

# Senate Bill 1538

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Business and Transportation)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates probationary driver permits. Standardizes requirements for hardship permits.

Eliminates certain driving privilege suspensions.

Expands list of persons granted driving privileges in this state to include members of commissioned corps of National Oceanic and Atmospheric Administration and members' spouses under certain conditions.

## A BILL FOR AN ACT

1  
2 Relating to driving privileges; creating new provisions; amending ORS 163.196, 164.775, 165.805,  
3 305.385, 430.165, 430.197, 801.250, 802.170, 802.550, 807.020, 807.060, 807.065, 807.200, 807.240,  
4 807.370, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.390, 809.409, 809.411,  
5 809.415, 809.416, 809.600, 811.175, 811.182, 813.040 and 813.520; and repealing ORS 339.254,  
6 339.257, 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 **Be It Enacted by the People of the State of Oregon:**

## PROBATIONARY PERMITS AND HARDSHIP PERMITS

9  
10  
11  
12 **SECTION 1. ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and 813.510 are**  
13 **repealed.**

14 **SECTION 2.** ORS 807.240 is amended to read:

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

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

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

14 *[(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS*  
15 *806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and that*  
16 *the person must operate a motor vehicle in order to provide necessary services to the person or to a*  
17 *member of the person's family. The department shall determine by rule what constitutes necessary ser-*  
18 *vices for purposes of this subparagraph. The rule shall include as necessary services, but need not be*  
19 *limited to, grocery shopping, driving the person or the person's children to school, driving to medical*  
20 *appointments and caring for elderly family members; or]*

21 *[(F)]* (E) That the person must operate a motor vehicle to get to or from a gambling addiction  
22 treatment program.

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

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

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

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

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

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

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

1 811.175 or 811.182.

2 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of  
 3 a permit issued under this section [*or limitations placed on a hardship permit under ORS 807.252 or*  
 4 *813.510*], may suspend or revoke the hardship permit.

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

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

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

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

16 **(b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);**

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

18 **(d) Whose suspension of driving privileges is based on a second or subsequent conviction**  
 19 **of driving while under the influence of intoxicants in violation of ORS 813.010 or the statu-**  
 20 **tory counterpart to ORS 813.010 in another jurisdiction and the suspension period is deter-**  
 21 **mined by ORS 809.428 (2)(b) or (c);**

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

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

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

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

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

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

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

33 **(G) Aggravated vehicular homicide, as defined in ORS 163.149; or**

34 **(H) Aggravated driving while suspended or revoked, as defined in ORS 163.196; or**

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

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

40 **(B) For a period of four years from the date the person is released from incarceration**  
 41 **for the conviction if the person's driving privileges are suspended for conviction of assault**  
 42 **in the second degree and the person was incarcerated for that conviction.**

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

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

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

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

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

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

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

16       163.196. (1) A person commits the crime of aggravated driving while suspended or revoked if the  
 17 person operates a motor vehicle that causes serious physical injury to, or the death of, another  
 18 person while knowingly violating ORS 811.175 or 811.182, if the suspension or revocation resulted  
 19 from, or if the hardship [*or probationary*] permit violated is based upon a suspension or revocation  
 20 that resulted from, a conviction for a criminal offense involving the use of a motor vehicle.

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

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

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

25       430.165. The Oregon Health Authority may prescribe fee schedules for any of the programs that  
 26 it establishes and operates under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] **and** 430.850 to  
 27 430.880[, *813.500 and 813.510*]. The fees shall be charged and collected by the authority in the same  
 28 manner as charges are collected under ORS 179.610 to 179.770. When the authority acts under this  
 29 section, "person in a state institution" or "person at a state institution" or any similar phrase, as  
 30 defined in ORS 179.610, includes a person who receives services from a program for which fee  
 31 schedules are established under this section.

