

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED SENATE BILL 693

By JOINT COMMITTEE ON WAYS AND MEANS

July 7

1 On page 1 of the printed B-engrossed bill, after line 13, insert:

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4 252 becomes law, ORS 807.250, 807.252, 813.500 and 813.510 are repealed by section 1 of this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

6 On page 12, after line 43, insert:

7 “**SECTION 17a.** Notwithstanding sections 22, 24 and 26, chapter ____, Oregon Laws 2017
8 (Enrolled Senate Bill 754) (amending ORS 339.257, 807.066 and 809.423), if Senate Bill 754 be-
9 comes law, ORS 339.257, 807.066 and 809.423 are repealed by section 17 of this 2017 Act.”.

10 On page 14, after line 38, insert:

11 “**SECTION 20a.** If Senate Bill 754 becomes law, section 20 of this 2017 Act (amending ORS
12 167.401) is repealed.”.

13 On page 22, delete lines 14 through 38 and insert:

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

16 “809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13
17 years of age, is [*convicted of any offense described in this subsection or*] determined by a juvenile
18 court to have committed one of the [*described*] offenses **described in this subsection**, the court [*in*
19 *which the person is convicted*] shall order suspension of the person’s driving privileges. This sub-
20 section applies [*to ORS 166.370 and sections 4, 5 and 6 of this 2017 Act and*] to any offense involving
21 the delivery, manufacture or possession of controlled substances, **or any offense described in**
22 **section 4, 5 or 6, chapter 21, Oregon Laws 2017 (Enrolled Senate Bill 302), resulting from the**
23 **operation of a motor vehicle.**

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

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

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

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

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

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

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

7 On page 25, delete lines 4 through 45.

8 On page 26, delete lines 1 through 22 and insert:

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

11 “809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

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

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

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

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

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

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

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

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

44 “(g) The suspension was the result of an error committed by an insurance company in issuing
45 or failing to issue a certification of insurance or in canceling a certification of insurance filed with

1 the department under ORS 806.270.

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

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

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

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

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

24 “[7] *The department shall waive the reinstatement fee for a person whose driving privileges were*
25 *suspended under ORS 809.423 (3) if the person:]*

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

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

31 On page 32, after line 33, insert:

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

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