagraph. The rule shall include as necessary services,  
36 but need not be limited to, grocery shopping, driving the person or the person's children to school,  
37 driving to medical appointments and caring for elderly family members.

38 (c) If the person is applying for a permit because the person or a member of the person's im-  
39 mediate family requires medical treatment on a regular basis, the person must present, in addition  
40 to any evidence required by the department under paragraph (b) of this subsection, a statement  
41 signed by a licensed physician or certified nurse practitioner that indicates that the person or a  
42 member of the person's immediate family requires medical treatment on a regular basis.

43 (d) The person must show that the person is not incompetent to drive nor a habitual incompe-  
44 tent, reckless or criminally negligent driver as established by the person's driving record in this or  
45 any other jurisdiction.



1 (e) The person must make a future responsibility filing.

2 (f) The person must submit any other information the department may require for purposes of  
3 determining whether the person qualifies under this section, ORS 807.250, 807.252, 813.500 and  
4 813.520.

5 (4) If the department finds that the person meets the requirements of this section and any ap-  
6 plicable requirements under ORS 807.250, 807.252, 813.500 and 813.520, the department may issue the  
7 person a hardship permit, valid for the duration of the suspension or for a shorter period of time  
8 established by the department unless sooner suspended or revoked under this section. If the de-  
9 partment issues the permit for a period shorter than the suspension period, renewal of the permit  
10 shall be on such terms and conditions as the department may require. The permit:

11 (a) Shall limit the holder to operation of a motor vehicle only during specified times.

12 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a  
13 motor vehicle that the department deems proper or necessary. The limitations may include any  
14 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS  
15 811.175 or 811.182.

16 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of  
17 a permit issued under this section or limitations placed on a hardship permit under ORS 807.252 or  
18 813.510, may suspend or revoke the hardship permit.

19 (6) The fee charged for application or issuance of a hardship driver permit is the hardship driver  
20 permit application fee under ORS 807.370. The department may not refund the fee if the application  
21 is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit  
22 is the same fee as that charged for renewal of a license. The application fee charged under this  
23 subsection is in addition to any fee charged for reinstatement of driving privileges under ORS  
24 807.370.

25 (7) The department may issue a permit granting the same driving privileges as those suspended  
26 or may issue a permit granting fewer driving privileges, as the department determines necessary to  
27 assure safe operation of motor vehicles by the permit holder.

28 **SECTION 24.** ORS 807.250 is amended to read:

29 807.250. (1) In addition to any requirements under ORS 807.240 and any applicable conditions  
30 under ORS 813.500 and 813.520, the Department of Transportation may not issue a hardship permit  
31 under ORS 807.240 to a person whose suspension of driving privileges is based upon a conviction  
32 of any of the following unless the person submits to the department a recommendation from the  
33 judge before whom the person was convicted:

34 (a) ORS 811.140.

35 (b) ORS 811.540.

36 (c) Driving while under the influence of intoxicants. If a person's driving privileges are sus-  
37 pended for a conviction for driving while under the influence of intoxicants and the person is de-  
38 termined under ORS 813.500 to have a problem condition involving alcohol, inhalants or controlled  
39 substances as described in ORS 813.040, the judge must:

40 (A) Make the recommendation with reference to the best interest of the public as well as of the  
41 defendant and the recommendation must be in writing.

42 (B) Recommend times, places, routes and days minimally necessary for the person to seek or  
43 retain employment, to attend any alcohol or drug treatment or rehabilitation program or to receive  
44 necessary medical treatment for the person or a member of the person's immediate family.

45 (2) The department may not issue a hardship permit to a person whose suspension of driving

1 privileges is based on a conviction [*described in ORS 809.265*] **of driving while under the influence**  
 2 **of intoxicants in violation of ORS 813.010 or of a municipal ordinance if the person was under**  
 3 **the influence of an inhalant or a controlled substance.**

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

6 [(4) *The department may not issue a hardship permit to a person whose driving privileges are*  
 7 *suspended pursuant to ORS 809.280 (4) or 809.416 (1) or (2).*]

8 **SECTION 25.** ORS 809.135 is amended to read:

9 809.135. The Department of Transportation may refuse to issue, may revoke or may suspend any  
 10 [*license, permit,*] identification card, title or registration issued by the department or for which ap-  
 11 plication is made to the department if the department determines that the person issued or applying  
 12 for the [*license, permit,*] identification card, title or registration has used one name in one application  
 13 and another name in any other application.

