

## SENATE AMENDMENTS TO SENATE BILL 693

By COMMITTEE ON JUDICIARY

April 14

1 On page 1 of the printed bill, line 2, after “provisions;” insert “and” and after “ORS” delete the  
2 rest of the line and lines 3 through 9 and insert “163.196, 164.775, 165.805, 167.401, 305.385, 430.165,  
3 430.197, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 801.250, 802.170, 802.550, 807.060,  
4 807.065, 807.200, 807.240, 807.370, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.390,  
5 809.409, 809.411, 809.415, 809.416, 809.600, 811.175, 811.182, 813.040 and 813.520; and repealing ORS  
6 339.254, 339.257, 807.066, 807.250, 807.252, 807.260, 807.270, 809.265, 809.320, 809.423, 809.650, 809.660,  
7 813.500 and 813.510.”.

8 On page 2, line 9, delete the second “or”.

9 In line 12, restore “; or”.

10 After line 12, insert:

11 “(E) That the person’s driving privileges are suspended for driving in violation of ORS 471.430  
12 and are not suspended for any other reason and that the person must operate a motor vehicle in  
13 order to provide necessary services to the person or to a member of the person’s family. The de-  
14 partment shall determine by rule what constitutes necessary services for purposes of this subpara-  
15 graph. The rule shall include as necessary services, but need not be limited to, grocery shopping,  
16 driving the person or the person’s children to school, driving to medical appointments and caring  
17 for elderly family members.”.

18 In line 19, delete the period.

19 On page 5, delete lines 27 through 45 and delete page 6.

20 On page 7, delete lines 1 through 6 and insert:

21 “**SECTION 8.** ORS 807.370 is amended to read:

22 “807.370. The following are the fees relating to the issuance and renewal of licenses, driver  
23 permits and endorsements:

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

25 “(a) For issuance, \$44.

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

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

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

29 “(a) For issuance, \$23.50.

30 “(b) For renewal, \$23.50.

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

32 “(5)(a) License issuance fee for a Class C license, \$54.

33 “(b) Fee to take the knowledge test for a Class C license, \$5.

34 “(c) Fee to take the skills test for a Class C license, \$9.

35 “(6) License issuance fee for a restricted Class C license, \$54.

1 “(7) License issuance fee for a commercial driver license, whether or not the license contains  
2 endorsements, \$75.50.

3 “(8) Test fees for a commercial driver license or permit:

4 “(a) To take the knowledge test for a Class A commercial driver license or permit, \$10.  
5 “(b) To take the skills test for a Class A commercial driver license, \$70.  
6 “(c) To take the knowledge test for a Class B commercial driver license or permit, \$10.  
7 “(d) To take the skills test for a Class B commercial driver license, \$70.  
8 “(e) To take the knowledge test for a Class C commercial driver license or permit, \$10.  
9 “(f) To take the skills test for a Class C commercial driver license, \$70.

10 “(9) Notwithstanding subsection (7) of this section, for issuance of a commercial driver license  
11 of any class when the Department of Transportation accepts a certificate of competency issued un-  
12 der ORS 807.080, \$40 in addition to the fee under subsection (7) of this section.

13 “(10) Notwithstanding subsection (7) of this section, for original issuance of a school bus  
14 endorsement to a person who has a commercial driver license with a passenger endorsement:

15 “(a) \$21; or  
16 “(b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.

17 “(11) For a farm endorsement, \$26.

18 “(12) Test fees for the knowledge test for endorsements other than motorcycle and farm  
19 endorsements:

20 “(a) For a hazardous materials endorsement, \$10.  
21 “(b) For a tank vehicle endorsement, \$10.  
22 “(c) For a passenger endorsement, \$10.  
23 “(d) For a double and triple trailer endorsement, \$10.  
24 “(e) For a school bus endorsement, \$10.

