

**HOUSE AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1538  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

February 28

1 On page 1 of the printed A-engrossed bill, after line 12, insert:

2 “**SECTION 1a. Notwithstanding section 7, chapter \_\_\_, Oregon Laws 2018 (Enrolled House**  
3 **Bill 4055) (amending ORS 807.252), if House Bill 4055 becomes law, ORS 807.252 is repealed by**  
4 **section 1 of this 2018 Act.**”.

5 On page 4, after line 16, insert:

6 “**SECTION 2a.** If House Bill 4055 becomes law, ORS 807.240, as amended by section 2 of this  
7 2018 Act, is amended to read:

8 “807.240. The Department of Transportation shall provide for issuance of hardship driver permits  
9 in a manner consistent with this section. A hardship driver permit grants the driving privileges  
10 provided in this section or under the permit. Except as otherwise provided in this section, a hardship  
11 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to  
12 a license. The following apply to a hardship driver permit:

13 “(1) The department may only issue a permit to a person whose driving privileges under the  
14 vehicle code have been suspended, or revoked under ORS 809.600 as a habitual offender.

15 “(2) Except as provided in this section and ORS 813.520, the department may reinstate the  
16 privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been  
17 suspended, or revoked under ORS 809.600 as a habitual offender, by issuing the person a hardship  
18 permit.

19 “(3) To qualify for a hardship permit, a person must do all of the following:

20 “(a) The person must submit to the department an application for the permit that demonstrates  
21 the person’s need for the permit.

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

23 “(A) That the person must operate a motor vehicle as a requisite of the person’s occupation or  
24 employment;

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

27 “(C) That the person must operate a motor vehicle to get to or from an alcohol or drug treat-  
28 ment or rehabilitation program;

29 “(D) That the person or a member of the person’s immediate family requires medical treatment  
30 on a regular basis and that the person must operate a motor vehicle in order that the treatment  
31 may be obtained; or

32 “(E) That the person must operate a motor vehicle to get to or from a gambling addiction  
33 treatment program.

34 “(c) If the person is applying for a permit because the person or a member of the person’s im-

1 mediate family requires medical treatment on a regular basis, the person must present, in addition  
2 to any evidence required by the department under paragraph (b) of this subsection, a statement  
3 signed by a licensed physician or certified nurse practitioner that indicates that the person or a  
4 member of the person's immediate family requires medical treatment on a regular basis.

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

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

9 "(f) The person must submit any other information the department may require for purposes of  
10 determining whether the person qualifies under this section and ORS 813.520.

11 "(4) If the department finds that the person meets the requirements of this section and any ap-  
12 plicable requirements under ORS 813.520, the department may issue the person a hardship permit,  
13 valid for the duration of the suspension or revocation or for a shorter period of time established by  
14 the department unless sooner suspended or revoked under this section. If the department issues the  
15 permit for a period shorter than the suspension or revocation period, renewal of the permit shall  
16 be on such terms and conditions as the department may require. The permit:

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

18 "(b) May bear other reasonable limitations relating to the hardship permit or the operation of  
19 a motor vehicle that the department deems proper or necessary. The limitations may include any  
20 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS  
21 811.175 or 811.182.

22 "(5) The department, upon receiving satisfactory evidence of any violation of the limitations of  
23 a permit issued under this section, may suspend or revoke the hardship permit.

24 "(6) The fee charged for application or issuance of a hardship driver permit is the hardship  
25 driver permit application fee under ORS 807.370. The department may not refund the fee if the ap-  
26 plication is denied or if the driver permit is suspended or revoked. The fee upon renewal of the  
27 driver permit is the same fee as that charged for renewal of a license. The application fee charged  
28 under this subsection is in addition to any fee charged for reinstatement of driving privileges under  
29 ORS 807.370.

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

33 "(8) The department may not issue a hardship permit to a person:

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

35 "(b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);

36 "(c) That authorizes the person to operate a commercial motor vehicle;

37 "(d) Whose suspension of driving privileges is based on a second or subsequent conviction of  
38 driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory  
39 counterpart to ORS 813.010 in another jurisdiction and the suspension period is determined by ORS  
40 809.428 (2)(b) or (c);

41 "(e) Whose driving privileges are suspended for a conviction of assault in the second, third or  
42 fourth degree if the person, within 10 years preceding application for the permit, has been convicted  
43 of:

44 "(A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting  
45 from the operation of a motor vehicle;

1 “(B) Reckless driving, as defined in ORS 811.140;  
2 “(C) Driving while under the influence of intoxicants, as defined in ORS 813.010;  
3 “(D) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as de-  
4 scribed in ORS 811.700 or 811.705;  
5 “(E) Criminal driving while suspended or revoked, as defined in ORS 811.182;  
6 “(F) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;  
7 “(G) Aggravated vehicular homicide, as defined in ORS 163.149; or  
8 “(H) Aggravated driving while suspended or revoked, as defined in ORS 163.196; or  
9 “(f) Whose driving privileges are suspended for a conviction of assault in the second, third or  
10 fourth degree:

11 “(A) For a period of four years from the date the department suspends driving privileges if the  
12 person’s driving privileges are suspended for conviction of assault in the second degree and the  
13 person was not incarcerated for that conviction.

14 “(B) For a period of four years from the date the person is released from incarceration for the  
15 conviction if the person’s driving privileges are suspended for conviction of assault in the second  
16 degree and the person was incarcerated for that conviction.

17 “(C) For a period of two years from the date the department suspends driving privileges if the  
18 person’s driving privileges are suspended for conviction of assault in the third degree and the person  
19 was not incarcerated for that conviction.

