

A-Engrossed
Senate Bill 693

Ordered by the Senate April 14
Including Senate Amendments dated April 14

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.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and 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, 807.060, 807.065, 807.200, 807.240, 807.370, 809.135, 809.260, 809.275, 809.280,
5 809.310, 809.312, 809.380, 809.390, 809.409, 809.411, 809.415, 809.416, 809.600, 811.175, 811.182,
6 813.040 and 813.520; and repealing ORS 339.254, 339.257, 807.066, 807.250, 807.252, 807.260,
7 807.270, 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:**

9
10 **PROBATIONARY PERMITS AND HARDSHIP PERMITS**

11
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13 **repealed.**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 2.** ORS 807.240 is amended to read:

15 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
16 in a manner consistent with this section. A hardship driver permit grants the driving privileges
17 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
18 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
19 a license. The following apply to a hardship driver permit:

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

22 (2) Except as provided in **this section and** ORS 813.520, the department may reinstate the
23 privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been
24 suspended, **or revoked under ORS 809.600 as a habitual offender,** by issuing the person a hard-
25 ship permit. [*described under this section if such person qualifies under this section, ORS 807.250,*
26 *807.252 and 813.500. However, the department may not issue a hardship permit authorizing a person*
27 *to drive a commercial motor vehicle.*]

28 (3) To qualify for a hardship permit, a person must do all of the following [*in addition to any*

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 *applicable provisions under ORS 807.250, 807.252 and 813.500*]:

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

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

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

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

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

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

14 **(E) That the person's driving privileges are suspended for driving in violation of ORS**
15 **471.430 and are not suspended for any other reason and that the person must operate a mo-**
16 **tor vehicle in order to provide necessary services to the person or to a member of the**
17 **person's family. The department shall determine by rule what constitutes necessary services**
18 **for purposes of this subparagraph. The rule shall include as necessary services, but need not**
19 **be limited to, grocery shopping, driving the person or the person's children to school, driving**
20 **to medical appointments and caring for elderly family members.**

21 *[(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS*
22 *806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and that*
23 *the person must operate a motor vehicle in order to provide necessary services to the person or to a*
24 *member of the person's family. The department shall determine by rule what constitutes necessary ser-*
25 *vices for purposes of this subparagraph. The rule shall include as necessary services, but need not be*
26 *limited to, grocery shopping, driving the person or the person's children to school, driving to medical*
27 *appointments and caring for elderly family members.]*

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

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

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

37 (f) The person must submit any other information the department may require for purposes of
38 determining whether the person qualifies under this section[, *ORS 807.250, 807.252, 813.500*] and
39 **ORS 813.520.**

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

1 permit:

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

3 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a
4 motor vehicle that the department deems proper or necessary. The limitations may include any
5 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS
6 811.175 or 811.182.

7 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of
8 a permit issued under this section [*or limitations placed on a hardship permit under ORS 807.252 or*
9 *813.510*], may suspend or revoke the hardship permit.

10 (6) The fee charged for application or issuance of a hardship driver permit is the hardship driver
11 permit application fee under ORS 807.370. The department may not refund the fee if the application
12 is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit
13 is the same fee as that charged for renewal of a license. The application fee charged under this
14 subsection is in addition to any fee charged for reinstatement of driving privileges under ORS
15 807.370.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **(B) For a period of four years from the date the person is released from incarceration**
45 **for the conviction if the person's driving privileges are suspended for conviction of assault**

1 in the second degree and the person was incarcerated for that conviction.

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

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

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

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

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

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

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

20 163.196. (1) A person commits the crime of aggravated driving while suspended or revoked if the
21 person operates a motor vehicle that causes serious physical injury to, or the death of, another
22 person while knowingly violating ORS 811.175 or 811.182, if the suspension or revocation resulted
23 from, or if the hardship [*or probationary*] permit violated is based upon a suspension or revocation
24 that resulted from, a conviction for a criminal offense involving the use of a motor vehicle.