25 “(13) Fee to take an airbrake knowledge test, \$10.  
26 “(14) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.  
27 “(15) License renewal fee for a commercial driver license, \$55.50.  
28 “(16) License renewal fee for a Class C license, \$34.  
29 “(17) License or driver permit replacement fee under ORS 807.160, \$26.50.  
30 “(18) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46,  
31 in addition to any fees for the endorsed license.

32 “(19) Special student driver permit fee under ORS 807.230, \$23.50.  
33 “(20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.  
34 “(21) Motorcycle Safety Subaccount fee as follows:

35 “(a) Upon original issuance of motorcycle endorsements under ORS 807.170, \$38.  
36 “(b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.  
37 “[22] *Probationary driver permit application fee under ORS 807.270, \$50.*  
38 “[23] **(22)** Hardship driver permit application fee under ORS 807.240, \$50.  
39 “[24] **(23)** Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.  
40 “[25] **(24)** Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.  
41 “[26] *Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280*  
42 *(10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.]*  
43 “[27] **(25)** Fee for a special limited vision condition learner’s permit under ORS 807.359, \$13.  
44 “[28)(a)] **(26)(a)** License issuance fee for a Class C limited term license, \$23.  
45 “(b) Fee to take the knowledge test for a Class C limited term license, \$5.

1 “(c) Fee to take the skills test for a Class C limited term license, \$9.  
2 “[29] (27) License issuance fee for a restricted Class C limited term license, \$23.  
3 “[30] (28) License issuance fee for a limited term commercial driver license, whether or not the  
4 license contains endorsements, \$45.  
5 “[31] (29) License renewal fee for a limited term commercial driver license, \$14.  
6 “[32] (30) License renewal fee for a Class C limited term license, \$8.  
7 “[33] (31) Limited term license or limited term driver permit replacement fee under ORS  
8 807.160, \$26.50.  
9 “[34] (32) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and  
10 807.150, \$2.”.

11 On page 8, lines 2 through 4, restore the bracketed material.  
12 In line 4, delete “165.805 or”.

13 On page 12, delete lines 33 through 45 and delete pages 13 through 36 and insert:  
14 **“SECTION 17. ORS 339.254, 339.257, 807.066, 809.265, 809.320 and 809.423 are repealed.**  
15 **“SECTION 18.** ORS 164.775 is amended to read:  
16 “164.775. (1) It is unlawful for any person to discard any glass, cans or other trash, rubbish,  
17 debris or litter on land within 100 yards of any of the waters of the state, as defined in ORS  
18 468B.005, other than in receptacles provided for the purpose of holding such trash, rubbish, debris  
19 or litter.  
20 “(2) It is unlawful for any person to discard any glass, cans or other similar refuse in any waters  
21 of the state, as defined in ORS 468B.005.  
22 “(3) In addition to or in lieu of the penalties provided for violation of any provision of this  
23 section, the court in which any individual is convicted of a violation of this section may order sus-  
24 pension of certain permits or licenses for a period not to exceed 90 days if the court finds that the  
25 violation occurred during or in connection with the exercise of the privilege granted by the permit  
26 or license. The permits and licenses to which this section applies are [*motor vehicle operator’s per-*  
27 *mits or licenses,*] hunting licenses, fishing licenses or boat registrations.  
28 “(4)(a) Any person sentenced under subsection (6) of this section to pay a fine for violation of  
29 this section shall be permitted, in default of the payment of the fine, to work at clearing rubbish,  
30 trash and debris from the lands and waters described by subsections (1) and (2) of this section.  
31 Credit in compensation for such work shall be allowed at the rate of \$25 for each day of work.  
32 “(b) In any case, upon conviction, if punishment by imprisonment is imposed upon the defendant,  
33 the form of the sentence shall include that the defendant shall be punished by confinement at labor  
34 clearing rubbish, trash and debris from the lands and waters described by subsections (1) and (2) of  
35 this section, for not less than one day nor more than five days.  
36 “(5) A citation conforming to the requirements of ORS 133.066 shall be used for all violations  
37 of subsection (1) or (2) of this section in the state.  
38 “(6) Violation of this section is a Class B misdemeanor.  
39 “(7) In addition to and not in lieu of the criminal penalty authorized by subsection (6) of this  
40 section, the civil penalty authorized by ORS 468.140 may be imposed for violation of this section.  
41 “(8) Nothing in this section or ORS 164.785 prohibits the operation of a disposal site, as defined  
42 in ORS 459.005, for which a permit is required by the Department of Environmental Quality, for  
43 which such a permit has been issued and which is being operated and maintained in accordance with  
44 the terms and conditions of such permit.  
45 **“SECTION 19.** ORS 165.805 is amended to read:

1       “165.805. (1) A person commits the crime of misrepresentation of age by a minor if:  
2       “(a) Being less than a certain, specified age, the person knowingly purports to be of any age  
3 other than the true age of the person with the intent of securing a right, benefit or privilege which  
4 by law is denied to persons under that certain, specified age; or  
5       “(b) Being unmarried, the person knowingly represents that the person is married with the in-  
6 tent of securing a right, benefit or privilege which by law is denied to unmarried persons.  
7       “(2) Misrepresentation of age by a minor is a Class C misdemeanor.  
8       “(3) In addition to and not in lieu of any other penalty established by law, a person who, using  
9 a driver permit or license or other identification issued by the Department of Transportation of this  
10 state or its equivalent in another state, commits the crime of misrepresentation of age by a minor  
11 in order to purchase or consume alcoholic liquor may be required to perform community service.  
12 [*and the court shall order that the person’s driving privileges and right to apply for driving privileges*  
13 *be suspended for a period not to exceed one year. If a court has issued an order suspending driving*  
14 *privileges under this section, the court, upon petition of the person, may withdraw the order at any time*  
15 *the court deems appropriate. The court notification to the department under this subsection may include*  
16 *a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is*  
17 *otherwise eligible for the permit.*]  
18       “(4) The prohibitions of this section do not apply to any person acting under the direction of the  
19 Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local  
20 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting  
21 sales of alcoholic beverages to persons who are under a certain, specified age.  
22       “(5) The prohibitions of this section do not apply to a person under the age of 21 years who is  
23 acting under the direction of a licensee for the purpose of investigating possible violations by em-  
24 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the  
25 age of 21 years.  
26       “**SECTION 20.** ORS 167.401 is amended to read:  
27       “167.401. (1)(a) Except as provided in subsection (4) of this section, a person under 18 years of  
28 age may not purchase, attempt to purchase or acquire tobacco products or inhalant delivery sys-  
29 tems.  
30       “(b) A person under 18 years of age may not possess tobacco products or an inhalant delivery  
31 system unless the person is in a private residence accompanied by the parent or guardian of the  
32 person and the parent or guardian has consented to the person possessing tobacco products or the  
33 inhalant delivery system.  
34       “(2) A person who violates subsection (1) of this section commits a Class B violation.  
35       “(3)[(a)] In lieu of any other penalty established by law, a person who is convicted for the first  
36 **or second** time of a violation of subsection (1) of this section may be ordered to participate in an  
37 education program about using tobacco products or inhalant delivery systems or a cessation pro-  
38 gram for users of tobacco products or inhalant delivery systems or to perform community service  
39 related to diseases associated with using tobacco products or inhalant delivery systems. [*Except as*  
40 *provided in paragraph (b) of this subsection, a person may be ordered to participate in a program de-*  
41 *scribed in this paragraph only once.*]  
42       “[(b) *In addition to and not in lieu of any other penalty established by law, a person who is con-*  
43 *vinced of a second violation of subsection (1) of this section through misrepresentation of age may be*  
44 *required to participate in a program described in paragraph (a) of this subsection or to perform com-*  
45 *munity service as described in paragraph (a) of this subsection, and the court shall order that the*

1 *person's driving privileges or right to apply for driving privileges be suspended for a period not to*  
2 *exceed one year. If a court has issued an order suspending driving privileges under this paragraph,*  
3 *the court, upon petition of the person, may withdraw the order at any time the court deems appropriate.*  
4 *The court notification to the Department of Transportation under this paragraph may include a rec-*  
5 *ommendation that the person be granted a hardship permit under ORS 807.240 if the person is other-*  
6 *wise eligible for the permit.]*

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

11 “**SECTION 21.** ORS 305.385 is amended to read:

12 “305.385. (1) Upon request of the Department of Revenue, an agency issuing or renewing a li-  
13 cense to conduct a business, trade or profession shall annually, on or before March 1, supply the  
14 department with a list of specified licenses issued or renewed by the agency during the preceding  
15 calendar year.