14 **SECTION 26.** ORS 809.267 is amended to read:

15 809.267. A court shall add a \$15 fee to the judgment in any case in which the court gives notice  
 16 to the Department of Transportation of the suspension or restriction of a defendant's driving privi-  
 17 leges. The fee shall be added to the judgment without further notice to the defendant or further  
 18 order of the court. This section applies to suspensions or restrictions ordered by a court for failure  
 19 of a person to comply with a court order or with any conditions imposed by the court[,] **or** for  
 20 failure to pay a fine [*or for failure to appear as required by ORS 153.061*].

21 **SECTION 27.** ORS 809.270 is amended to read:

22 809.270. (1) A court may require that a defendant convicted of a traffic offense successfully  
 23 complete, within a time fixed by the judge, a defensive driving or other appropriate driver im-  
 24 provement course conducted by the Department of Transportation or any other rehabilitative pro-  
 25 gram and may use the [*suspension or*] restriction of the person's driving privileges [*or right to apply*  
 26 *for driving privileges*] to enforce the requirement by ordering[:]

27 [(a) *The suspension until the defendant successfully completes the program; or*]

28 [(b) the [*suspension or*] restriction if the defendant fails to successfully complete the program.

29 (2) The authority granted under this section is in addition to any fine or imprisonment author-  
 30 ized by law, including probation and suspension of imposition or execution of any sentence upon  
 31 conditions ordered by the court.

32 (3) If a court places restrictions on driving privileges under this section:

33 (a) The judge shall immediately advise the department of the restrictions in writing.

34 (b) Upon removal of such restrictions, the court shall notify the department in writing that the  
 35 restriction is ended.

36 (c) The restriction shall remain in effect until ended by the court.

37 (d) The department shall take action as provided under ORS 807.120 on restrictions imposed  
 38 under this section.

39 (e) The restrictions may include any restriction, condition or requirement.

40 (f) Violation of the restriction is punishable as provided under ORS 807.010.

41 [(4) *If suspension is ordered under this section:*]

42 [(a) *The court shall so notify the department and the department shall impose the suspension of the*  
 43 *driving privileges as provided under ORS 809.280.*]

44 [(b) *The court shall notify the department of reinstatement after any suspension ordered under this*  
 45 *section.*]

1        *[(c) The department shall take action on the suspension or reinstatement as provided under ORS*  
 2 *809.280.]*

3        *[(d) The judge shall comply with the requirements under ORS 809.275 to take possession of the*  
 4 *license or permit of the person.]*

5        **SECTION 28.** ORS 809.275 is amended to read:

6        809.275. (1) A court shall take immediate possession of any license or driver permit held by a  
 7 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under  
 8 ORS *[165.805, 471.430,]* 809.120, 809.235, 809.240, *[809.260, 809.265, 809.270,]* 811.109 or 811.135.

9        (2) Upon taking possession of a license or permit under this section, a court shall immediately  
 10 forward to the Department of Transportation the license or permit and a copy of the suspension or  
 11 revocation order or other information satisfactory to the department and to the State Court Ad-  
 12 ministrator.

13        (3) A suspension or revocation of driving privileges becomes effective on the date a court takes  
 14 possession of a license or permit under this section or orders the suspension or revocation.

15        (4) The department is not required to provide further notice of a suspension or revocation or-  
 16 dered by the court.

17        (5) Nothing in this section requires a court to take additional action, after the conclusion of the  
 18 sentencing hearing, to secure the driver license or driver permit.

19        **SECTION 29.** ORS 809.280 is amended to read:

20        809.280. *[(1) Upon receipt of a court order under ORS 809.270, the Department of Transportation*  
 21 *shall suspend the person's driving privileges. The suspension shall remain in effect until the department*  
 22 *is notified by the court that the suspension is ended, except that, if the department is ordered to auto-*  
 23 *matically reinstate the driving privileges upon the successful completion of a program, the department*  
 24 *shall do so and shall notify the judge that the person has complied with the order of the judge.]*

25        *[(2)]* (1) Upon receipt of a court order under ORS 809.120, the Department **of Transportation**  
 26 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the  
 27 court. The court may only order suspension for a period not to exceed 90 days.

