

(To Resolve Conflicts)

C-Engrossed Senate Bill 693

Ordered by the House July 7
Including Senate Amendments dated April 14 and July 3 and House
Amendments dated July 7 to resolve conflicts

Sponsored by Senators WINTERS, COURTNEY, DEMBROW

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.

Eliminates probationary driver permits. Standardizes requirements for hardship permits.

Eliminates certain driving privilege suspensions.

Expands list of persons granted driving privileges in this state to include members of commissioned corps of National Oceanic and Atmospheric Administration and members' spouses under certain conditions.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; amending ORS 163.196, 164.775, 165.805,
3 167.401, 305.385, 430.165, 430.197, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 801.250,
4 802.170, 802.550, 807.020, 807.060, 807.065, 807.200, 807.240, 807.370, 809.135, 809.260, 809.275,
5 809.280, 809.310, 809.312, 809.380, 809.390, 809.409, 809.411, 809.415, 809.416, 809.600, 811.175,
6 811.182, 813.040 and 813.520; and repealing ORS 339.254, 339.257, 807.066, 807.250, 807.252,
7 807.260, 807.270, 809.265, 809.320, 809.423, 809.650, 809.660, 813.500 and 813.510.

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

PROBATIONARY PERMITS AND HARDSHIP PERMITS

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12 **SECTION 1. ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and 813.510 are**
13 **repealed.**

14 **SECTION 1a. Notwithstanding sections 2, 3, 4 and 5, chapter 319, Oregon Laws 2017**
15 **(Enrolled Senate Bill 252) (amending ORS 807.250, 807.252, 813.500 and 813.510), if Senate Bill**
16 **252 becomes law, ORS 807.250, 807.252, 813.500 and 813.510 are repealed by section 1 of this**
17 **2017 Act.**

18 **SECTION 2.** ORS 807.240 is amended to read:

19 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
20 in a manner consistent with this section. A hardship driver permit grants the driving privileges
21 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
22 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
23 a license. The following apply to a hardship driver permit:

24 (1) The department may only issue a permit to a person whose driving privileges under the ve-
hicle code have been suspended, **or revoked under ORS 809.600 as a habitual offender.**

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 (2) Except as provided in **this section and** ORS 813.520, the department may reinstate the
2 privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been
3 suspended, **or revoked under ORS 809.600 as a habitual offender**, by issuing the person a hard-
4 ship permit. [*described under this section if such person qualifies under this section, ORS 807.250,*
5 *807.252 and 813.500. However, the department may not issue a hardship permit authorizing a person*
6 *to drive a commercial motor vehicle.*]

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

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

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

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

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

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

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

21 **(E) That the person's driving privileges are suspended for driving in violation of ORS**
22 **471.430 and are not suspended for any other reason and that the person must operate a mo-**
23 **tor vehicle in order to provide necessary services to the person or to a member of the**
24 **person's family. The department shall determine by rule what constitutes necessary services**
25 **for purposes of this subparagraph. The rule shall include as necessary services, but need not**
26 **be limited to, grocery shopping, driving the person or the person's children to school, driving**
27 **to medical appointments and caring for elderly family members.**

28 [*(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS*
29 *806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and that*
30 *the person must operate a motor vehicle in order to provide necessary services to the person or to a*
31 *member of the person's family. The department shall determine by rule what constitutes necessary ser-*
32 *vices for purposes of this subparagraph. The rule shall include as necessary services, but need not be*
33 *limited to, grocery shopping, driving the person or the person's children to school, driving to medical*
34 *appointments and caring for elderly family members.*]

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

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

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

44 (f) The person must submit any other information the department may require for purposes of
45 determining whether the person qualifies under this section[, ORS 807.250, 807.252, 813.500] and

1 **ORS 813.520.**

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

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

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

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

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

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

26 **(8) The department may not issue a hardship permit to a person:**

27 **(a) Whose driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783;**

28 **(b) Whose driving privileges are suspended pursuant to ORS 809.280 (1);**

29 **(c) That authorizes the person to operate a commercial motor vehicle;**

30 **(d) Whose suspension of driving privileges is based on a second or subsequent conviction**
31 **of driving while under the influence of intoxicants in violation of ORS 813.010 or the statu-**
32 **tory counterpart to ORS 813.010 in another jurisdiction;**

33 **(e) Whose driving privileges are suspended for conviction of assault in the second, third**
34 **or fourth degree if the person, within 10 years preceding application for the permit, has been**
35 **convicted of:**

36 **(A) Any degree of murder, manslaughter, criminally negligent homicide or assault re-**
37 **sulting from the operation of a motor vehicle;**

38 **(B) Reckless driving, as defined in ORS 811.140;**

39 **(C) Driving while under the influence of intoxicants, as defined in ORS 813.010;**

40 **(D) Failure to perform the duties of a driver involved in an accident or collision, as de-**
41 **scribed in ORS 811.700 or 811.705;**

42 **(E) Criminal driving while suspended or revoked, as defined in ORS 811.182;**

43 **(F) Fleeing or attempting to elude a police officer, as defined in ORS 811.540; or**

44 **(G) Aggravated vehicular homicide, as defined in ORS 163.149, or aggravated driving while**
45 **suspended or revoked, as defined in ORS 163.196; or**

1 (f) Whose driving privileges are suspended for a conviction of assault in the second, third
2 or fourth degree:

3 (A) For a period of four years from the date the department suspends driving privileges
4 if the person's driving privileges are suspended for conviction of assault in the second degree
5 and the person was not incarcerated for that conviction.

6 (B) For a period of four years from the date the person is released from incarceration
7 for the conviction if the person's driving privileges are suspended for conviction of assault
8 in the second degree and the person was incarcerated for that conviction.

9 (C) For a period of two years from the date the department suspends driving privileges
10 if the person's driving privileges are suspended for conviction of assault in the third degree
11 and the person was not incarcerated for that conviction.

12 (D) For a period of two years from the date the person is released from incarceration for
13 the conviction if the person's driving privileges are suspended for conviction of assault in the
14 third degree and the person was incarcerated for that conviction.

15 (E) For a period of six months from the date the department suspends driving privileges
16 if the person's driving privileges are suspended for conviction of assault in the fourth degree
17 and the person is not incarcerated for that conviction.

18 (F) For a period of six months from the date the person is released from incarceration
19 for the conviction if the person's driving privileges are suspended for conviction of assault
20 in the fourth degree and the person was incarcerated for that conviction.

21 (9) A conviction arising out of the same episode as the current suspension is not con-
22 sidered a conviction for purposes of subsection (8)(e) of this section.

23 (10) A person's driving privileges under a hardship permit are subject to suspension or
24 revocation if the person does not maintain a good driving record, as defined by the adminis-
25 trative rules of the department, during the term of the permit.

