

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED SENATE BILL 693**

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5 **807.252, 813.500 and 813.510 are repealed by section 1 of this 2017 Act.”.**

6 On page 12, after line 43, insert:

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10 **and 809.423 are repealed by section 17 of this 2017 Act.”.**

11 On page 14, after line 38, insert:

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13 **Act (amending ORS 167.401) is repealed.”.**

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

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

17 “809.260. (1) Whenever a person who is 17 years of age or younger, but
18 not younger than 13 years of age, is [*convicted of any offense described in this*
19 *subsection or*] determined by a juvenile court to have committed one of the
20 [*described*] offenses **described in this subsection**, the court [*in which the*
21 *person is convicted*] shall order suspension of the person’s driving privileges.

1 This subsection applies [*to ORS 166.370 and sections 4, 5 and 6 of this 2017*
2 *Act and*] to any offense involving the delivery, manufacture or possession
3 of controlled substances, **or any offense described in section 4, 5 or 6,**
4 **chapter 21, Oregon Laws 2017 (Enrolled Senate Bill 302), resulting from**
5 **the operation of a motor vehicle.**

6 “(2) Whenever a person who is 20 years of age or younger, but not
7 younger than 13 years of age, at the time of committing any offense described
8 in this subsection, is [*convicted or*] determined by a juvenile court to have
9 committed one of the [*described*] offenses **described in this subsection,** the
10 court [*in which the person is convicted*] shall order suspension of the person’s
11 driving privileges. This subsection applies to any offense involving the pos-
12 session, use or abuse of alcohol or cannabis **resulting from the operation**
13 **of a motor vehicle.**

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

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

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

24 “(c) Notwithstanding paragraph (a) of this subsection, a court may not
25 withdraw an order for a period of six months if the order is based on a de-
26 termination or conviction involving controlled substances.

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

29 On page 25, delete lines 4 through 45.

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

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

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

5 “(1) The period of suspension shall last as long as provided for that par-
6 ticular suspension by law.

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

13 “(3) Upon expiration of the suspension, the Department of Transportation
14 shall reissue, upon request of the person, the suspended driving privileges
15 and any license or driver permit that evidences the driving privileges. The
16 reissuance shall be without requalification by the person except that the
17 department may require the person to furnish evidence satisfactory to the
18 department that the person is qualified to continue to exercise driving privi-
19 leges in this state before the department reissues the driving privileges.

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

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

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

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

1 “(b) The suspension occurred under ORS 809.419 for failure to obtain re-
2 quired medical clearance upon request of the department under ORS 807.070
3 or 807.090.

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

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

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

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

14 “(g) The suspension was the result of an error committed by an insurance
15 company in issuing or failing to issue a certification of insurance or in
16 canceling a certification of insurance filed with the department under ORS
17 806.270.

18 “(h) The department issued the suspension without error because the
19 person failed to respond as required under ORS 806.160 or to furnish proof
20 of exemption under ORS 806.210 from the filing requirement of ORS 806.200,
21 but the department later determines that the person in fact was in compli-
22 ance with financial responsibility requirements as of the date of the
23 department’s letter of verification under ORS 806.150 or at the time of an
24 accident described in ORS 806.200.

25 “(i) The department issued the suspension without error because the per-
26 son was not in compliance with financial responsibility requirements as of
27 the date of the department’s letter of verification under ORS 806.150 or at
28 the time of an accident described in ORS 806.200, but the department later
29 determines that the person reasonably and in good faith believed that the
30 person was in compliance with financial responsibility requirements on the

1 date of the department’s letter of verification or at the time of the accident.

2 “(j) The suspension was the result of an error committed by an insurance
3 company in notifying the department regarding the correctness of a certi-
4 fication under ORS 806.150.

5 “(k) The suspension occurred because the person failed to make future
6 responsibility filings but the department later determines that the reason for
7 the failure was that the person was a military reservist or a member of a
8 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
10 be prior to the effective date of a suspension issued by the department for
11 failure to make a future responsibility filing.

12 “(L) The department issued the suspension without error because the de-
13 partment received a notice to suspend from a court under ORS 809.210 or
14 809.220, but the department later determines that the person in fact was in
15 compliance with the requirements of the court prior to the effective date of
16 the suspension.

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

19 “[*(a) Has graduated from high school and provides the department with*
20 *proof of graduation satisfactory to the department; or]*

21 “[*(b) Has received a certificate for passing an approved high school equiv-*
22 *alency test such as the General Educational Development (GED) test from a*
23 *community college and provides the department with proof of the certificate*
24 *satisfactory to the department.]”.*

25 On page 32, after line 33, insert:

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

28 “**Sec. 40.** The amendments to ORS 163.196, 164.775, 165.805, [167.401,
29 305.385, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 802.170, 802.550,
30 807.060, 807.065, 807.240, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312,

1 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182 by sections 2, 3, 9, 13
2 and 18 to 38 of this 2017 Act and the repeal of ORS 339.254, 339.257, 807.066,
3 809.265, 809.320 and 809.423 by section 17 of this 2017 Act apply to conduct
4 giving rise to a driving privilege suspension or driving privilege revocation
5 on or after the effective date of this 2017 Act. Driving privilege suspensions
6 or driving privilege revocations imposed before the effective date of this 2017
7 Act shall be governed by law applicable to driving privilege suspensions and
8 driving privilege revocations in effect at the time of the most recent sus-
9 pension.”.

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