28        *[(3)]* (2) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the de-  
 29 partment shall suspend the person's driving privileges and, subject to any other requirements of law,  
 30 reinstate the driving privileges upon appropriate notification from the court under ORS 809.130,  
 31 except that the department shall only impose the suspension after the department has determined  
 32 that:

33        (a) The judgment was rendered against the person;

34        (b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

35        (c) The judgment continues to be unsettled as described in ORS 809.470.

36        *[(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend*  
 37 *the person's driving privileges for an indefinite period. The department shall reinstate driving privi-*  
 38 *leges that have been suspended under this subsection upon notification by the court or upon the elapse*  
 39 *of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, whichever comes*  
 40 *first. The department may not suspend any driving privileges under this subsection for a person's*  
 41 *failure to appear on a parking, pedestrian or bicyclist offense.]*

42        *[(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's*  
 43 *driving privileges for an indefinite period. The department shall reinstate driving privileges that have*  
 44 *been suspended under this subsection upon notification by the court or upon the lapse of 10 years from*  
 45 *the date of suspension, whichever comes first.]*

1       [(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's  
2 driving privileges as follows:]

3       [(a) Upon receipt of the first order suspending driving privileges, the department shall suspend the  
4 person's driving privileges for one year, or until the person reaches 17 years of age, whichever is  
5 longer.]

6       [(b) Upon receipt of a second or subsequent order suspending driving privileges, the department  
7 shall suspend the person's driving privileges for one year or until the person reaches 18 years of age,  
8 whichever is longer.]

9       [(7) If the department receives notice from a court that it has withdrawn an order issued under  
10 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-  
11 pended under subsection (6) of this section because of the issuance of the order.]

12       [(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend the  
13 person's driving privileges. The suspension shall be for the period ordered by the court. The court may  
14 only order suspension for a period not to exceed one year.]

15       [(9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person's  
16 driving privileges for six months.]

17       [(10)] (3) Upon receipt of a court order under ORS 809.235, the department shall permanently  
18 revoke the person's driving privileges. The revocation shall remain in effect until the department is  
19 notified by a court that the person's driving privileges have been ordered restored.

20       [(11)] (4) When a court orders suspension of driving privileges under ORS 811.109 (4), the de-  
21 partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
22 dered by the court. The court may only order suspension for a period not to exceed 30 days.

23       [(12)] (5) When a court orders suspension of driving privileges under ORS 811.109 (5), the de-  
24 partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
25 dered by the court. The court may only order suspension for not less than 30 days and not more  
26 than 90 days.

27       [(13)] (6) Upon receipt of a court order under ORS 811.135, the department shall suspend the  
28 person's driving privileges for one year.

29       **SECTION 30.** ORS 809.310 is amended to read:

30       809.310. (1) The Department of Transportation may cancel any driving privileges upon deter-  
31 mining that the person is not entitled to the driving privileges under the vehicle code. The depart-  
32 ment may reissue driving privileges canceled under this subsection when the applicant has satisfied  
33 all requirements for the driving privileges sought.

34       (2) The department may cancel any driver license or permit that contains any error or defect  
35 or that is found to have been issued on the basis of false information given to the department.  
36 Cancellation under this subsection is in addition to any suspension of driving privileges authorized  
37 for the same conduct.

38       (3) The department may suspend any driving privileges or right to apply for privileges or any  
39 identification card or right to apply for a card upon determining that the person issued or applying  
40 for the driving privileges or identification card has committed any of the following acts:

41       (a) Failed to give the required or correct information in the application for the driving privileges  
42 or for an identification card, in violation of ORS 807.430 or 807.530.

43       (b) Committed false swearing in making application for the driving privileges in violation of ORS  
44 807.520.

45       (c) Used an invalid license or identification card in violation of ORS 807.430 or 807.580.

1 (d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or  
 2 807.590.

3 (e) Used the license, permit or identification card of another in violation of ORS 807.430 or  
 4 807.600.

5 (f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS  
 6 807.500.

7 *[(g) Transferred documents for the purpose of misrepresentation in violation of ORS 807.510.]*

8 *[(h) Given false information to a police officer in violation of ORS 807.620.]*

9 (4) Upon suspension or cancellation of driving privileges under this section, a person whose  
 10 privileges are suspended or canceled shall surrender to the department any license or driver permit  
 11 issued for the driving privileges. Failure to comply with this subsection is subject to penalty as  
 12 provided under ORS 809.500.