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

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

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

29 430.165. The Oregon Health Authority may prescribe fee schedules for any of the programs that
30 it establishes and operates under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] and 430.850 to
31 430.880[, 813.500 and 813.510]. The fees shall be charged and collected by the authority in the same
32 manner as charges are collected under ORS 179.610 to 179.770. When the authority acts under this
33 section, "person in a state institution" or "person at a state institution" or any similar phrase, as
34 defined in ORS 179.610, includes a person who receives services from a program for which fee
35 schedules are established under this section.

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

37 430.197. The Mental Health Services Fund is established in the State Treasury, separate and
38 distinct from the General Fund. The Mental Health Services Fund comprises moneys collected or
39 received by the Oregon Health Authority, the Department of Human Services and the Department
40 of Corrections under ORS 179.640, 426.241 and 430.165. The moneys in the fund are continuously
41 appropriated to the Oregon Health Authority, the Department of Human Services and the Depart-
42 ment of Corrections for the purposes of paying the costs of:

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

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

45 (3) Emergency care, custody or treatment provided to a person admitted to or detained in a state

1 mental hospital or nonhospital facility under ORS 426.070, 426.140, 426.180 to 426.210, 426.228,
2 426.232 or 426.233; and

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

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

6 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction
7 that is more limited than those available under a license or that is only available under special or
8 limited circumstances. The term may also refer to a document issued as evidence of a grant of
9 driving privileges under a driver permit. Driver permits issued by this state include the following:

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

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

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

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

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

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

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

17 [(8)] (7) Special student driver permit described under ORS 807.230.

18 [(9)] (8) Special temporary instruction driver permit described under ORS 807.290.

19 [(10)] (9) Court bail driver permit described under ORS 807.330.

20 [(11)] (10) Temporary driver permit described under ORS 813.110.

21 [(12)] (11) Commercial learner driver permit described under ORS 807.285.

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

23 807.200. (1) The following permits may be issued as restricted Class C licenses:

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

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

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

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

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

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

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

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

36 807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-
37 mits and endorsements:

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

39 (a) For issuance, \$44.

40 (b) For renewal fee under ORS 807.210, \$32.

41 (2) Emergency driver permit fee under ORS 807.220, \$23.50.

42 (3) Instruction driver permit fees under ORS 807.280, as follows:

43 (a) For issuance, \$23.50.

44 (b) For renewal, \$23.50.

45 (4) Commercial learner driver permit issuance fee under ORS 807.285, \$23.50.

- 1 (5)(a) License issuance fee for a Class C license, \$54.
- 2 (b) Fee to take the knowledge test for a Class C license, \$5.
- 3 (c) Fee to take the skills test for a Class C license, \$9.
- 4 (6) License issuance fee for a restricted Class C license, \$54.
- 5 (7) License issuance fee for a commercial driver license, whether or not the license contains
- 6 endorsements, \$75.50.
- 7 (8) Test fees for a commercial driver license or permit:
- 8 (a) To take the knowledge test for a Class A commercial driver license or permit, \$10.
- 9 (b) To take the skills test for a Class A commercial driver license, \$70.
- 10 (c) To take the knowledge test for a Class B commercial driver license or permit, \$10.
- 11 (d) To take the skills test for a Class B commercial driver license, \$70.
- 12 (e) To take the knowledge test for a Class C commercial driver license or permit, \$10.
- 13 (f) To take the skills test for a Class C commercial driver license, \$70.
- 14 (9) Notwithstanding subsection (7) of this section, for issuance of a commercial driver license
- 15 of any class when the Department of Transportation accepts a certificate of competency issued un-
- 16 der ORS 807.080, \$40 in addition to the fee under subsection (7) of this section.
- 17 (10) Notwithstanding subsection (7) of this section, for original issuance of a school bus
- 18 endorsement to a person who has a commercial driver license with a passenger endorsement:
- 19 (a) \$21; or
- 20 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- 21 (11) For a farm endorsement, \$26.
- 22 (12) Test fees for the knowledge test for endorsements other than motorcycle and farm
- 23 endorsements:
- 24 (a) For a hazardous materials endorsement, \$10.
- 25 (b) For a tank vehicle endorsement, \$10.
- 26 (c) For a passenger endorsement, \$10.
- 27 (d) For a double and triple trailer endorsement, \$10.
- 28 (e) For a school bus endorsement, \$10.
- 29 (13) Fee to take an airbrake knowledge test, \$10.
- 30 (14) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- 31 (15) License renewal fee for a commercial driver license, \$55.50.
- 32 (16) License renewal fee for a Class C license, \$34.
- 33 (17) License or driver permit replacement fee under ORS 807.160, \$26.50.
- 34 (18) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46,
- 35 in addition to any fees for the endorsed license.
- 36 (19) Special student driver permit fee under ORS 807.230, \$23.50.
- 37 (20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- 38 (21) Motorcycle Safety Subaccount fee as follows:
- 39 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$38.
- 40 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- 41 [(22) Probationary driver permit application fee under ORS 807.270, \$50.]
- 42 [(23)] **(22)** Hardship driver permit application fee under ORS 807.240, \$50.
- 43 [(24)] **(23)** Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- 44 [(25)] **(24)** Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- 45 [(26) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280