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

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

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

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

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

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

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

44 “(5) The department may enter into an installment payment agreement with a licensee or pro-  
45 vider with respect to any unpaid tax, penalty and interest. The agreement shall provide for interest

1 on the outstanding amount at the rate prescribed by ORS 305.220. The department may issue a  
2 provisional certificate of good standing pursuant to subsection (4)(b) and (d) of this section which  
3 shall remain in effect so long as the licensee or provider fully complies with the terms of the in-  
4 stallment agreement. Failure by the licensee or provider to fully comply with the terms of the in-  
5 stallment agreement shall render the agreement and the provisional certificate of good standing null  
6 and void, unless the department determines that the failure was due to reasonable cause. If the de-  
7 partment determines that the failure was not due to reasonable cause, the total amount of the tax,  
8 penalty and interest shall be immediately due and payable, and the department shall notify any af-  
9 fected agency that the licensee or provider is not in good standing. The agency shall then take ap-  
10 propriate action under subsection (4)(b) and (d) of this section.

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

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

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

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

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

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

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

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

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

37 “(b) A person commits a Class A violation if the person violates subsection (1) of this section  
38 by reason of personal possession of alcoholic beverages while the person is operating a motor ve-  
39 hicle, as defined in ORS 801.360.

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

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

4 “(6) If a person cited under this section is at least 13 years of age but less than 21 years of age  
5 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in  
6 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to  
7 the department for the department to suspend the person’s driving privileges under ORS 809.280  
8 [(4)] (3).

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

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

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

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

23 “(A) The person contacted emergency medical services or a law enforcement agency in order  
24 to obtain medical assistance for another person who was in need of medical assistance due to alco-  
25 hol consumption and the evidence of the violation of this section was obtained as a result of the  
26 person’s having contacted emergency medical services or a law enforcement agency; or

27 “(B) The person was in need of medical assistance due to alcohol consumption and the evidence  
28 of the violation of this section was obtained as a result of the person’s having sought or obtained  
29 the medical assistance.

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

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

34 “475B.260. (1)(a) A person under 21 years of age may not attempt to purchase, purchase or ac-  
35 quire a marijuana item.

36 “(b) For purposes of this subsection, purchasing a marijuana item includes accepting a  
37 marijuana item, and acquiring a marijuana item includes consuming a marijuana item, provided that  
38 the consumption of the marijuana item occurred no more than 24 hours before the determination  
39 that the person consumed the marijuana item.

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

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

45 “(4) In addition to and not in lieu of any other penalty established by law, a court may require

1 a person under 21 years of age who violates subsection (1) of this section through misrepresentation  
2 of age to perform community service, and the court may order that the person's driving privileges  
3 and right to apply for driving privileges be suspended for a period not to exceed one year. If a court  
4 has issued an order suspending driving privileges under this section, the court, upon petition of the  
5 person, may withdraw the order at any time the court deems appropriate. The court notification to  
6 the Department of Transportation under this subsection may include a recommendation that the  
7 person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the  
8 permit.

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

14 “(6) In addition to and not in lieu of any penalty established by law, the court may order a  
15 person to undergo assessment and treatment if the person has previously been found to have vio-  
16 lated this section.