13 (5) To obtain driving privileges after the period of suspension or cancellation under this section,  
 14 a person must reapply for driving privileges in the manner established by law.

15 **SECTION 31.** ORS 809.312 is amended to read:

16 809.312. (1) A person whose driving privileges or right to apply for driving privileges or whose  
 17 identification card or right to apply for an identification card has been suspended for one of the  
 18 reasons specified in subsection (2) of this section may request that the person's driving privileges  
 19 or right to apply for driving privileges or identification card or right to apply for an identification  
 20 card be reinstated after the Department of Transportation determines the criteria are met under  
 21 subsection (4) of this section.

22 (2) This section applies to suspensions imposed under:

23 (a) ORS 809.310 (3)(a);

24 (b) ORS 809.310 (3)(b); and

25 (c) ORS 809.415 [(5)] (4) for committing an act that constitutes an offense described in ORS  
 26 809.310 (3)(a) or (b).

27 (3) To make a request under subsection (1) of this section, the person must provide sufficient  
 28 proof for the department to make the determinations required in subsection (4) of this section. The  
 29 department shall provide an administrative review to determine if the person's driving privileges or  
 30 right to apply for driving privileges or identification card or right to apply for an identification card  
 31 should be reinstated and may reinstate the person's suspended driving privileges or right to apply  
 32 for driving privileges or identification card or right to apply for an identification card only as pro-  
 33 vided in subsection (4) of this section.

34 (4) The granting of an administrative review under this section does not stay the suspension.  
 35 However, the department shall reinstate the person's driving privileges or right to apply for driving  
 36 privileges or identification card or right to apply for an identification card if under objective criteria  
 37 adopted by the department by rule, the department determines the suspension resulted from:

38 (a) An act described in ORS 809.310 (3)(a) or (b) committed by the person when the person was  
 39 under 21 years of age; and

40 (b) The person committed the act solely for the purpose of:

41 (A) Attempting to purchase, purchasing, consuming or acquiring alcoholic beverages as de-  
 42 scribed in ORS 471.430; or

43 (B) Unlawfully entering or attempting to enter any portion of a licensed premises that is posted  
 44 or otherwise identified as being prohibited to the use of minors, as described in ORS 471.430.

45 (5) The administrative review required under this section shall be conducted in the manner

1 provided in ORS 809.440 (2).

2 (6) To reinstate driving privileges or the right to apply for driving privileges after the depart-  
3 ment determines that the person meets the objective criteria under subsection (4) of this section, the  
4 person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 (25).

5 (7) To reinstate an identification card or the right to apply for an identification card after the  
6 department determines that the person meets the objective criteria under subsection (4) of this sec-  
7 tion, the person shall pay the fee for reinstatement of an identification card as described in ORS  
8 807.410 (4).

9 *[(8) The department's authority to reinstate a suspension of a person's driving privileges or right  
10 to apply for driving privileges under this section does not impinge on a court's authority to impose a  
11 suspension under ORS 165.805 or 471.430.]*

12 **SECTION 32.** ORS 809.380 is amended to read:

13 809.380. All of the following apply to a person whose driving privileges have been suspended:

14 (1) The period of suspension shall last as long as provided for that particular suspension by law.

15 (2) During the period of suspension, the person is not entitled to exercise any driving privileges  
16 in this state except as provided under this subsection. Unless otherwise specifically provided by law,  
17 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship  
18 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

19 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-  
20 quest of the person, the suspended driving privileges and any license or driver permit that evidences  
21 the driving privileges. The reissuance shall be without requalification by the person except that the  
22 department may require the person to furnish evidence satisfactory to the department that the per-  
23 son is qualified to continue to exercise driving privileges in this state before the department reissues  
24 the driving privileges.

25 (4) The department may not issue any driving privileges in contradiction to this section.

26 (5) If the person fails to surrender to the department any license or driver permit issued as ev-  
27 idence of driving privileges that are suspended, the person is subject to the penalties under ORS  
28 809.500.

29 (6) No reinstatement of suspended driving privileges will be made by the department until the  
30 fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or  
31 waived by the department. The department may waive the reinstatement fee for any of the following  
32 reasons:

33 (a) The suspension occurred under ORS 809.419 for failure to take an examination upon request  
34 of the department under ORS 807.340.