1 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.]

2 [(27)] (25) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.

3 [(28)(a)] (26)(a) License issuance fee for a Class C limited term license, \$23.

4 (b) Fee to take the knowledge test for a Class C limited term license, \$5.

5 (c) Fee to take the skills test for a Class C limited term license, \$9.

6 [(29)] (27) License issuance fee for a restricted Class C limited term license, \$23.

7 [(30)] (28) License issuance fee for a limited term commercial driver license, whether or not the
8 license contains endorsements, \$45.

9 [(31)] (29) License renewal fee for a limited term commercial driver license, \$14.

10 [(32)] (30) License renewal fee for a Class C limited term license, \$8.

11 [(33)] (31) Limited term license or limited term driver permit replacement fee under ORS 807.160,
12 \$26.50.

13 [(34)] (32) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and
14 807.150, \$2.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 provided in ORS 809.440 (2).

2 (6) To reinstate driving privileges or the right to apply for driving privileges after the depart-
3 ment determines that the person meets the objective criteria under subsection (4) of this section, the
4 person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 [(25)]
5 (24).

6 (7) To reinstate an identification card or the right to apply for an identification card after the
7 department determines that the person meets the objective criteria under subsection (4) of this sec-
8 tion, the person shall pay the fee for reinstatement of an identification card as described in ORS
9 807.410 (4).

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

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

14 809.390. All of the following apply to a person whose driving privileges have been revoked:

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

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

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

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

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

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

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

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

40 809.600. This section establishes the kinds of offenses and the number of convictions necessary
41 to revoke the driving privileges of a person as a habitual offender under ORS 809.640. The kinds
42 of offenses and the number of convictions necessary to revoke driving privileges as a habitual
43 offender are as follows:

44 (1) A person's driving privileges shall be revoked as a habitual offender if the person, within a
45 five-year period, has been convicted of three or more of any one or more of the following offenses

1 as evidenced by the records maintained by the Department of Transportation or by the records of
2 a similar agency of another state:

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

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

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

8 (d) Reckless driving under ORS 811.140.

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

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

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

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

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

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

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

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

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

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

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

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

29 811.175. (1) A person commits the offense of violation driving while suspended or revoked if the
30 person does any of the following:

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

34 (b) Drives a motor vehicle outside the limitations of [*a probationary permit issued under ORS*
35 *807.270 or*] a hardship driver permit issued under ORS 807.240[, *including any limitations placed on*
36 *the permit under ORS 813.510*].

37 (c) Drives a commercial motor vehicle upon a highway during a period when the person's driving
38 privileges or commercial driving privileges have been suspended or revoked in this state or any
39 other jurisdiction.

40 (2) Affirmative defenses to the offense described in this section are established under ORS
41 811.180.

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

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

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

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

5 (2) Affirmative defenses to the offense described in this section are established under ORS
6 811.180.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense
45 described in this section and the underlying suspension resulted from driving while under the influ-

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

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

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

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

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

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

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

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

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

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

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

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

27 813.520. [*In addition to any provisions of ORS 807.240 and 813.510 or 807.250, this section estab-*
28 *lishes limitations on the authority of the Department of Transportation to issue driving privileges under*
29 *ORS 807.240.*] The Department **of Transportation** may not reinstate any driving privileges or issue
30 any hardship permit under ORS 807.240 as provided under any of the following:

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

36 (2) For a period of 30 days after the beginning of the suspension if the suspension is because a
37 breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the
38 person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300
39 and the person is not subject to an increase in the time before a hardship permit may be issued for
40 reasons described in ORS 813.430. [*This period of 30 days shall be reduced by the time the department*
41 *refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving*
42 *privileges were suspended based on the same occurrence.*]

43 (3) For a period of one year after the beginning of the suspension if the suspension is because
44 a 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 subject to an increase in the time before a hardship permit may be issued for
2 reasons described under ORS 813.430. *[This period of one year shall be reduced by the time the de-*
3 *partment refused to issue a hardship permit under subsection (5) or (6) of this section if the person's*
4 *driving privileges were suspended based on the same occurrence.]*

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

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

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

20 [(7)] (5) To any person who has a mental or physical condition or impairment that affects the
21 person's ability to safely operate a motor vehicle.

22 [(8)] (6) If the suspension is based upon a conviction for a violation of ORS 813.010 or is imposed
23 under ORS 813.410 based upon ORS 813.100 to a person who has available public or private trans-
24 portation sufficient to fulfill the person's transportation needs while the person is suspended.

25 [(9)] (7) For a period of 30 days following imposition of suspension, if the person, within the
26 previous year, has been convicted of a traffic crime and the suspension is based upon a conviction
27 for violation of ORS 813.010 or is imposed under ORS 813.410 based upon ORS 813.100.

28
29 **APPLICABILITY**

30
31 **SECTION 16. The amendments to ORS 163.196, 430.165, 430.197, 801.250, 807.200, 807.240,**
32 **807.370, 809.312, 809.390, 809.600, 811.175, 811.182, 813.040 and 813.520 by sections 2 to 15 of this**
33 **2017 Act and the repeal of ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and**
34 **813.510 by section 1 of this 2017 Act apply to hardship permits issued on or after the effective**
35 **date of this 2017 Act. Hardship permits and probationary permits issued before the effective**
36 **date of this 2017 Act shall be governed by law applicable to those permits in effect imme-**
37 **diately before the effective date of this 2017 Act.**

38
39 **DRIVING PRIVILEGE SUSPENSIONS**

40
41 **SECTION 17. ORS 339.254, 339.257, 807.066, 809.265, 809.320 and 809.423 are repealed.**

42 **SECTION 18. ORS 164.775 is amended to read:**

43 164.775. (1) It is unlawful for any person to discard any glass, cans or other trash, rubbish, de-
44 bris or litter on land within 100 yards of any of the waters of the state, as defined in ORS 468B.005,
45 other than in receptacles provided for the purpose of holding such trash, rubbish, debris or litter.

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

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

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

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

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

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

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

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

26 **SECTION 19.** ORS 165.805 is amended to read:

27 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

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

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

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

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

44 (4) The prohibitions of this section do not apply to any person acting under the direction of the
45 Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local

1 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting
2 sales of alcoholic beverages to persons who are under a certain, specified age.

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

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

8 167.401. (1)(a) Except as provided in subsection (4) of this section, a person under 18 years of
9 age may not purchase, attempt to purchase or acquire tobacco products or inhalant delivery sys-
10 tems.

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

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

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

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

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

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

38 305.385. (1) Upon request of the Department of Revenue, an agency issuing or renewing a license
39 to conduct a business, trade or profession shall annually, on or before March 1, supply the depart-
40 ment with a list of specified licenses issued or renewed by the agency during the preceding calendar
41 year.

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

45 (3) The lists required by subsections (1) and (2) of this section shall contain the name, address,

1 Social Security or federal employer identification number of each licensee or provider or such other
2 information as the department may by rule require.

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

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

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

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

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

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

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

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

45 (8)(a) The requirements of the certification under subsection (6) of this section shall be subject

1 to the rules adopted by the department in accordance with this section.

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

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

5 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire
6 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent
7 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of
8 age may not have personal possession of alcoholic beverages.

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

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

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

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

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

30 (6) If a person cited under this section is at least 13 years of age but less than 21 years of age
31 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in
32 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to
33 the department for the department to suspend the person's driving privileges under ORS 809.280
34 [(4)] (3).

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

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

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

1 of age.