26 **SECTION 3.** ORS 163.196 is amended to read:

27 163.196. (1) A person commits the crime of aggravated driving while suspended or revoked if the
28 person operates a motor vehicle that causes serious physical injury to, or the death of, another
29 person while knowingly violating ORS 811.175 or 811.182, if the suspension or revocation resulted
30 from, or if the hardship [*or probationary*] permit violated is based upon a suspension or revocation
31 that resulted from, a conviction for a criminal offense involving the use of a motor vehicle.

32 (2) Aggravated driving while suspended or revoked is a Class C felony.

33 (3) The Oregon Criminal Justice Commission shall classify aggravated driving while suspended
34 or revoked as crime category 7 of the sentencing guidelines grid of the commission.

35 **SECTION 4.** ORS 430.165 is amended to read:

36 430.165. The Oregon Health Authority may prescribe fee schedules for any of the programs that
37 it establishes and operates under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] **and** 430.850 to
38 430.880[, 813.500 and 813.510]. The fees shall be charged and collected by the authority in the same
39 manner as charges are collected under ORS 179.610 to 179.770. When the authority acts under this
40 section, "person in a state institution" or "person at a state institution" or any similar phrase, as
41 defined in ORS 179.610, includes a person who receives services from a program for which fee
42 schedules are established under this section.

43 **SECTION 5.** ORS 430.197 is amended to read:

44 430.197. The Mental Health Services Fund is established in the State Treasury, separate and
45 distinct from the General Fund. The Mental Health Services Fund comprises moneys collected or

1 received by the Oregon Health Authority, the Department of Human Services and the Department
2 of Corrections under ORS 179.640, 426.241 and 430.165. The moneys in the fund are continuously
3 appropriated to the Oregon Health Authority, the Department of Human Services and the Depart-
4 ment of Corrections for the purposes of paying the costs of:

5 (1) Services provided to a person in a state institution, as defined in ORS 179.610;

6 (2) Emergency psychiatric care, custody and treatment paid under ORS 426.241;

7 (3) Emergency care, custody or treatment provided to a person admitted to or detained in a state
8 mental hospital or nonhospital facility under ORS 426.070, 426.140, 426.180 to 426.210, 426.228,
9 426.232 or 426.233; and

10 (4) Programs operating under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] **and** 430.850 to
11 430.880[, 813.500 and 813.510].

12 **SECTION 6.** ORS 801.250 is amended to read:

13 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction
14 that is more limited than those available under a license or that is only available under special or
15 limited circumstances. The term may also refer to a document issued as evidence of a grant of
16 driving privileges under a driver permit. Driver permits issued by this state include the following:

17 (1) Applicant temporary driver permit described under ORS 807.310.

18 (2) Court issued temporary driver permit described under ORS 807.320.

19 (3) Disability golf cart driver permit described under ORS 807.210.

20 (4) Emergency driver permit described under ORS 807.220.

21 (5) Instruction driver permit described under ORS 807.280.

22 (6) Hardship driver permit described under ORS 807.240.

23 [(7) Probationary driver permit described under ORS 807.270.]

24 [(8)] (7) Special student driver permit described under ORS 807.230.

25 [(9)] (8) Special temporary instruction driver permit described under ORS 807.290.

26 [(10)] (9) Court bail driver permit described under ORS 807.330.

27 [(11)] (10) Temporary driver permit described under ORS 813.110.

28 [(12)] (11) Commercial learner driver permit described under ORS 807.285.

29 **SECTION 7.** ORS 807.200 is amended to read:

30 807.200. (1) The following permits may be issued as restricted Class C licenses:

31 (a) Disability golf cart driver permits described under ORS 807.210.

32 (b) Emergency driver permits described under ORS 807.220.

33 (c) Special student driver permits described under ORS 807.230.

34 (2) Hardship driver permits described under ORS 807.240 [*and probationary driver permits de-*
35 *scribed under ORS 807.270*] may be issued as Class C licenses. Restrictions on the license are as
36 provided under ORS 807.240 [*and 807.270*].

37 (3) Instruction driver permits described under ORS 807.280 may be issued for a Class C license.

38 (4) Motorcycle instruction driver permits described under ORS 807.280 may be issued only to
39 persons having a commercial driver license or a Class C license.

40 (5) Commercial learner driver permits described under ORS 807.285 may be issued for Class A,
41 Class B or Class C commercial driving privileges.

42 **SECTION 8.** ORS 807.370 is amended to read:

43 807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-
44 mits and endorsements:

45 (1) Disability golf cart driver permit fees under ORS 807.210, as follows:

- 1 (a) For issuance, \$44.
- 2 (b) For renewal fee under ORS 807.210, \$32.
- 3 (2) Emergency driver permit fee under ORS 807.220, \$23.50.
- 4 (3) Instruction driver permit fees under ORS 807.280, as follows:
 - 5 (a) For issuance, \$23.50.
 - 6 (b) For renewal, \$23.50.
 - 7 (4) Commercial learner driver permit issuance fee under ORS 807.285, \$23.50.
 - 8 (5)(a) License issuance fee for a Class C license, \$54.
 - 9 (b) Fee to take the knowledge test for a Class C license, \$5.
 - 10 (c) Fee to take the skills test for a Class C license, \$9.
 - 11 (6) License issuance fee for a restricted Class C license, \$54.
 - 12 (7) License issuance fee for a commercial driver license, whether or not the license contains
13 endorsements, \$75.50.
 - 14 (8) Test fees for a commercial driver license or permit:
 - 15 (a) To take the knowledge test for a Class A commercial driver license or permit, \$10.
 - 16 (b) To take the skills test for a Class A commercial driver license, \$70.
 - 17 (c) To take the knowledge test for a Class B commercial driver license or permit, \$10.
 - 18 (d) To take the skills test for a Class B commercial driver license, \$70.
 - 19 (e) To take the knowledge test for a Class C commercial driver license or permit, \$10.
 - 20 (f) To take the skills test for a Class C commercial driver license, \$70.
 - 21 (9) Notwithstanding subsection (7) of this section, for issuance of a commercial driver license
22 of any class when the Department of Transportation accepts a certificate of competency issued un-
23 der ORS 807.080, \$40 in addition to the fee under subsection (7) of this section.
 - 24 (10) Notwithstanding subsection (7) of this section, for original issuance of a school bus
25 endorsement to a person who has a commercial driver license with a passenger endorsement:
 - 26 (a) \$21; or
 - 27 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
 - 28 (11) For a farm endorsement, \$26.
 - 29 (12) Test fees for the knowledge test for endorsements other than motorcycle and farm
30 endorsements:
 - 31 (a) For a hazardous materials endorsement, \$10.
 - 32 (b) For a tank vehicle endorsement, \$10.
 - 33 (c) For a passenger endorsement, \$10.
 - 34 (d) For a double and triple trailer endorsement, \$10.
 - 35 (e) For a school bus endorsement, \$10.
 - 36 (13) Fee to take an airbrake knowledge test, \$10.
 - 37 (14) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
 - 38 (15) License renewal fee for a commercial driver license, \$55.50.
 - 39 (16) License renewal fee for a Class C license, \$34.
 - 40 (17) License or driver permit replacement fee under ORS 807.160, \$26.50.
 - 41 (18) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46,
42 in addition to any fees for the endorsed license.
 - 43 (19) Special student driver permit fee under ORS 807.230, \$23.50.
 - 44 (20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
 - 45 (21) Motorcycle Safety Subaccount fee as follows:

- 1 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$38.
- 2 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- 3 [(22) Probationary driver permit application fee under ORS 807.270, \$50.]
- 4 [(23)] (22) Hardship driver permit application fee under ORS 807.240, \$50.
- 5 [(24)] (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- 6 [(25)] (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- 7 [(26) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280
- 8 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.]
- 9 [(27)] (25) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.
- 10 [(28)(a)] (26)(a) License issuance fee for a Class C limited term license, \$23.
- 11 (b) Fee to take the knowledge test for a Class C limited term license, \$5.
- 12 (c) Fee to take the skills test for a Class C limited term license, \$9.
- 13 [(29)] (27) License issuance fee for a restricted Class C limited term license, \$23.
- 14 [(30)] (28) License issuance fee for a limited term commercial driver license, whether or not the
- 15 license contains endorsements, \$45.
- 16 [(31)] (29) License renewal fee for a limited term commercial driver license, \$14.
- 17 [(32)] (30) License renewal fee for a Class C limited term license, \$8.
- 18 [(33)] (31) Limited term license or limited term driver permit replacement fee under ORS 807.160,
- 19 \$26.50.
- 20 [(34)] (32) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and
- 21 807.150, \$2.

22 **SECTION 9.** ORS 809.312 is amended to read:

- 23 809.312. (1) A person whose driving privileges or right to apply for driving privileges or whose
- 24 identification card or right to apply for an identification card has been suspended for one of the
- 25 reasons specified in subsection (2) of this section may request that the person's driving privileges
- 26 or right to apply for driving privileges or identification card or right to apply for an identification
- 27 card be reinstated after the Department of Transportation determines the criteria are met under
- 28 subsection (4) of this section.
- 29 (2) This section applies to suspensions imposed under:
- 30 (a) ORS 809.310 (3)(a);
- 31 (b) ORS 809.310 (3)(b); and
- 32 (c) ORS 809.415 [(5)] (4) for committing an act that constitutes an offense described in ORS
- 33 809.310 (3)(a) or (b).
- 34 (3) To make a request under subsection (1) of this section, the person must provide sufficient
- 35 proof for the department to make the determinations required in subsection (4) of this section. The
- 36 department shall provide an administrative review to determine if the person's driving privileges or
- 37 right to apply for driving privileges or identification card or right to apply for an identification card
- 38 should be reinstated and may reinstate the person's suspended driving privileges or right to apply
- 39 for driving privileges or identification card or right to apply for an identification card only as pro-
- 40 vided in subsection (4) of this section.
- 41 (4) The granting of an administrative review under this section does not stay the suspension.
- 42 However, the department shall reinstate the person's driving privileges or right to apply for driving
- 43 privileges or identification card or right to apply for an identification card if under objective criteria
- 44 adopted by the department by rule, the department determines the suspension resulted from:
- 45 (a) An act described in ORS 809.310 (3)(a) or (b) committed by the person when the person was

1 under 21 years of age; and

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

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

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

7 (5) The administrative review required under this section shall be conducted in the manner
8 provided in ORS 809.440 (2).

9 (6) To reinstate driving privileges or the right to apply for driving privileges after the depart-
10 ment determines that the person meets the objective criteria under subsection (4) of this section, the
11 person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 [(25)]
12 (24).

13 (7) To reinstate an identification card or the right to apply for an identification card after the
14 department determines that the person meets the objective criteria under subsection (4) of this sec-
15 tion, the person shall pay the fee for reinstatement of an identification card as described in ORS
16 807.410 (4).

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

20 **SECTION 10.** ORS 809.390 is amended to read:

21 809.390. All of the following apply to a person whose driving privileges have been revoked:

22 (1) The period of revocation shall last as long as required for the revocation by law.

23 (2) During the period of revocation, the person is not entitled to exercise any driving privileges
24 in this state or to apply for or receive any driving privileges in this state except when a person who
25 has been determined to be a habitual offender is permitted to obtain driving privileges [*under a*
26 *probationary driving permit as described under ORS 807.270 and 809.650. This subsection prohibits the*
27 *issuance of any driver permit, including a hardship permit described]* under ORS 807.240[, *to a person*
28 *whose driving privileges or right to apply for driving privileges are revoked except as provided for the*
29 *probationary driving permit under ORS 807.270].*

30 (3) Upon expiration of the revocation period, the person must reapply for driving privileges in
31 the manner established by law and must reestablish the person's eligibility for issuance of driving
32 privileges. [*If driving privileges are revoked because the person is a habitual offender, the person must*
33 *meet the additional eligibility requirements for reinstatement of driving privileges under ORS 809.650*
34 *and 809.660.]*

35 (4) The Department of Transportation may issue new driving privileges to a person before the
36 expiration of the revocation period if the person is otherwise entitled to be issued driving privileges
37 and when, with reference to a conviction upon which the revocation was based, the Governor has
38 pardoned the person of the crime.

39 (5) The department shall not issue any driving privileges in contradiction to this section.

40 (6) If the person fails to surrender to the department any license or driver permit issued as ev-
41 idence of driving privileges that are revoked, the person is subject to the penalty under ORS 809.500.

42 (7) No reinstatement of revoked driving privileges will be made by the department until the fee
43 for reinstatement of revoked driving privileges established under ORS 807.370 is paid to or waived
44 by the department. The department may waive the reinstatement fee if the department committed
45 an error in issuing the revocation.

1 **SECTION 11.** ORS 809.600 is amended to read:

2 809.600. This section establishes the kinds of offenses and the number of convictions necessary
3 to revoke the driving privileges of a person as a habitual offender under ORS 809.640. The kinds
4 of offenses and the number of convictions necessary to revoke driving privileges as a habitual
5 offender are as follows:

6 (1) A person's driving privileges shall be revoked as a habitual offender if the person, within a
7 five-year period, has been convicted of three or more of any one or more of the following offenses
8 as evidenced by the records maintained by the Department of Transportation or by the records of
9 a similar agency of another state:

10 (a) Any degree of murder, manslaughter, criminally negligent homicide, assault, recklessly en-
11 dangering another person, menacing or criminal mischief resulting from the operation of a motor
12 vehicle.