35 (b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance  
36 upon request of the department under ORS 807.070 or 807.090.

37 (c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or  
38 having a mental or physical condition or impairment that affects the person's ability to safely op-  
39 erate a motor vehicle.

40 (d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a  
41 hospital under ORS 807.700 that a person should not drive.

42 (e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375  
43 that a person charged with a traffic offense has been found guilty except for insanity.

44 (f) The department committed an error in issuing the suspension.

45 (g) The suspension was the result of an error committed by an insurance company in issuing or

1 failing to issue a certification of insurance or in canceling a certification of insurance filed with the  
2 department under ORS 806.270.

3 (h) The department issued the suspension without error because the person failed to respond as  
4 required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing re-  
5 quirement of ORS 806.200, but the department later determines that the person in fact was in com-  
6 pliance with financial responsibility requirements as of the date of the department's letter of  
7 verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

8 (i) The department issued the suspension without error because the person was not in compli-  
9 ance with financial responsibility requirements as of the date of the department's letter of verifica-  
10 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department  
11 later determines that the person reasonably and in good faith believed that the person was in com-  
12 pliance with financial responsibility requirements on the date of the department's letter of verifica-  
13 tion or at the time of the accident.

14 (j) The suspension was the result of an error committed by an insurance company in notifying  
15 the department regarding the correctness of a certification under ORS 806.150.

16 (k) The suspension occurred because the person failed to make future responsibility filings but  
17 the department later determines that the reason for the failure was that the person was a military  
18 reservist or a member of a national guard unit that was ordered to active military duty to a location  
19 outside of the United States. The effective date of the military orders must be prior to the effective  
20 date of a suspension issued by the department for failure to make a future responsibility filing.

21 *[(L) The department issued the suspension without error because the department received a notice*  
22 *to suspend from a court under ORS 809.210 or 809.220, but the department later determines that the*  
23 *person in fact was in compliance with the requirements of the court prior to the effective date of the*  
24 *suspension.]*

25 *[(7) The department shall waive the reinstatement fee for a person whose driving privileges were*  
26 *suspended under ORS 809.423 (3) if the person:]*

27 *[(a) Has graduated from high school and provides the department with proof of graduation satis-*  
28 *factory to the department; or]*

29 *[(b) Has received a General Educational Development (GED) certificate from a community college*  
30 *and provides the department with proof of the certificate satisfactory to the department.]*

31 **SECTION 33.** ORS 809.409 is amended to read:

32 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the  
33 Department of Transportation shall revoke the driving privileges of the person convicted.

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

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

40 (2) The department shall take action under subsection (1) of this section upon receipt of a record  
41 of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked  
42 or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation  
43 of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle,  
44 except that the provisions of this subsection do not apply to a person whose driving privileges are  
45 ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this sub-

1 section may apply for reinstatement of driving privileges:

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

6 (b) If the sentence for the crime for which the person's driving privileges were revoked and any  
7 other crimes arising from the same criminal episode does not include incarceration, no sooner than  
8 10 years from the date the department revoked the privileges under this subsection.

9 (3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the department shall take  
10 action under subsection (1) of this section upon receipt of a record of conviction of failure to per-  
11 form the duties of a driver to injured persons under ORS 811.705.

12 (b) The department shall revoke driving privileges under this subsection for a period of three  
13 years if the court indicates on the record of conviction that a person sustained serious physical in-  
14 jury, as defined in ORS 161.015, as a result of the accident. The person may apply for reinstatement  
15 of privileges three years after the date the person was released from incarceration, if the sentence  
16 includes incarceration. If the sentence does not include incarceration, the person may apply for  
17 reinstatement three years from the date the revocation was imposed under this subsection.

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

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

27 *[(5)]* (4) The department shall take action under subsection (1) of this section upon receipt of a  
28 record of conviction of any felony with a material element involving the operation of a motor vehi-  
29 cle.

30 **SECTION 34.** ORS 809.411 is amended to read:

31 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the  
32 Department of Transportation shall suspend the driving privileges of the person convicted.

33 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this  
34 section.

35 (c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and (10)*] of this section, the  
36 suspension shall be for the period of time described in Schedule I of ORS 809.428. The department  
37 may not reinstate driving privileges of any person whose privileges are suspended under subsection  
38 (2), (3), (4), (5), (6)[, (7)] or *[(10)]* (9) of this section until the person complies with future responsi-  
39 bility filings. There is no requirement of compliance with future responsibility filings if the person  
40 was suspended under subsection *[(8) or (9)]* (7) **or** (8) of this section.