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

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

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

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

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

15 475B.260. (1)(a) A person under 21 years of age may not attempt to purchase, purchase or ac-
16 quire a marijuana item.

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

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

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

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

35 (5) If a person cited under this section is at least 13 years of age but less than 21 years of age
36 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in
37 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to
38 the department for the department to suspend the person's driving privileges under ORS 809.280
39 [(4)] (3).

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

43 (7) The prohibitions of this section do not apply to a person under 21 years of age who is acting
44 under the direction of the commission or under the direction of state or local law enforcement
45 agencies for the purpose of investigating possible violations of laws prohibiting sales of marijuana

1 items to persons who are under 21 years of age.

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

6 (9)(a) A person under 21 years of age is not in violation of, and is immune from prosecution
7 under, this section if:

8 (A) The person contacted emergency medical services or a law enforcement agency in order to
9 obtain medical assistance for another person who was in need of medical assistance because that
10 person consumed a marijuana item and the evidence of the violation of this section was obtained
11 as a result of the person's having contacted emergency medical services or a law enforcement
12 agency; or

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

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

19 **SECTION 22.** ORS 742.449 is amended to read:

20 742.449. An insurer issuing motor vehicle liability insurance policies in this state may not assign
21 an insured or applicant for insurance to a higher risk category than the person would otherwise be
22 assigned to solely because the person has:

23 (1) Let a prior motor vehicle liability policy lapse, unless the person was in violation of ORS
24 806.010 at any time after the prior policy lapsed; or

25 (2) Had driving privileges suspended pursuant to ORS 809.280 [(6) or (8)] **(5) or (7)** if the sus-
26 pension is based on a nondriving offense.

27 **SECTION 23.** ORS 742.562 is amended to read:

28 742.562. (1) A notice of cancellation of a policy shall be effective only if it is based on one or
29 more of the following reasons:

30 (a) Nonpayment of premium.

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

33 (c) The named insured or any operator either resident in the same household or who customarily
34 operates an automobile insured under the policy has had driving privileges suspended or revoked
35 pursuant to law during the policy period, or, if the policy is a renewal, during its policy period or
36 the 180 days immediately preceding its effective date. An insurer may not cancel a policy for the
37 reason that the driving privileges of the named insured or operator were suspended pursuant to ORS
38 809.280 [(6) or (8)] **(5) or (7)** if the suspension was based on a nondriving offense.

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

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

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

44 742.566. (1) An insurer shall offer renewal of a policy, contingent upon payment of premium as
45 stated in the offer, to an insured unless the insurer mails or delivers to the named insured, at the

1 address shown in the policy, at least 30 days' advance notice of nonrenewal. Such notice shall con-
2 tain or be accompanied by a statement of the reason or reasons for nonrenewal.

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

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

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

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

14 746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of an
15 individual's nonemployment driving record under ORS 802.220 when evaluating the individual's ap-
16 plication to obtain or renew personal insurance, as defined in ORS 746.600, that provides automobile
17 liability coverage, uninsured motorist coverage, automobile medical payments coverage or autom-
18 obile physical damage coverage on an individually owned passenger vehicle, including pickup and
19 panel trucks and station wagons:

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

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

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

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

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

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

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

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

33 802.170. If any person pays the Department of Transportation any fee or tax with a bank check
34 and the check is returned to the department as uncollectible, or if a person pays the department
35 with a credit or debit card and for any reason the department does not get payment from the issuer
36 of the card, the department may charge the person the fee for dishonored checks or other orders for
37 the payment of money under ORS 30.701 (5). If the person does not pay the fee charged under this
38 section, the department may do all of the following:

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

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

44 [(2)] **(3)** Authorize any department employee or police officer to seize and recover any evidence
45 of the registration, title, license or permit suspended or canceled.

1 [(3)] (4) If evidence of the suspended or canceled registration, title, license or permit is not re-
2 covered, refuse to conduct any further transactions with the person until the fee charged under this
3 section is paid.