13 (b) Driving while under the influence of intoxicants under ORS 813.010.

14 (c) Criminally driving a motor vehicle while suspended or revoked, under ORS 811.182.

15 (d) Reckless driving under ORS 811.140.

16 (e) Failure to perform the duties of a driver under ORS 811.700 or 811.705.

17 (f) Fleeing or attempting to elude a police officer under ORS 811.540.

18 (g) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended
19 or revoked under ORS 163.196.

20 (2) A person's driving privileges shall be revoked as a habitual offender if the person, within a
21 five-year period, has been convicted of 20 or more of any one or more of the following offenses as
22 evidenced by the records maintained by the department or by a similar agency of another state:

23 (a) Any offenses enumerated in subsection (1) of this section.

24 (b) Any offense specified in the rules of the department adopted under ORS 809.605.

25 (3) A person's driving privileges shall not be revoked under subsection (2) of this section until
26 the person's 21st conviction within a five-year period when the 20th conviction occurs after a lapse
27 of two years or more from the last preceding conviction.

28 (4) The offenses described under this section include any of the following:

29 (a) Any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation that
30 substantially conforms to offenses described under this section.

31 (b) Any violation of offenses under any federal law or any law of another state, including sub-
32 divisions thereof, that substantially conform to offenses described in this section.

33 **(5) A revocation under this section shall continue for a period of five years from the date**
34 **of revocation.**

35 **SECTION 12.** ORS 811.175 is amended to read:

36 811.175. (1) A person commits the offense of violation driving while suspended or revoked if the
37 person does any of the following:

38 (a) Drives a motor vehicle upon a highway during a period when the person's driving privileges
39 or right to apply for driving privileges have been suspended or revoked in this state by a court or
40 by the Department of Transportation.

41 (b) Drives a motor vehicle outside the limitations of [a *probationary permit issued under ORS*
42 *807.270 or*] a hardship driver permit issued under ORS 807.240[, *including any limitations placed on*
43 *the permit under ORS 813.510*].

44 (c) Drives a commercial motor vehicle upon a highway during a period when the person's driving
45 privileges or commercial driving privileges have been suspended or revoked in this state or any

1 other jurisdiction.

2 (2) Affirmative defenses to the offense described in this section are established under ORS
3 811.180.

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

5 (4) The offense described in this section, violation driving while suspended or revoked, is a Class
6 A traffic violation except as otherwise provided in ORS 811.182.

7 **SECTION 13.** ORS 811.182 is amended to read:

8 811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the
9 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if
10 the hardship [*or probationary*] permit violated is based upon a suspension or revocation described
11 in subsection (3) or (4) of this section.

12 (2) Affirmative defenses to the offense described in this section are established under ORS
13 811.180.

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

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

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

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

27 [*(c)*] (b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS
28 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content
29 of:

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

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

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

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

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

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

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

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

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

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

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

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

4 [(m)] (L) A suspension for use of a motor vehicle in the commission of a crime punishable as a
5 felony.

6 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense
7 described in this section and the underlying suspension resulted from driving while under the influ-
8 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first
9 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if
10 it is the person's second or subsequent conviction.

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

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

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

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

19 **SECTION 14.** ORS 813.040 is amended to read:

20 813.040. This section establishes, for purposes of ORS 471.432[,] **and** 807.060 [*and 813.500*], when
21 a person has a problem condition involving alcohol, inhalants or controlled substances. For pur-
22 poses of ORS 471.432[,] **and** 807.060 [*and 813.500*], a person has a problem condition involving alco-
23 hol, inhalants or controlled substances if it is determined that the person has a problem condition
24 in which the person's health or that of others is substantially impaired or endangered or the
25 person's social or economic function is substantially disrupted because of the person's:

26 (1) Habitual or periodic use of alcoholic beverages; or

27 (2) Use of or loss of the ability to control the use of controlled substances, inhalants or other
28 substances with abuse potential including a condition that may have developed:

29 (a) A physical dependence in which the body requires a continuing supply of a drug, inhalant
30 or controlled substance to avoid characteristic withdrawal symptoms; or

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

33 **SECTION 15.** ORS 813.520 is amended to read:

34 813.520. [*In addition to any provisions of ORS 807.240 and 813.510 or 807.250, this section estab-*
35 *lishes limitations on the authority of the Department of Transportation to issue driving privileges under*
36 *ORS 807.240.] The Department of **Transportation** may not reinstate any driving privileges or issue*
37 any hardship permit under ORS 807.240 as provided under any of the following:

38 (1) For a period of 90 days after the beginning of the suspension if the suspension is for refusal
39 of a test under ORS 813.100 and the person is not subject to an increase in the time before a permit
40 may be issued for reasons described in ORS 813.430. [*This period of 90 days shall be reduced by the*
41 *time the department refused to issue a hardship permit under subsection (5) or (6) of this section if the*
42 *person's driving privileges were suspended based on the same occurrence.]*

43 (2) For a period of 30 days after the beginning of the suspension if the suspension is because a
44 breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the
45 person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300

1 and the person is not subject to an increase in the time before a hardship permit may be issued for
2 reasons described in ORS 813.430. *[This period of 30 days shall be reduced by the time the department*
3 *refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving*
4 *privileges were suspended based on the same occurrence.]*

5 (3) For a period of one year after the beginning of the suspension if the suspension is because
6 a breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the
7 person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300
8 and the person is subject to an increase in the time before a hardship permit may be issued for
9 reasons described under ORS 813.430. *[This period of one year shall be reduced by the time the de-*
10 *partment refused to issue a hardship permit under subsection (5) or (6) of this section if the person's*
11 *driving privileges were suspended based on the same occurrence.]*

12 (4) For a period of three years after the beginning of the suspension if the suspension is for re-
13 fusal of a test under ORS 813.100 and the person is subject to an increase in the time before a
14 hardship permit may be issued for reasons described in ORS 813.430. *[This period of three years shall*
15 *be reduced by the time the department refused to issue a hardship permit under subsection (5) or (6)*
16 *of this section if the person's driving privileges were suspended based on the same occurrence.]*

17 *[(5) For a period of 90 days after the beginning of the suspension under ORS 813.400 if it is the*
18 *person's second conviction for driving while under the influence of intoxicants if the suspension period*
19 *is determined by ORS 809.428 (2)(b). This period of 90 days shall be reduced by the time the depart-*
20 *ment refused to issue a hardship permit under subsection (1), (2), (3) or (4) of this section if the person's*
21 *driving privileges were suspended based on the same occurrence.]*

22 *[(6) For a period of one year after the beginning of the suspension under ORS 813.400 for driving*
23 *while under the influence of intoxicants if the suspension period is determined by ORS 809.428 (2)(c).*
24 *This period of one year shall be reduced by the time the department refused to issue a hardship permit*
25 *under subsection (1), (2), (3) or (4) of this section if the person's driving privileges were suspended*
26 *based on the same occurrence.]*

27 [(7)] (5) To any person who has a mental or physical condition or impairment that affects the
28 person's ability to safely operate a motor vehicle.