20 “(D) For a period of two years from the date the person is released from incarceration for the  
21 conviction if the person’s driving privileges are suspended for conviction of assault in the third de-  
22 gree and the person was incarcerated for that conviction.

23 “(E) For a period of six months from the date the department suspends driving privileges if the  
24 person’s driving privileges are suspended for conviction of assault in the fourth degree and the  
25 person is not incarcerated for that conviction.

26 “(F) For a period of six months from the date the person is released from incarceration for the  
27 conviction if the person’s driving privileges are suspended for conviction of assault in the fourth  
28 degree and the person was incarcerated for that conviction.

29 “(9) A conviction arising out of the same episode as the current suspension is not considered a  
30 conviction for purposes of subsection (8)(e) of this section.

31 “(10) A person’s driving privileges under a hardship permit are subject to suspension or revo-  
32 cation if the person does not maintain a good driving record, as defined by the administrative rules  
33 of the department, during the term of the permit.”.

34 On page 7, after line 14, insert:

35 “**SECTION 8a. If House Bill 4062 becomes law, section 8 of this 2018 Act (amending ORS**  
36 **807.370) is repealed and ORS 807.370, as amended by section 1, chapter \_\_, Oregon Laws 2018**  
37 **(Enrolled House Bill 4062), is amended to read:**

38 “807.370. (1) Fees for issuance of or application for a driving privilege are as follows:

39 “(a) Class C driver license or restricted Class C driver license, \$54.

40 “(b) Class C limited term driver license or restricted Class C limited term driver license, \$23.

41 “(c) Commercial driver license, whether or not the driver license contains endorsements, \$75.

42 “(d) Limited term commercial driver license, whether or not the driver license contains  
43 endorsements, \$45.

44 “(e) Instruction driver permit, \$23.

45 “(f) Commercial learner driver permit, \$23.

1 “(g) Limited term commercial learner driver permit, \$23.  
2 “(h) Special student driver permit, \$23.  
3 “(i) Emergency driver permit, \$23.  
4 “(j) Special limited vision condition learner’s permit, \$13.  
5 “(k) Disability golf cart driver permit, \$44.  
6 “[*L*] Probationary driver permit application, \$50.]  
7 “[*m*] (L) Hardship driver permit application, \$50.  
8 “(2) In addition to paying a fee under this section for issuance of a commercial driver license  
9 of any class, when the Department of Transportation accepts skills test results from a driver com-  
10 petency tester certified under ORS 807.080, the person shall pay a fee of \$40.  
11 “(3) Fees for a motorcycle endorsement are as follows:  
12 “(a) In addition to any fee for the endorsed driver license, for an original motorcycle endorse-  
13 ment added at the time of an original issuance of a driving privilege or with a renewal or replace-  
14 ment of an existing driving privilege, \$46.  
15 “(b) For an original motorcycle endorsement added without an original issuance of a driving  
16 privilege or without a renewal or replacement of an existing driving privilege, \$49.  
17 “(c) A Motorcycle Safety Subaccount fee:  
18 “(A) Upon original issuance of a motorcycle endorsement, \$38.  
19 “(B) Upon renewal of a driver license with a motorcycle endorsement, \$28.  
20 “(4) Fees for a farm endorsement are as follows:  
21 “(a) In addition to any fee for the endorsed driver license, for an original farm endorsement  
22 added at the time of an original issuance of a driving privilege or with a renewal or replacement  
23 of an existing driving privilege, \$26.  
24 “(b) For an original farm endorsement added without an original issuance of a driving privilege  
25 or without a renewal or replacement of an existing driving privilege, \$29.  
26 “(5) Fees for renewal of a driving privilege are as follows:  
27 “(a) Class C driver license, \$34.  
28 “(b) Class C limited term driver license, \$8.  
29 “(c) Commercial driver license, \$55.  
30 “(d) Limited term commercial driver license, \$14.  
31 “(e) Instruction driver permit, \$23.  
32 “(f) Disability golf cart driver permit, \$32.  
33 “(6) Fee to replace a driver license or driver permit, \$26.  
34 “(7) Fees to take tests required for driving privileges or to remove restrictions are as follows:  
35 “(a) The knowledge test for a Class C driver license or Class C limited term driver license, \$5.  
36 “(b) The knowledge test for a motorcycle endorsement, \$5.  
37 “(c) The knowledge test for any commercial driver license or commercial learner driver permit,  
38 to remove a commercial driving privilege restriction or to add a commercial driving privilege  
39 endorsement, \$10.  
40 “(d) The skills test for a Class C driver license or Class C limited term driver license, \$9.  
41 “(e) The skills test for any commercial driver license, to remove a restriction or to add any  
42 commercial driver license endorsement, \$70.  
43 “(8) Student Driver Training Fund eligibility fee, \$6.  
44 “(9) Limited term Student Driver Training Fund eligibility fee, \$2.  
45 “(10) Fee for reinstatement of revoked driving privileges under ORS 809.390[,] or reinstatement

1 of suspended driving privileges under ORS 809.380 [*or reinstatement of right to apply for driving*  
2 *privileges after a delay under ORS 809.280 (10) (1997 Edition)*], \$75.

3 “(11) The department may adopt rules to provide for the assessment or retention of the skills  
4 test fee when a test is scheduled but the applicant fails to appear at the scheduled time.”.

5 On page 8, after line 12, insert:

6 “**SECTION 9a. If House Bill 4062 becomes law, section 9 of this 2018 Act (amending ORS**  
7 **809.312) is repealed.**”.

8 On page 13, line 41, after “liquor” insert “or cannabis”.

9 On page 14, line 15, after “beverages” insert “or marijuana items, as defined in ORS  
10 475B.015,”.

11 In line 18, after “beverages” insert “or marijuana items, as defined in ORS 475B.015,”.  
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