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

5 802.550. The following relate to the Driver License Compact under ORS 802.540:

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

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

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

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

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

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

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

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

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

26 **SECTION 28.** ORS 807.060 is amended to read:

27 807.060. The Department of Transportation may not grant driving privileges to a person under
28 a license if the person is not eligible under this section. The following are not eligible for a license:

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

30 (2)(a) A person under 18 years of age who is not an emancipated minor unless the application
31 of the person is signed by the person's mother, father or legal guardian. [*A person who signs an*
32 *application under this paragraph may have the driving privileges canceled as provided under ORS*
33 *809.320.*]

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

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

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

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

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

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

45 (8) A person who cannot be issued a license under the Driver License Compact under ORS

1 802.540.

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

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

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

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

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

13 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license
14 or driver permit. A person who is not eligible under this subsection may become eligible by sur-
15 rendering the license, driver permit or out-of-state license or driver permit to the department before
16 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a
17 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS
18 807.062 to obtain an Oregon license or permit.

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

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

23 **SECTION 29.** ORS 807.065 is amended to read:

24 807.065. (1) The Department of Transportation may not issue a driver license to a person who
25 is under 18 years of age unless the person:

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

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

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

32 (d) Certifies to the department that the person has had at least 50 hours of driving experience
33 during which the person was supervised by a person at least 21 years of age who has had a valid
34 driver license for at least three years; and

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

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

44 (3) If the person takes but does not pass a test that consists of an actual demonstration of
45 driving ability under ORS 807.070, the department may not allow the person to perform the demon-

1 stration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a
2 period of not less than one month.

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

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

6 **SECTION 30.** ORS 809.135 is amended to read:

7 809.135. The Department of Transportation may refuse to issue, may revoke or may suspend any
8 [*license, permit,*] identification card, title or registration issued by the department or for which ap-
9 plication is made to the department if the department determines that the person issued or applying
10 for the [*license, permit,*] identification card, title or registration has used one name in one application
11 and another name in any other application.

12 **SECTION 31.** ORS 809.260 is amended to read:

13 809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years
14 of age, is [*convicted of any offense described in this subsection or*] determined by a juvenile court to
15 have committed one of the [*described*] offenses **described in this subsection**, the court [*in which the*
16 *person is convicted*] shall order suspension of the person's driving privileges. This subsection applies
17 to [*ORS 166.370 and*] to any offense involving the delivery, manufacture or possession of controlled
18 substances **resulting from the operation of a motor vehicle**.

19 (2) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age,
20 at the time of committing any offense described in this subsection, is [*convicted or*] determined by
21 a juvenile court to have committed one of the [*described*] offenses **described in this subsection**, the
22 court [*in which the person is convicted*] shall order suspension of the person's driving privileges. This
23 subsection applies to any offense involving the possession, use or abuse of alcohol **resulting from**
24 **the operation of a motor vehicle**.

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

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

30 (b) A court may not withdraw an order for a period of one year following the issuance of the
31 order if it is the second or subsequent such order issued with respect to the person.

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

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

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

38 809.275. (1) A court shall take immediate possession of any license or driver permit held by a
39 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under
40 ORS [*165.805,*] 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, [*809.270,*] 811.109 or 811.135.

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

45 (3) A suspension or revocation of driving privileges becomes effective on the date a court takes

1 possession of a license or permit under this section or orders the suspension or revocation.

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

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

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

7 809.280. [(1) Upon receipt of a court order under ORS 809.270, the Department of Transportation
8 shall suspend the person's driving privileges. The suspension shall remain in effect until the department
9 is notified by the court that the suspension is ended, except that, if the department is ordered to auto-
10 matically reinstate the driving privileges upon the successful completion of a program, the department
11 shall do so and shall notify the judge that the person has complied with the order of the judge.]

12 [(2)] (1) Upon receipt of a court order under ORS 809.120, the Department of **Transportation**
13 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the
14 court. The court may only order suspension for a period not to exceed 90 days.

15 [(3)] (2) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the de-
16 partment shall suspend the person's driving privileges and, subject to any other requirements of law,
17 reinstate the driving privileges upon appropriate notification from the court under ORS 809.130,
18 except that the department shall only impose the suspension after the department has determined
19 that:

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

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

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

23 [(4)] (3) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall
24 suspend the person's driving privileges for an indefinite period. The department shall reinstate
25 driving privileges that have been suspended under this subsection upon notification by the court or
26 upon the elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred,
27 whichever comes first. The department may not suspend any driving privileges under this subsection
28 for a person's failure to appear on a parking, pedestrian or bicyclist offense.