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

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

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

27 “(A) The person contacted emergency medical services or a law enforcement agency in order  
28 to obtain medical assistance for another person who was in need of medical assistance because that  
29 person consumed a marijuana item and the evidence of the violation of this section was obtained  
30 as a result of the person's having contacted emergency medical services or a law enforcement  
31 agency; or

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

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

38 “**SECTION 22.** ORS 742.449 is amended to read:

39 “742.449. An insurer issuing motor vehicle liability insurance policies in this state may not as-  
40 sign an insured or applicant for insurance to a higher risk category than the person would otherwise  
41 be assigned to solely because the person has:

42 “(1) Let a prior motor vehicle liability policy lapse, unless the person was in violation of ORS  
43 806.010 at any time after the prior policy lapsed; or

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



1       “**SECTION 23.** ORS 742.562 is amended to read:

2       “742.562. (1) A notice of cancellation of a policy shall be effective only if it is based on one or  
3 more of the following reasons:

4       “(a) Nonpayment of premium.

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

7       “(c) The named insured or any operator either resident in the same household or who custom-  
8 arily operates an automobile insured under the policy has had driving privileges suspended or re-  
9 voked pursuant to law during the policy period, or, if the policy is a renewal, during its policy  
10 period or the 180 days immediately preceding its effective date. An insurer may not cancel a policy  
11 for the reason that the driving privileges of the named insured or operator were suspended pursuant  
12 to ORS 809.280 [(6) or (8)] **(5) or (7)** if the suspension was based on a nondriving offense.

13       “(2) This section shall not apply to any policy or coverage which has been in effect less than  
14 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal  
15 policy.

16       “(3) This section shall not apply to nonrenewal.

17       “**SECTION 24.** ORS 742.566 is amended to read:

18       “742.566. (1) An insurer shall offer renewal of a policy, contingent upon payment of premium as  
19 stated in the offer, to an insured unless the insurer mails or delivers to the named insured, at the  
20 address shown in the policy, at least 30 days’ advance notice of nonrenewal. Such notice shall con-  
21 tain or be accompanied by a statement of the reason or reasons for nonrenewal.

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

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

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

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

33       “746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of  
34 an individual’s nonemployment driving record under ORS 802.220 when evaluating the individual’s  
35 application to obtain or renew personal insurance, as defined in ORS 746.600, that provides auto-  
36 mobile liability coverage, uninsured motorist coverage, automobile medical payments coverage or  
37 automobile physical damage coverage on an individually owned passenger vehicle, including pickup  
38 and panel trucks and station wagons:

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

40       “(b) For the purpose of determining the rates of the individual’s policy.

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

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

45       “(b) Diversion agreements under ORS 813.220 that were entered into more than three years im-

1 mediately preceding the application for the policy or for renewal of the policy; or

2 “(c) Suspension of driving privileges pursuant to ORS 809.280 [(6) or (8)] **(5) or (7)** if the sus-  
3 pension is based on a nondriving offense.

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

6 “**SECTION 26.** ORS 802.170 is amended to read:

7 “802.170. If any person pays the Department of Transportation any fee or tax with a bank check  
8 and the check is returned to the department as uncollectible, or if a person pays the department  
9 with a credit or debit card and for any reason the department does not get payment from the issuer  
10 of the card, the department may charge the person the fee for dishonored checks or other orders for  
11 the payment of money under ORS 30.701 (5). If the person does not pay the fee charged under this  
12 section, the department may do all of the following:

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

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

18 “[2] **(3)** Authorize any department employee or police officer to seize and recover any evidence  
19 of the registration, title, license or permit suspended or canceled.

20 “[3] **(4)** If evidence of the suspended or canceled registration, title, license or permit is not  
21 recovered, refuse to conduct any further transactions with the person until the fee charged under  
22 this section is paid.

23 “**SECTION 27.** ORS 802.550 is amended to read:

24 “802.550. The following relate to the Driver License Compact under ORS 802.540:

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

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

32 “(3) When reference in the compact is made to the licensing authority in this state, the refer-  
33 ence applies to the Department of Transportation.

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

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

39 “(b) ORS 813.400 - Article IV (a) (2).

40 “(c) ORS 809.409 [(5)] **(4)** - Article IV (a) (3).