29 [(8)] (6) If the suspension is based upon a conviction for a violation of ORS 813.010 or is imposed
30 under ORS 813.410 based upon ORS 813.100 to a person who has available public or private trans-
31 portation sufficient to fulfill the person's transportation needs while the person is suspended.

32 [(9)] (7) For a period of 30 days following imposition of suspension, if the person, within the
33 previous year, has been convicted of a traffic crime and the suspension is based upon a conviction
34 for violation of ORS 813.010 or is imposed under ORS 813.410 based upon ORS 813.100.

35
36 **APPLICABILITY**

37
38 **SECTION 16. The amendments to ORS 163.196, 430.165, 430.197, 801.250, 807.200, 807.240,**
39 **807.370, 809.312, 809.390, 809.600, 811.175, 811.182, 813.040 and 813.520 by sections 2 to 15 of this**
40 **2017 Act and the repeal of ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and**
41 **813.510 by section 1 of this 2017 Act apply to hardship permits issued on or after the effective**
42 **date of this 2017 Act. Hardship permits and probationary permits issued before the effective**
43 **date of this 2017 Act shall be governed by law applicable to those permits in effect imme-**
44 **diately before the effective date of this 2017 Act.**

DRIVING PRIVILEGE SUSPENSIONS

SECTION 17. ORS 339.254, 339.257, 807.066, 809.265, 809.320 and 809.423 are repealed.

SECTION 17a. Notwithstanding sections 22, 24 and 26, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 754) (amending ORS 339.257, 807.066 and 809.423), if Senate Bill 754 becomes law, ORS 339.257, 807.066 and 809.423 are repealed by section 17 of this 2017 Act.

SECTION 18. ORS 164.775 is amended to read:

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

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

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

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

(b) In any case, upon conviction, if punishment by imprisonment is imposed upon the defendant, the form of the sentence shall include that the defendant shall be punished by confinement at labor clearing rubbish, trash and debris from the lands and waters described by subsections (1) and (2) of this section, for not less than one day nor more than five days.

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

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

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

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

SECTION 19. ORS 165.805 is amended to read:

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

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

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

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

(3) In addition to and not in lieu of any other penalty established by law, a person who, using a driver permit or license or other identification issued by the Department of Transportation of this

1 state or its equivalent in another state, commits the crime of misrepresentation of age by a minor
 2 in order to purchase or consume alcoholic liquor may be required to perform community service.
 3 *[and the court shall order that the person's driving privileges and right to apply for driving privileges*
 4 *be suspended for a period not to exceed one year. If a court has issued an order suspending driving*
 5 *privileges under this section, the court, upon petition of the person, may withdraw the order at any time*
 6 *the court deems appropriate. The court notification to the department under this subsection may include*
 7 *a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is*
 8 *otherwise eligible for the permit.]*

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

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

17 **SECTION 20.** ORS 167.401 is amended to read:

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

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

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

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

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

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

1 limiting or regulating the delivery of tobacco products or inhalant delivery systems to minors.

2 **SECTION 20a. If Senate Bill 754 becomes law, section 20 of this 2017 Act (amending ORS**
3 **167.401) is repealed.**

4 **SECTION 21.** ORS 305.385 is amended to read:

5 305.385. (1) Upon request of the Department of Revenue, an agency issuing or renewing a license
6 to conduct a business, trade or profession shall annually, on or before March 1, supply the depart-
7 ment with a list of specified licenses issued or renewed by the agency during the preceding calendar
8 year.

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

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

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

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

25 (c) Upon the written request of the director and after a hearing and notice to the licensee as
26 required under any applicable provision of law, the agency shall suspend the person's license if the
27 agency finds that the returns and taxes have not been filed or paid and that the licensee has not
28 filed in good faith a petition before the department contesting the tax and the department has been
29 unable to obtain payment of the tax through other methods of collection. For the purpose of the
30 agency's findings, the written representation to that effect by the department to the agency shall
31 constitute prima facie evidence of the person's failure to file returns or pay the tax. The department
32 shall have the right to intervene in any license suspension proceeding.

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

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

37 (5) The department may enter into an installment payment agreement with a licensee or pro-
38 vider with respect to any unpaid tax, penalty and interest. The agreement shall provide for interest
39 on the outstanding amount at the rate prescribed by ORS 305.220. The department may issue a
40 provisional certificate of good standing pursuant to subsection (4)(b) and (d) of this section which
41 shall remain in effect so long as the licensee or provider fully complies with the terms of the in-
42 stallment agreement. Failure by the licensee or provider to fully comply with the terms of the in-
43 stallment agreement shall render the agreement and the provisional certificate of good standing null
44 and void, unless the department determines that the failure was due to reasonable cause. If the de-
45 partment determines that the failure was not due to reasonable cause, the total amount of the tax,

1 penalty and interest shall be immediately due and payable, and the department shall notify any af-
2 fected agency that the licensee or provider is not in good standing. The agency shall then take ap-
3 propriate action under subsection (4)(b) and (d) of this section.

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

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

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

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

16 **SECTION 21a.** ORS 471.430 is amended to read:

17 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire
18 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent
19 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of
20 age may not have personal possession of alcoholic beverages.

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

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

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

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

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

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

1 [(4)] (3).

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

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

10 (9) The prohibitions of this section do not apply to a person under 21 years of age who is acting
11 under the direction of a licensee for the purpose of investigating possible violations by employees
12 of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under 21 years
13 of age.

14 (10)(a) A person under 21 years of age is not in violation of, and is immune from prosecution
15 under, this section if:

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

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

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

26 **SECTION 21b.** ORS 475B.260 is amended to read:

27 475B.260. (1)(a) A person under 21 years of age may not attempt to purchase, purchase or ac-
28 quire a marijuana item.

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

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

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

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

1 permit.

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

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

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

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

18 (9)(a) A person under 21 years of age is not in violation of, and is immune from prosecution
19 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 22.** 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)]~~ (5) or (7) if the sus-
38 pension is based on a nondriving offense.