29 [(5)] (4) Upon receipt of a court notice under ORS 810.310, the department shall suspend the
30 person's driving privileges for an indefinite period. The department shall reinstate driving privileges
31 that have been suspended under this subsection upon notification by the court or upon the lapse of
32 10 years from the date of suspension, whichever comes first.

33 [(6)] (5) Upon receipt of a court order under ORS 809.260, the department shall suspend the
34 person's driving privileges as follows:

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

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

41 [(7)] (6) If the department receives notice from a court that it has withdrawn an order issued
42 under ORS 809.260, the department shall immediately reinstate any driving privileges that have been
43 suspended under subsection [(6)] (5) of this section because of the issuance of the order.

44 [(8)] (7) Upon receipt of a court order under ORS [165.805 or] 471.430, the department shall
45 suspend the person's driving privileges. The suspension shall be for the period ordered by the court.

1 The court may only order suspension for a period not to exceed one year.

2 [(9)] (8) Upon receipt of a court order under ORS 809.265, the department shall suspend the
3 person's driving privileges for six months.

4 [(10)] (9) Upon receipt of a court order under ORS 809.235, the department shall permanently
5 revoke the person's driving privileges. The revocation shall remain in effect until the department is
6 notified by a court that the person's driving privileges have been ordered restored.

7 [(11)] (10) When a court orders suspension of driving privileges under ORS 811.109 (4), the de-
8 partment shall suspend the person's driving privileges. The suspension shall be for the period or-
9 dered by the court. The court may only order suspension for a period not to exceed 30 days.

10 [(12)] (11) When a court orders suspension of driving privileges under ORS 811.109 (5), the de-
11 partment shall suspend the person's driving privileges. The suspension shall be for the period or-
12 dered by the court. The court may only order suspension for not less than 30 days and not more
13 than 90 days.

14 [(13)] (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the
15 person's driving privileges for one year.

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

17 809.310. (1) The Department of Transportation may cancel any driving privileges upon deter-
18 mining that the person is not entitled to the driving privileges under the vehicle code. The depart-
19 ment may reissue driving privileges canceled under this subsection when the applicant has satisfied
20 all requirements for the driving privileges sought.

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

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

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

30 (b) Committed false swearing in making application for the driving privileges in violation of ORS
31 807.520.

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

33 (d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or
34 807.590.

35 (e) Used the license, permit or identification card of another in violation of ORS 807.430 or
36 807.600.

37 (f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS
38 807.500.

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

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

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

45 (5) To obtain driving privileges after the period of suspension or cancellation under this section,

1 a person must reapply for driving privileges in the manner established by law.

2 **SECTION 35.** ORS 809.380 is amended to read:

3 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

16 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
17 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
18 809.500.

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

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

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

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

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

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

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

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

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

43 (i) The department issued the suspension without error because the person was not in compli-
44 ance with financial responsibility requirements as of the date of the department's letter of verifica-
45 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department

1 later determines that the person reasonably and in good faith believed that the person was in com-
 2 pliance with financial responsibility requirements on the date of the department's letter of verifica-
 3 tion or at the time of the accident.

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

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

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

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

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

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

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

22 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
 23 Department of Transportation shall revoke the driving privileges of the person convicted.

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

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

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

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

41 (b) If the sentence for the crime for which the person's driving privileges were revoked and any
 42 other crimes arising from the same criminal episode does not include incarceration, no sooner than
 43 10 years from the date the department revoked the privileges under this subsection.

44 (3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the department shall take
 45 action under subsection (1) of this section upon receipt of a record of conviction of failure to per-

1 form the duties of a driver to injured persons under ORS 811.705.

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

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

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

17 *[(5)]* (4) The department shall take action under subsection (1) of this section upon receipt of a
18 record of conviction of any felony with a material element involving the operation of a motor vehi-
19 cle.

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

21 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the
22 Department of Transportation shall suspend the driving privileges of the person convicted.