41 (2) The department shall take action under subsection (1) of this section upon receipt of a record  
42 of conviction of any degree of recklessly endangering another person, menacing or criminal mischief  
43 resulting from the operation of a motor vehicle.

44 (3) The department shall take action under subsection (1) of this section upon receipt of a record  
45 of conviction of reckless driving under ORS 811.140.



1 (4) The department shall take action under subsection (1) of this section upon receipt of a record  
 2 of conviction of failure to perform duties of a driver when property is damaged under ORS 811.700.

3 (5) The department shall take action under subsection (1) of this section upon receipt of a record  
 4 of conviction of fleeing or attempting to elude a police officer under ORS 811.540.

5 (6) The department shall take action under subsection (1) of this section upon receipt of a record  
 6 of conviction of reckless endangerment of highway workers under ORS 811.231 (1).

7 *[(7) The department shall take action under subsection (1) of this section upon receipt of a record  
 8 of conviction of theft under ORS 164.043, 164.045 or 164.055 when the theft was of gasoline. A sus-  
 9 pension under this subsection shall continue for a period of six months from the date of suspension.]*

10 [(8)] (7) The department shall take action under subsection (1) of this section upon receipt of a  
 11 record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor  
 12 vehicle. A suspension under this subsection shall continue for a period of six months from the date  
 13 of suspension.

14 [(9)] (8) The department shall take action under subsection (1) of this section upon receipt of a  
 15 record of conviction of an offense described in ORS 809.310. A suspension under this subsection shall  
 16 continue for a period of one year from the date of the suspension.

17 [(10)(a)] (9)(a) The department shall take action under subsection (1) of this section upon receipt  
 18 of a record of conviction of assault in the second, third or fourth degree resulting from the operation  
 19 of a motor vehicle.

20 (b) A person who is convicted of assault in the second degree and whose driving privileges are  
 21 suspended under this subsection may apply for reinstatement of driving privileges eight years from  
 22 the date the person is released from incarceration for the conviction, if the sentence includes  
 23 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
 24 ply for reinstatement of driving privileges eight years from the date the department suspended the  
 25 privileges under this subsection.

26 (c) A person who is convicted of assault in the third degree and whose driving privileges are  
 27 suspended under this subsection may apply for reinstatement of driving privileges five years from  
 28 the date the person is released from incarceration for the conviction, if the sentence includes  
 29 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
 30 ply for reinstatement of driving privileges five years from the date the department suspended the  
 31 privileges under this subsection.

32 (d) A person who is convicted of assault in the fourth degree and whose driving privileges are  
 33 suspended under this subsection may apply for reinstatement of driving privileges one year from the  
 34 date the person is released from incarceration for the conviction, if the sentence includes  
 35 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
 36 ply for reinstatement of driving privileges one year from the date the department suspended the  
 37 privileges under this subsection.

38 **SECTION 35.** ORS 809.415 is amended to read:

39 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person  
 40 who has a judgment of the type described under ORS 806.040 rendered against the person if the  
 41 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
 42 its entry.

43 (b) A suspension under this subsection shall continue until the person does one of the following:

44 (A) Settles the judgment in the manner described in ORS 809.470.

45 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,

1 provided that there has been no final adjudication by a court that the insurer has no such obli-  
2 gation.

3 (C) Gives evidence to the department that a period of seven years has elapsed since the entry  
4 of the judgment.

5 (D) Receives from the court that rendered the judgment an order permitting the payment of the  
6 judgment in installments.

7 (c) A person is entitled to administrative review under ORS 809.440 of a suspension under this  
8 subsection.

9 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the  
10 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-  
11 isfying financial responsibility requirements or of a person who, after certifying the existence of a  
12 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the  
13 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-  
14 bility requirements.

15 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this  
16 subsection only if proof of compliance with financial responsibility requirements as of the date of  
17 the letter of verification from the department under ORS 806.150 is not submitted within 30 days  
18 after the date of the mailing of the department's demand under ORS 806.160.

19 (c) A suspension under this subsection shall continue until the person complies with future re-  
20 sponsibility filings.