39 **SECTION 23.** 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

1 operates an automobile insured under the policy has had driving privileges suspended or revoked
 2 pursuant to law during the policy period, or, if the policy is a renewal, during its policy period or
 3 the 180 days immediately preceding its effective date. An insurer may not cancel a policy for the
 4 reason that the driving privileges of the named insured or operator were suspended pursuant to ORS
 5 809.280 [(6) or (8)] **(5) or (7)** if the suspension was based on a nondriving offense.

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

9 (3) This section shall not apply to nonrenewal.

10 **SECTION 24.** ORS 742.566 is amended to read:

11 742.566. (1) An insurer shall offer renewal of a policy, contingent upon payment of premium as
 12 stated in the offer, to an insured unless the insurer mails or delivers to the named insured, at the
 13 address shown in the policy, at least 30 days' advance notice of nonrenewal. Such notice shall con-
 14 tain or be accompanied by a statement of the reason or reasons for nonrenewal.

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

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

21 (4) An insurer may not refuse to renew a policy for the reason that the driving privileges of the
 22 named insured or any operator either resident in the same household or who customarily operates
 23 an automobile insured under the policy were suspended pursuant to ORS 809.280 [(6) or (8)] **(5) or**
 24 **(7)** if the suspension was based on a nondriving offense.

25 **SECTION 25.** ORS 746.265 is amended to read:

26 746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of an
 27 individual's nonemployment driving record under ORS 802.220 when evaluating the individual's ap-
 28 plication to obtain or renew personal insurance, as defined in ORS 746.600, that provides automobile
 29 liability coverage, uninsured motorist coverage, automobile medical payments coverage or automo-
 30 bile physical damage coverage on an individually owned passenger vehicle, including pickup and
 31 panel trucks and station wagons:

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

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

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

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

38 (b) Diversion agreements under ORS 813.220 that were entered into more than three years im-
 39 mediately preceding the application for the policy or for renewal of the policy; or

40 (c) Suspension of driving privileges pursuant to ORS 809.280 [(6) or (8)] **(5) or (7)** if the suspen-
 41 sion is based on a nondriving offense.

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

44 **SECTION 26.** ORS 802.170 is amended to read:

45 802.170. 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 27.** ORS 802.550 is amended to read:

17 802.550. The following relate to the Driver License Compact under ORS 802.540:

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

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

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

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

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

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

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

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

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

38 **SECTION 28.** 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 29.** 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 30.** ORS 809.135 is amended to read:

19 809.135. The Department of Transportation may refuse to issue, may revoke or may suspend any
20 [*license, permit,*] identification card, title or registration issued by the department or for which ap-
21 plication is made to the department if the department determines that the person issued or applying
22 for the [*license, permit,*] identification card, title or registration has used one name in one application
23 and another name in any other application.

24 **SECTION 31.** ORS 809.260, as amended by section 77, chapter 21, Oregon Laws 2017 (Enrolled
25 Senate Bill 302), is amended to read:

26 809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years
27 of age, is [*convicted of any offense described in this subsection or*] determined by a juvenile court to
28 have committed one of the [*described*] offenses **described in this subsection**, the court [*in which the*
29 *person is convicted*] shall order suspension of the person's driving privileges. This subsection applies
30 [*to ORS 166.370 and sections 4, 5 and 6 of this 2017 Act and*] to any offense involving the delivery,
31 manufacture or possession of controlled substances, **or any offense described in section 4, 5 or**
32 **6, chapter 21, Oregon Laws 2017 (Enrolled Senate Bill 302), resulting from the operation of**
33 **a motor vehicle.**

34 (2) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age,
35 at the time of committing any offense described in this subsection, is [*convicted or*] determined by
36 a juvenile court to have committed one of the [*described*] offenses **described in this subsection**, the
37 court [*in which the person is convicted*] shall order suspension of the person's driving privileges. This
38 subsection applies to any offense involving the possession, use or abuse of alcohol or cannabis **re-**
39 **sulting from the operation of a motor vehicle.**

40 (3) If a court has issued an order suspending driving privileges under this section, the court,
41 upon petition of the person, may review the order and may withdraw the order at any time the court
42 deems appropriate except as provided in the following:

43 (a) A court may not withdraw an order for a period of 90 days following the issuance of the
44 order if it is the first such order issued with respect to the person.

45 (b) A court may not withdraw an order for a period of one year following the issuance of the

1 order if it is the second or subsequent such order issued with respect to the person.

2 (c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for a
3 period of six months if the order is based on a determination or conviction involving controlled
4 substances.

5 (4) Upon receipt of an order under this section, the department shall take action as directed
6 under ORS 809.280.

7 **SECTION 32.** ORS 809.275 is amended to read:

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

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

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

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

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

21 **SECTION 33.** ORS 809.280 is amended to read:

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

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

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

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

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

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

38 [(4)] (3) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall
39 suspend the person's driving privileges for an indefinite period. The department shall reinstate
40 driving privileges that have been suspended under this subsection upon notification by the court or
41 upon the elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred,
42 whichever comes first. The department may not suspend any driving privileges under this subsection
43 for a person's failure to appear on a parking, pedestrian or bicyclist offense.

44 [(5)] (4) Upon receipt of a court notice under ORS 810.310, the department shall suspend the
45 person's driving privileges for an indefinite period. The department shall reinstate driving privileges

1 that have been suspended under this subsection upon notification by the court or upon the lapse of
2 10 years from the date of suspension, whichever comes first.

3 [(6)] (5) Upon receipt of a court order under ORS 809.260, the department shall suspend the
4 person's driving privileges as follows:

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

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

11 [(7)] (6) If the department receives notice from a court that it has withdrawn an order issued
12 under ORS 809.260, the department shall immediately reinstate any driving privileges that have been
13 suspended under subsection [(6)] (5) of this section because of the issuance of the order.

14 [(8)] (7) Upon receipt of a court order under ORS [165.805 or] 471.430, the department shall
15 suspend the person's driving privileges. The suspension shall be for the period ordered by the court.
16 The court may only order suspension for a period not to exceed one year.

17 [(9)] (8) Upon receipt of a court order under ORS 809.265, the department shall suspend the
18 person's driving privileges for six months.

19 [(10)] (9) Upon receipt of a court order under ORS 809.235, the department shall permanently
20 revoke the person's driving privileges. The revocation shall remain in effect until the department is
21 notified by a court that the person's driving privileges have been ordered restored.

22 [(11)] (10) When a court orders suspension of driving privileges under ORS 811.109 (4), the de-
23 partment shall suspend the person's driving privileges. The suspension shall be for the period or-
24 dered by the court. The court may only order suspension for a period not to exceed 30 days.