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

25 (c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and (10)*] of this section, the
26 suspension shall be for the period of time described in Schedule I of ORS 809.428. The department
27 may not reinstate driving privileges of any person whose privileges are suspended under subsection
28 (2), (3), (4), (5), (6)[, (7)] or *[(10)]* (9) of this section until the person complies with future responsi-
29 bility filings. There is no requirement of compliance with future responsibility filings if the person
30 was suspended under subsection *[(8) or (9)]* (7) **or** (8) of this section.

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

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

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

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

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

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

45 *[(8)]* (7) The department shall take action under subsection (1) of this section upon receipt of a

1 record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor
2 vehicle. A suspension under this subsection shall continue for a period of six months from the date
3 of suspension.

4 [(9)] (8) The department shall take action under subsection (1) of this section upon receipt of a
5 record of conviction of an offense described in ORS 809.310. A suspension under this subsection shall
6 continue for a period of one year from the date of the suspension.

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

10 (b) A person who is convicted of assault in the second degree and whose driving privileges are
11 suspended under this subsection may apply for reinstatement of driving privileges eight years from
12 the date the person is released from incarceration for the conviction, if the sentence includes
13 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-
14 ply for reinstatement of driving privileges eight years from the date the department suspended the
15 privileges under this subsection.

16 (c) A person who is convicted of assault in the third degree and whose driving privileges are
17 suspended under this subsection may apply for reinstatement of driving privileges five years from
18 the date the person is released from incarceration for the conviction, if the sentence includes
19 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-
20 ply for reinstatement of driving privileges five years from the date the department suspended the
21 privileges under this subsection.

22 (d) A person who is convicted of assault in the fourth degree and whose driving privileges are
23 suspended under this subsection may apply for reinstatement of driving privileges one year from the
24 date the person is released from incarceration for the conviction, if the sentence includes
25 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-
26 ply for reinstatement of driving privileges one year from the date the department suspended the
27 privileges under this subsection.

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

29 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
30 who has a judgment of the type described under ORS 806.040 rendered against the person if the
31 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
32 its entry.

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

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

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

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

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

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

44 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the
45 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-

1 isfying financial responsibility requirements or of a person who, after certifying the existence of a
2 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
3 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
4 bility requirements.

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

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

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

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

16 (c) A person whose initial obligation to make future responsibility filings is not based upon a
17 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
18 sion under this subsection. A person whose obligation to make future responsibility filings is based
19 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
20 of a suspension under this subsection. A person whose suspension under this subsection is based on
21 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
22 809.440.

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

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

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

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

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

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

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

43 809.416. This section establishes circumstances that will make a person subject to suspension
44 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
45 suspension. The following apply as described:

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

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

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

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

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

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

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

25 *[(4) A person is subject to suspension under ORS 809.415 (4) if the person pays the department any*
26 *fee or tax with a bank check and the check is returned to the department as uncollectible or the person*
27 *tenders payment with a credit or debit card and the issuer of the card does not pay the department.*
28 *A person who is subject under this subsection remains subject until the department receives the money*
29 *for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have*
30 *elapsed, whichever is earlier.]*

31
32 **APPLICABILITY**

33
34 **SECTION 39. The amendments to ORS 163.196, 164.775, 165.805, 167.401, 305.385, 471.430,**
35 **475B.260, 742.449, 742.562, 742.566, 746.265, 802.170, 802.550, 807.060, 807.065, 807.240, 809.135,**
36 **809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182**
37 **by sections 2, 3, 9, 13 and 18 to 38 of this 2017 Act and the repeal of ORS 339.254, 339.257,**
38 **807.066, 809.265, 809.320 and 809.423 by section 17 of this 2017 Act apply to conduct giving rise**
39 **to a driving privilege suspension or driving privilege revocation on or after the effective date**
40 **of this 2017 Act. Driving privilege suspensions or driving privilege revocations imposed before**
41 **the effective date of this 2017 Act shall be governed by law applicable to driving privilege**
42 **suspensions and driving privilege revocations in effect at the time of the most recent sus-**
43 **pension.**

44
45 **CAPTIONS**

1 **SECTION 40.** The unit captions used in this 2017 Act are provided only for the conven-
2 ience of the reader and do not become part of the statutory law of this state or express any
3 legislative intent in the enactment of this 2017 Act.

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