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

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

45 “**SECTION 28.** ORS 807.060 is amended to read:

1           “807.060. The Department of Transportation may not grant driving privileges to a person under  
2 a license if the person is not eligible under this section. The following are not eligible for a license:

3           “(1) A person under 16 years of age.

4           “(2)(a) A person under 18 years of age who is not an emancipated minor unless the application  
5 of the person is signed by the person’s mother, father or legal guardian. [*A person who signs an*  
6 *application under this paragraph may have the driving privileges canceled as provided under ORS*  
7 *809.320.*]

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

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

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

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

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

17           “(7) A person who is required to make future responsibility filings but has not made filings as  
18 required.

19           “(8) A person who cannot be issued a license under the Driver License Compact under ORS  
20 802.540.

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

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

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

30           “(12) A person while the person’s driving privileges are revoked in this state.

31           “(13) A person during a period when the person’s driving privileges are suspended in this state.

32           “(14) A person who holds a current out-of-state license or driver permit or a valid Oregon li-  
33 cense or driver permit. A person who is not eligible under this subsection may become eligible by  
34 surrendering the license, driver permit or out-of-state license or driver permit to the department  
35 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
36 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
37 807.062 to obtain an Oregon license or permit.

38           “(15) A person who has not complied with the requirements and responsibilities created by ci-  
39 tation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
40 802.530 authorizes the department to withhold issuance of a license.

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

42           “**SECTION 29.** ORS 807.065 is amended to read:

43           “807.065. (1) The Department of Transportation may not issue a driver license to a person who  
44 is under 18 years of age unless the person:

45           “(a) Complies with the requirements of ORS 807.040 [*and 807.066*];

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

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

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

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

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

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

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

23 “(5) The department shall prominently identify each driver license issued pursuant to this sec-  
24 tion as a provisional driver license.

25 “**SECTION 30.** ORS 809.135 is amended to read:

26 “809.135. The Department of Transportation may refuse to issue, may revoke or may suspend  
27 any [*license, permit,*] identification card, title or registration issued by the department or for which  
28 application is made to the department if the department determines that the person issued or ap-  
29 plying for the [*license, permit,*] identification card, title or registration has used one name in one  
30 application and another name in any other application.

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

32 “809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13  
33 years of age, is [*convicted of any offense described in this subsection or*] determined by a juvenile  
34 court to have committed one of the [*described*] offenses **described in this subsection**, the court [*in*  
35 *which the person is convicted*] shall order suspension of the person’s driving privileges. This sub-  
36 section applies to [*ORS 166.370 and*] to any offense involving the delivery, manufacture or pos-  
37 session of controlled substances **resulting from the operation of a motor vehicle**.

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

44 “(3) If a court has issued an order suspending driving privileges under this section, the court,  
45 upon petition of the person, may review the order and may withdraw the order at any time the court

1 deems appropriate except as provided in the following:

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

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

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

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

11 “**SECTION 32.** ORS 809.275 is amended to read:

12 “809.275. (1) A court shall take immediate possession of any license or driver permit held by a  
13 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under  
14 ORS [165.805,] 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, [809.270,] 811.109 or 811.135.

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

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

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

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

25 “**SECTION 33.** ORS 809.280 is amended to read:

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

31 “[2] (1) Upon receipt of a court order under ORS 809.120, the Department of **Transportation**  
32 shall suspend the person’s driving privileges. The suspension shall be for the period ordered by the  
33 court. The court may only order suspension for a period not to exceed 90 days.

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

39 “(a) The judgment was rendered against the person;

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

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

42 “[4] (3) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall  
43 suspend the person’s driving privileges for an indefinite period. The department shall reinstate  
44 driving privileges that have been suspended under this subsection upon notification by the court or  
45 upon the elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred,

1 whichever comes first. The department may not suspend any driving privileges under this subsection  
2 for a person's failure to appear on a parking, pedestrian or bicyclist offense.

3 "[5] (4) Upon receipt of a court notice under ORS 810.310, the department shall suspend the  
4 person's driving privileges for an indefinite period. The department shall reinstate driving privileges  
5 that have been suspended under this subsection upon notification by the court or upon the lapse of  
6 10 years from the date of suspension, whichever comes first.