25 [(12)] (11) When a court orders suspension of driving privileges under ORS 811.109 (5), the de-
26 partment shall suspend the person's driving privileges. The suspension shall be for the period or-
27 dered by the court. The court may only order suspension for not less than 30 days and not more
28 than 90 days.

29 [(13)] (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the
30 person's driving privileges for one year.

31 **SECTION 34.** ORS 809.310 is amended to read:

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

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

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

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

45 (b) Committed false swearing in making application for the driving privileges in violation of ORS

1 807.520.

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

3 (d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or
4 807.590.

5 (e) Used the license, permit or identification card of another in violation of ORS 807.430 or
6 807.600.

7 (f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS
8 807.500.

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

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

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

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

17 **SECTION 35.** ORS 809.380, as amended by section 31, chapter 66, Oregon Laws 2017 (Enrolled
18 House Bill 2314), is amended to read:

19 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

32 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
33 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
34 809.500.

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

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

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

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

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

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

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

6 (g) The suspension was the result of an error committed by an insurance company in issuing or
7 failing to issue a certification of insurance or in canceling a certification of insurance filed with the
8 department under ORS 806.270.

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

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

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

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

27 (L) The department issued the suspension without error because the department received a no-
28 tice to suspend from a court under ORS 809.210 or 809.220, but the department later determines that
29 the person in fact was in compliance with the requirements of the court prior to the effective date
30 of the suspension.

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

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

35 *[(b) Has received a certificate for passing an approved high school equivalency test such as the*
36 *General Educational Development (GED) test from a community college and provides the department*
37 *with proof of the certificate satisfactory to the department.]*

38 **SECTION 36.** ORS 809.409 is amended to read:

39 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
40 Department of Transportation shall revoke the driving privileges of the person convicted.

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

43 (c) Except as otherwise provided in subsections (2) and (3) of this section, the revocation shall
44 be for a period of one year from the date of revocation, except that the department may not rein-
45 state driving privileges of any person whose privileges are revoked under this section until the

1 person complies with future responsibility filings.

2 (2) The department shall take action under subsection (1) of this section upon receipt of a record
3 of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked
4 or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation
5 of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle,
6 except that the provisions of this subsection do not apply to a person whose driving privileges are
7 ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this sub-
8 section may apply for reinstatement of driving privileges:

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

13 (b) If the sentence for the crime for which the person's driving privileges were revoked and any
14 other crimes arising from the same criminal episode does not include incarceration, no sooner than
15 10 years from the date the department revoked the privileges under this subsection.

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

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

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

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

34 *[(5)]* (4) The department shall take action under subsection (1) of this section upon receipt of a
35 record of conviction of any felony with a material element involving the operation of a motor vehi-
36 cle.

37 **SECTION 37.** ORS 809.411 is amended to read:

38 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the
39 Department of Transportation shall suspend the driving privileges of the person convicted.

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

42 (c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and (10)*] of this section, the
43 suspension shall be for the period of time described in Schedule I of ORS 809.428. The department
44 may not reinstate driving privileges of any person whose privileges are suspended under subsection
45 (2), (3), (4), (5), (6)[, (7)] or [*(10)*] (9) of this section until the person complies with future responsi-

1 bility filings. There is no requirement of compliance with future responsibility filings if the person
2 was suspended under subsection [(8) or (9)] **(7) or (8)** of this section.

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

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

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

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

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

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

17 [(8)] **(7)** The department shall take action under subsection (1) of this section upon receipt of a
18 record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor
19 vehicle. A suspension under this subsection shall continue for a period of six months from the date
20 of suspension.

21 [(9)] **(8)** The department shall take action under subsection (1) of this section upon receipt of a
22 record of conviction of an offense described in ORS 809.310. A suspension under this subsection shall
23 continue for a period of one year from the date of the suspension.

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

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

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

39 (d) A person who is convicted of assault in the fourth degree and whose driving privileges are
40 suspended under this subsection may apply for reinstatement of driving privileges one year from the
41 date the person is released from incarceration for the conviction, if the sentence includes
42 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-
43 ply for reinstatement of driving privileges one year from the date the department suspended the
44 privileges under this subsection.

45 **SECTION 37a.** ORS 809.415 is amended to read:

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

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

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

7 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,
8 provided that there has been no final adjudication by a court that the insurer has no such obli-
9 gation.

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

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

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

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

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

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

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

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

33 (c) A person whose initial obligation to make future responsibility filings is not based upon a
34 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
35 sion under this subsection. A person whose obligation to make future responsibility filings is based
36 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
37 of a suspension under this subsection. A person whose suspension under this subsection is based on
38 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
39 809.440.

40 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
41 suspension shall continue until the earlier of the following:

42 (A) The person establishes to the satisfaction of the department that the person has performed
43 all acts necessary under ORS 809.416 to make the person not subject to suspension.

44 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
45 pension is imposed for a reason described in ORS 809.416 (1)[,] **or** 20 years from the date the traffic

1 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2) *[or five years*
2 *from the date the suspension is imposed for a reason described in ORS 809.416 (4)]*.

3 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
4 subsection.

5 (5) Upon determination by the department that a person has committed an act that constitutes
6 an offense described in ORS 809.310, the department may suspend any driving privileges or any
7 identification card of the person determined to have committed the act. A suspension under this
8 subsection shall continue for a period of one year.

9 (6) Upon determination by the department that a person has submitted false information to the
10 department for the purpose of establishing or maintaining qualification to operate a commercial
11 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial
12 driving privileges or the person's right to apply for commercial driving privileges for a period of one
13 year.

14 **SECTION 38.** ORS 809.416 is amended to read:

15 809.416. This section establishes circumstances that will make a person subject to suspension
16 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
17 suspension. The following apply as described:

18 (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation
19 receives notice from a court to apply this section under ORS 809.220. A person who is subject under
20 this subsection remains subject until the person presents the department with notice issued by the
21 court showing that the person is no longer subject to this section or until 10 years have elapsed
22 from the date the traffic offense or violation of ORS 471.430 occurred, whichever is earlier. This
23 subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense
24 or parking offense. Upon receipt of notice from a court, the department shall send a letter by first
25 class mail advising the person that the suspension will commence 60 days from the date of the letter
26 unless the person presents the department with the notice required by this subsection.

27 (2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice
28 of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay
29 a fine or obey an order of the court. A person who is subject under this subsection remains subject
30 until the earlier of the following:

31 (a) The person presents the department with a notice of reinstatement issued by the court
32 showing that the person:

33 (A) Is making payments, has paid the fine or has obeyed the order of the court; or

34 (B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered
35 apprentice under ORS 660.020; or

36 (b) Twenty years have elapsed from the date the traffic offense occurred.