21 (3)(a) The department shall suspend the driving privileges of a person who fails to comply with  
22 future responsibility filings whenever required under the vehicle code or fails to provide new proof  
23 for future responsibility filings when requested by the department.

24 (b) A suspension under this subsection shall continue until the person complies with future re-  
25 sponsibility filings.

26 (c) A person whose initial obligation to make future responsibility filings is not based upon a  
27 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
28 sion under this subsection. A person whose obligation to make future responsibility filings is based  
29 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
30 of a suspension under this subsection. A person whose suspension under this subsection is based on  
31 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
32 809.440.

33 *[(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The*  
34 *suspension shall continue until the earlier of the following:]*

35 *[(A) The person establishes to the satisfaction of the department that the person has performed all*  
36 *acts necessary under ORS 809.416 to make the person not subject to suspension.]*

37 *[(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-*  
38 *pension is imposed for a reason described in ORS 809.416 (1), 20 years from the date the traffic offense*  
39 *occurred if the suspension is imposed for a reason described in ORS 809.416 (2) or five years from the*  
40 *date the suspension is imposed for a reason described in ORS 809.416 (4).]*

41 *[(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this*  
42 *subsection.]*

43 **[(5)] (4)** Upon determination by the department that a person has committed an act that consti-  
44 tutes an offense described in ORS 809.310, the department may suspend any driving privileges or any  
45 identification card of the person determined to have committed the act. A suspension under this

1 subsection shall continue for a period of one year.

2 [(6)] (5) Upon determination by the department that a person has submitted false information to  
3 the department for the purpose of establishing or maintaining qualification to operate a commercial  
4 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial  
5 driving privileges or the person's right to apply for commercial driving privileges for a period of one  
6 year.

7 **SECTION 36.** ORS 809.515 is amended to read:

8 809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges  
9 of a person if the department receives a notice from another jurisdiction that the person failed to  
10 appear, pay a fine or comply with an order of the court in a prosecution on a citation for a traffic  
11 offense [*or for a violation in the other jurisdiction that, if committed in this state, would be grounds*  
12 *for suspension under ORS 809.210 or 809.220,*] and the person held commercial driving privileges or  
13 was operating a commercial motor vehicle at the time of the offense. The period of a suspension  
14 under this subsection is the shorter of:

15 (A) Ten years; or

16 (B) Until the department receives notice from the other jurisdiction that the person appeared,  
17 paid the fine or complied with the court's order.

18 (b) The department shall suspend a person's commercial driving privileges under this subsection  
19 without regard to whether the other jurisdiction suspends any driving privileges of the person by  
20 reason of the person's failure to appear, pay a fine or comply with an order of the court.

21 (c) This subsection does not apply to failure to appear, pay a fine or comply with an order of  
22 the court in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

23 (2) The department shall suspend the commercial driving privileges of a person if the department  
24 receives a notice from the Federal Motor Carrier Safety Administration that the person has been  
25 disqualified from operating a commercial motor vehicle and that the disqualification is due to a de-  
26 termination that the driving of that person constitutes an imminent hazard. The department shall  
27 immediately suspend commercial driving privileges under this subsection without hearing, but the  
28 person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings  
29 conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under  
30 this section is the period of suspension prescribed by the Federal Motor Carrier Safety Adminis-  
31 tration, or one year, whichever is shorter.

32 **SECTION 37.** ORS 810.310 is amended to read:

33 810.310. The current valid license of a person that is issued by this state is acceptable, when  
34 authorized under ORS 810.300, as a security deposit for a person on a traffic crime. The use of a  
35 license as security under this section is subject to all of the following:

36 (1) Upon acceptance of the license as security, the magistrate or clerk or deputy clerk author-  
37 ized by the magistrate shall issue the person a court bail driver permit under ORS 807.330.

38 (2) If the person appears at the time fixed, the person's license shall be returned to the person  
39 unless taken up by the court under ORS 809.275.

40 [(3) *If the person fails to appear at the time fixed, the court shall forward the license to the De-*  
41 *partment of Transportation along with a notification that the person failed to appear and a notification*  
42 *to suspend the driving privileges of the person. The department shall take action on the license and*  
43 *notice as provided under ORS 809.280.*]

44 **SECTION 38.** ORS 811.182 is amended to read:

45 811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the

1 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if  
 2 the hardship or probationary permit violated is based upon a suspension or revocation described in  
 3 subsection (3) or (4) of this section.