7 "[6] (5) Upon receipt of a court order under ORS 809.260, the department shall suspend the  
8 person's driving privileges as follows:

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

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

15 "[7] (6) If the department receives notice from a court that it has withdrawn an order issued  
16 under ORS 809.260, the department shall immediately reinstate any driving privileges that have been  
17 suspended under subsection [6] (5) of this section because of the issuance of the order.

18 "[8] (7) Upon receipt of a court order under ORS [165.805 or] 471.430, the department shall  
19 suspend the person's driving privileges. The suspension shall be for the period ordered by the court.  
20 The court may only order suspension for a period not to exceed one year.

21 "[9] (8) Upon receipt of a court order under ORS 809.265, the department shall suspend the  
22 person's driving privileges for six months.

23 "[10] (9) Upon receipt of a court order under ORS 809.235, the department shall permanently  
24 revoke the person's driving privileges. The revocation shall remain in effect until the department is  
25 notified by a court that the person's driving privileges have been ordered restored.

26 "[11] (10) When a court orders suspension of driving privileges under ORS 811.109 (4), the de-  
27 partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
28 dered by the court. The court may only order suspension for a period not to exceed 30 days.

29 "[12] (11) When a court orders suspension of driving privileges under ORS 811.109 (5), the de-  
30 partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
31 dered by the court. The court may only order suspension for not less than 30 days and not more  
32 than 90 days.

33 "[13] (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the  
34 person's driving privileges for one year.

35 "**SECTION 34.** ORS 809.310 is amended to read:

36 "809.310. (1) The Department of Transportation may cancel any driving privileges upon deter-  
37 mining that the person is not entitled to the driving privileges under the vehicle code. The depart-  
38 ment may reissue driving privileges canceled under this subsection when the applicant has satisfied  
39 all requirements for the driving privileges sought.

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

44 "(3) The department may suspend any driving privileges or right to apply for privileges or any  
45 identification card or right to apply for a card upon determining that the person issued or applying

1 for the driving privileges or identification card has committed any of the following acts:

2 “(a) Failed to give the required or correct information in the application for the driving privi-  
3 leges or for an identification card, in violation of ORS 807.430 or 807.530.

4 “(b) Committed false swearing in making application for the driving privileges in violation of  
5 ORS 807.520.

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

7 “(d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or  
8 807.590.

9 “(e) Used the license, permit or identification card of another in violation of ORS 807.430 or  
10 807.600.

11 “(f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS  
12 807.500.

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

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

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

19 “(5) To obtain driving privileges after the period of suspension or cancellation under this sec-  
20 tion, a person must reapply for driving privileges in the manner established by law.

21 “**SECTION 35.** ORS 809.380 is amended to read:

22 “809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

36 “(5) If the person fails to surrender to the department any license or driver permit issued as  
37 evidence of driving privileges that are suspended, the person is subject to the penalties under ORS  
38 809.500.

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

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

45 “(b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance

1 upon request of the department under ORS 807.070 or 807.090.

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

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

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

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

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

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

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

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

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

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

35 “[7] *The department shall waive the reinstatement fee for a person whose driving privileges were*  
36 *suspended under ORS 809.423 (3) if the person:]*

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

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

41 “**SECTION 36.** ORS 809.409 is amended to read:

42 “809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the  
43 Department of Transportation shall revoke the driving privileges of the person convicted.

44 “(b) A person is entitled to administrative review under ORS 809.440 of a revocation under this  
45 section.



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

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

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

16 “(b) If the sentence for the crime for which the person’s driving privileges were revoked and any  
17 other crimes arising from the same criminal episode does not include incarceration, no sooner than  
18 10 years from the date the department revoked the privileges under this subsection.

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

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

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

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

37 “[*(5)*] (4) The department shall take action under subsection (1) of this section upon receipt of  
38 a record of conviction of any felony with a material element involving the operation of a motor ve-  
39 hicle.