37 (3) Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or re-
38 fusal to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon
39 receipt of a notice of suspension from a court, the department shall send a letter by first class mail
40 advising the person that the suspension will commence 60 days from the date of the letter unless
41 the person presents the department with the notice of reinstatement required by this subsection.

42 *[(4) A person is subject to suspension under ORS 809.415 (4) if the person pays the department any*
43 *fee or tax with a bank check and the check is returned to the department as uncollectible or the person*
44 *tenders payment with a credit or debit card and the issuer of the card does not pay the department.*
45 *A person who is subject under this subsection remains subject until the department receives the money*

1 for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have
2 elapsed, whichever is earlier.]

3
4 **MEMBERS OF COMMISSIONED CORPS OF**
5 **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**
6

7 **SECTION 39.** ORS 807.020 is amended to read:

8 807.020. A person who is granted a driving privilege by this section may exercise the driving
9 privilege described without violation of the requirements under ORS 807.010. A grant of driving
10 privileges to operate a motor vehicle under this section is subject to suspension and revocation the
11 same as other driving privileges granted under the vehicle code. This section is in addition to any
12 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-
13 scribed driving privileges:

14 (1) A person who is not a resident of this state or who has been a resident of this state for less
15 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
16 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person
17 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
18 To qualify under this subsection, the person must have the out-of-state license or driver permit in
19 the person's possession. A person is not granted driving privileges under this subsection:

20 (a) If the person is under the minimum age required to be eligible for driving privileges under
21 ORS 807.060;

22 (b) During a period of suspension or revocation by this state or any other jurisdiction of driving
23 privileges or of the right to apply for a license or driver permit issued by this state or any other
24 jurisdiction; or

25 (c) That exceed the driving privileges granted to the person by the out-of-state license or driver
26 permit.

27 (2) A [*person in*] **member of** the Armed Forces of the United States **or the commissioned**
28 **corps of the National Oceanic and Atmospheric Administration** may operate a motor vehicle
29 without an Oregon license or driver permit if the person is operating a motor vehicle in the course
30 of the person's duties in the Armed Forces **or the National Oceanic and Atmospheric Adminis-**
31 **tration.**

32 (3) A person without a license or driver permit may operate a road roller or road machinery
33 that is not required to be registered under the laws of this state.

34 (4) A person without a license or driver permit may temporarily operate, draw, move or propel
35 a farm tractor or implement of husbandry.

36 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate
37 driving ability during the course of an examination administered under ORS 807.070 for the purpose
38 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-
39 iner is in a seat beside the driver of the motor vehicle.

40 (6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

41 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

42 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS
43 821.172.

44 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS
45 821.176.

1 (10) A person without a license or driver permit may operate a golf cart in accordance with an
2 ordinance adopted under ORS 810.070.

3 (11) The spouse of a member of the Armed Forces of the United States on active duty **or the**
4 **spouse of a member of the commissioned corps of the National Oceanic and Atmospheric**
5 **Administration** who is accompanying the member on assignment in this state may operate a motor
6 vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by an-
7 other state in the spouse's possession.

8 (12) A person who is a member of the Armed Forces of the United States on active duty **or a**
9 **member of the commissioned corps of the National Oceanic and Atmospheric Administration**
10 may operate a motor vehicle if the person has a current out-of-state license or driver permit in the
11 person's possession that is issued to the person by the person's state of domicile or by the Armed
12 Forces of the United States in a foreign country. Driving privileges described under this subsection
13 that are granted by the Armed Forces apply only for a period of 45 days from the time the person
14 returns to the United States.

15 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the
16 person is:

17 (a) Within an enclosed cab; or

18 (b) Operating a vehicle designed to travel with three wheels in contact with the ground at
19 speeds of less than 15 miles per hour.

20 (14) A person may operate a bicycle that is not an electric assisted bicycle without any grant
21 of driving privileges.

22 (15) A person may operate an electric assisted bicycle without a driver license or driver permit
23 if the person is 16 years of age or older.

24 (16) A person may operate a motor assisted scooter without a driver license or driver permit if
25 the person is 16 years of age or older.

26 (17) A person who is not a resident of this state or who has been a resident of this state for less
27 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
28 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a
29 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person
30 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
31 A person operating a motor vehicle under authority of this subsection has the same privileges and
32 is subject to the same restrictions as a person operating under the authority of a Class C instruction
33 driver permit issued as provided in ORS 807.280.

34 (18) A person may operate an electric personal assistive mobility device without any grant of
35 driving privileges if the person is 16 years of age or older.

36
37 **APPLICABILITY**

38
39 **SECTION 40.** The amendments to ORS 163.196, 164.775, 165.805, 167.401, 305.385, 471.430,
40 475B.260, 742.449, 742.562, 742.566, 746.265, 802.170, 802.550, 807.060, 807.065, 807.240, 809.135,
41 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182
42 by sections 2, 3, 9, 13 and 18 to 38 of this 2017 Act and the repeal of ORS 339.254, 339.257,
43 807.066, 809.265, 809.320 and 809.423 by section 17 of this 2017 Act apply to conduct giving rise
44 to a driving privilege suspension or driving privilege revocation on or after the effective date
45 of this 2017 Act. Driving privilege suspensions or driving privilege revocations imposed before

1 **the effective date of this 2017 Act shall be governed by law applicable to driving privilege**
2 **suspensions and driving privilege revocations in effect at the time of the most recent sus-**
3 **pension.**

4 **SECTION 40a.** If Senate Bill 754 becomes law, section 40 of this 2017 Act is amended to read:

5 **Sec. 40.** The amendments to ORS 163.196, 164.775, 165.805, [167.401,] 305.385, 471.430, 475B.260,
6 742.449, 742.562, 742.566, 746.265, 802.170, 802.550, 807.060, 807.065, 807.240, 809.135, 809.260, 809.275,
7 809.280, 809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182 by sections 2, 3, 9,
8 13 and 18 to 38 of this 2017 Act and the repeal of ORS 339.254, 339.257, 807.066, 809.265, 809.320 and
9 809.423 by section 17 of this 2017 Act apply to conduct giving rise to a driving privilege suspension
10 or driving privilege revocation on or after the effective date of this 2017 Act. Driving privilege
11 suspensions or driving privilege revocations imposed before the effective date of this 2017 Act shall
12 be governed by law applicable to driving privilege suspensions and driving privilege revocations in
13 effect at the time of the most recent suspension.

14
15 **CAPTIONS**

16
17 **SECTION 41.** The unit captions used in this 2017 Act are provided only for the conven-
18 **ience of the reader and do not become part of the statutory law of this state or express any**
19 **legislative intent in the enactment of this 2017 Act.**