4 (2) Affirmative defenses to the offense described in this section are established under ORS  
 5 811.180.

6 (3) The offense described in this section, criminal driving while suspended or revoked, is a Class  
 7 B felony if the suspension or revocation resulted from any degree of murder, manslaughter,  
 8 criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the sus-  
 9 pension or revocation resulted from aggravated vehicular homicide or aggravated driving while  
 10 suspended or revoked or if the revocation resulted from a conviction for felony driving while under  
 11 the influence of intoxicants.

12 (4) The offense described in this section, criminal driving while suspended or revoked, is a Class  
 13 A misdemeanor if the suspension or revocation is any of the following:

14 (a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree  
 15 of recklessly endangering another person, menacing or criminal mischief, resulting from the opera-  
 16 tion of a motor vehicle.

17 *[(b) A revocation under ORS 809.409 (4) resulting from perjury or the making of a false affidavit*  
 18 *to the Department of Transportation.]*

19 *[(c) (b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS*  
 20 *813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content*  
 21 *of:*

22 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

23 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

24 (C) Any amount if the person was under 21 years of age.

25 *[(d) (c) A suspension of commercial driving privileges under ORS 809.510 resulting from failure*  
 26 *to perform the duties of a driver under ORS 811.700.*

27 *[(e) (d) A suspension of commercial driving privileges under ORS 809.510 (6) where the person's*  
 28 *commercial driving privileges have been suspended or revoked by the other jurisdiction for failure*  
 29 *of or refusal to take a chemical test to determine the alcoholic content of the person's blood under*  
 30 *a statute that is substantially similar to ORS 813.100.*

31 *[(f) (e) A suspension of commercial driving privileges under ORS 809.520.*

32 *[(g) (f) A revocation resulting from habitual offender status under ORS 809.640.*

33 *[(h) (g) A suspension resulting from any crime punishable as a felony with proof of a material*  
 34 *element involving the operation of a motor vehicle, other than a crime described in subsection (3)*  
 35 *of this section.*

36 *[(i) (h) A suspension for failure to perform the duties of a driver under ORS 811.705.*

37 *[(j) (i) A suspension for reckless driving under ORS 811.140.*

38 *[(k) (j) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.*

39 *[(L) (k) A suspension or revocation resulting from misdemeanor driving while under the influ-*  
 40 *ence of intoxicants under ORS 813.010.*

41 *[(m) (L) A suspension for use of a motor vehicle in the commission of a crime punishable as a*  
 42 *felony.*

43 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense  
 44 described in this section and the underlying suspension resulted from driving while under the influ-  
 45 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first

1 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if  
 2 it is the person's second or subsequent conviction.

3 (6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is  
 4 a felony as crime category 4 of the rules of the commission.

5 (b) Notwithstanding paragraph (a) of this subsection, the commission shall classify a violation  
 6 of this section that is a felony as crime category 6 of the rules of the commission, if the suspension  
 7 or revocation resulted from:

8 (A) Any degree of murder, manslaughter or criminally negligent homicide or an assault that  
 9 causes serious physical injury, resulting from the operation of a motor vehicle; or

10 (B) Aggravated vehicular homicide or aggravated driving while suspended or revoked.

11 **SECTION 39. The amendments to ORS 153.061, 153.073, 164.775, 165.805, 167.401, 305.385,**  
 12 **419C.306, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 802.170, 802.220, 802.550, 807.010,**  
 13 **807.060, 807.065, 807.120, 807.220, 807.240, 807.250, 809.135, 809.267, 809.270, 809.275, 809.280,**  
 14 **809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.515, 810.310 and 811.182 by sections 2 to**  
 15 **38 of this 2017 Act and the repeal of ORS 153.772, 339.254, 339.257, 419C.472, 807.066, 809.210,**  
 16 **809.220, 809.260, 809.265, 809.267, 809.320, 809.416, 809.423 and 813.620 by section 1 of this 2017**  
 17 **Act apply to conduct giving rise to a driving privilege suspension or driving privilege revo-**  
 18 **cation on or after the effective date of this 2017 Act. Driving privilege suspensions or driving**  
 19 **privilege revocations imposed before the effective date of this 2017 Act shall be governed by**  
 20 **law applicable to driving privilege suspensions and driving privilege revocations in effect im-**  
 21 **mediately before the effective date of this 2017 Act.**

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