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

41 “809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section,  
42 the Department of Transportation shall suspend the driving privileges of the person convicted.

43 “(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this  
44 section.

45 “(c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and (10)*] of this section, the

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

6 “(2) The department shall take action under subsection (1) of this section upon receipt of a re-  
7 cord of conviction of any degree of recklessly endangering another person, menacing or criminal  
8 mischief resulting from the operation of a motor vehicle.

9 “(3) The department shall take action under subsection (1) of this section upon receipt of a re-  
10 cord of conviction of reckless driving under ORS 811.140.

11 “(4) The department shall take action under subsection (1) of this section upon receipt of a re-  
12 cord of conviction of failure to perform duties of a driver when property is damaged under ORS  
13 811.700.

14 “(5) The department shall take action under subsection (1) of this section upon receipt of a re-  
15 cord of conviction of fleeing or attempting to elude a police officer under ORS 811.540.

16 “(6) The department shall take action under subsection (1) of this section upon receipt of a re-  
17 cord of conviction of reckless endangerment of highway workers under ORS 811.231 (1).

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

21 “[**(8)** **(7)** The department shall take action under subsection (1) of this section upon receipt of  
22 a record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor  
23 vehicle. A suspension under this subsection shall continue for a period of six months from the date  
24 of suspension.

25 “[**(9)** **(8)** The department shall take action under subsection (1) of this section upon receipt of  
26 a record of conviction of an offense described in ORS 809.310. A suspension under this subsection  
27 shall continue for a period of one year from the date of the suspension.

28 “[*(10)(a)*] **(9)(a)** The department shall take action under subsection (1) of this section upon re-  
29 ceipt of a record of conviction of assault in the second, third or fourth degree resulting from the  
30 operation of a motor vehicle.

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

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

43 “(d) A person who is convicted of assault in the fourth degree and whose driving privileges are  
44 suspended under this subsection may apply for reinstatement of driving privileges one year from the  
45 date the person is released from incarceration for the conviction, if the sentence includes

1 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
2 ply for reinstatement of driving privileges one year from the date the department suspended the  
3 privileges under this subsection.

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

5 “809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a per-  
6 son who has a judgment of the type described under ORS 806.040 rendered against the person if the  
7 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
8 its entry.

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

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

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

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

16 “(D) Receives from the court that rendered the judgment an order permitting the payment of the  
17 judgment in installments.

18 “(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this  
19 subsection.

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

26 “(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this  
27 subsection only if proof of compliance with financial responsibility requirements as of the date of  
28 the letter of verification from the department under ORS 806.150 is not submitted within 30 days  
29 after the date of the mailing of the department’s demand under ORS 806.160.

30 “(c) A suspension under this subsection shall continue until the person complies with future  
31 responsibility filings.

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

35 “(b) A suspension under this subsection shall continue until the person complies with future  
36 responsibility filings.

37 “(c) A person whose initial obligation to make future responsibility filings is not based upon a  
38 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
39 sion under this subsection. A person whose obligation to make future responsibility filings is based  
40 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
41 of a suspension under this subsection. A person whose suspension under this subsection is based on  
42 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
43 809.440.

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

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

3 “(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the  
4 suspension is imposed for a reason described in ORS 809.416 (1),] **or** 20 years from the date the  
5 traffic offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2) [*or*  
6 *five years from the date the suspension is imposed for a reason described in ORS 809.416 (4)*].

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

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

13 “(6) Upon determination by the department that a person has submitted false information to the  
14 department for the purpose of establishing or maintaining qualification to operate a commercial  
15 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial  
16 driving privileges or the person’s right to apply for commercial driving privileges for a period of one  
17 year.

18 “**SECTION 38.** ORS 809.416 is amended to read:

19 “809.416. This section establishes circumstances that will make a person subject to suspension  
20 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to  
21 suspension. The following apply as described:

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

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

35 “(a) The person presents the department with a notice of reinstatement issued by the court  
36 showing that the person:

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

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

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

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