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

33       430.197. The Mental Health Services Fund is established in the State Treasury, separate and  
 34 distinct from the General Fund. The Mental Health Services Fund comprises moneys collected or  
 35 received by the Oregon Health Authority, the Department of Human Services and the Department  
 36 of Corrections under ORS 179.640, 426.241 and 430.165. The moneys in the fund are continuously  
 37 appropriated to the Oregon Health Authority, the Department of Human Services and the Depart-  
 38 ment of Corrections for the purposes of paying the costs of:

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

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

41       (3) Emergency care, custody or treatment provided to a person admitted to or detained in a state  
 42 mental hospital or nonhospital facility under ORS 426.070, 426.140, 426.180 to 426.210, 426.228,  
 43 426.232 or 426.233; and

44       (4) Programs operating under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] **and** 430.850 to  
 45 430.880[, *813.500 and 813.510*].

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

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

- (1) Applicant temporary driver permit described under ORS 807.310.
- (2) Court issued temporary driver permit described under ORS 807.320.
- (3) Disability golf cart driver permit described under ORS 807.210.
- (4) Emergency driver permit described under ORS 807.220.
- (5) Instruction driver permit described under ORS 807.280.
- (6) Hardship driver permit described under ORS 807.240.
- ~~[(7) Probationary driver permit described under ORS 807.270.]~~
- ~~[(8) (7) Special student driver permit described under ORS 807.230.]~~
- ~~[(9) (8) Special temporary instruction driver permit described under ORS 807.290.]~~
- ~~[(10) (9) Court bail driver permit described under ORS 807.330.]~~
- ~~[(11) (10) Temporary driver permit described under ORS 813.110.]~~
- ~~[(12) (11) Commercial learner driver permit described under ORS 807.285.]~~

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

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

- (a) Disability golf cart driver permits described under ORS 807.210.
- (b) Emergency driver permits described under ORS 807.220.
- (c) Special student driver permits described under ORS 807.230.

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

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

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

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

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

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

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

- (a) For issuance, \$44.
  - (b) For renewal fee under ORS 807.210, \$32.
- (2) Emergency driver permit fee under ORS 807.220, \$23.50.

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

- (a) For issuance, \$23.50.
  - (b) For renewal, \$23.50.
- (4) Commercial learner driver permit issuance fee under ORS 807.285, \$23.50.
- (5)(a) License issuance fee for a Class C license, \$54.
  - (b) Fee to take the knowledge test for a Class C license, \$5.
  - (c) Fee to take the skills test for a Class C license, \$9.
- (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 807.160,  
8 \$26.50.

9 [(34)] (32) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and  
10 807.150, \$2.

11 [(35)] (33) Limited term commercial learner driver permit issuance fee under ORS 807.730,  
12 \$23.50.

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

14 809.312. (1) A person whose driving privileges or right to apply for driving privileges or whose  
15 identification card or right to apply for an identification card has been suspended for one of the  
16 reasons specified in subsection (2) of this section may request that the person's driving privileges  
17 or right to apply for driving privileges or identification card or right to apply for an identification  
18 card be reinstated after the Department of Transportation determines the criteria are met under  
19 subsection (4) of this section.

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

21 (a) ORS 809.310 (3)(a);

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

23 (c) ORS 809.415 (5) for committing an act that constitutes an offense described in ORS 809.310  
24 (3)(a) or (b).

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

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

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

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

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

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

43 (5) The administrative review required under this section shall be conducted in the manner  
44 provided in ORS 809.440 (2).

45 (6) To reinstate driving privileges or the right to apply for driving privileges after the depart-

1 ment determines that the person meets the objective criteria under subsection (4) of this section, the  
 2 person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 [(25)]  
 3 (24).

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

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

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

12 809.390. All of the following apply to a person whose driving privileges have been revoked:

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

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

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

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

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

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

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

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

38 809.600. This section establishes the kinds of offenses and the number of convictions necessary  
 39 to revoke the driving privileges of a person as a habitual offender under ORS 809.640. The kinds  
 40 of offenses and the number of convictions necessary to revoke driving privileges as a habitual  
 41 offender are as follows:

42 (1) A person's driving privileges shall be revoked as a habitual offender if the person, within a  
 43 five-year period, has been convicted of three or more of any one or more of the following offenses  
 44 as evidenced by the records maintained by the Department of Transportation or by the records of  
 45 a similar agency of another state:



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

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

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

6 (d) Reckless driving under ORS 811.140.

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

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

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

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

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

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

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

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

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

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

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

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

27 811.175. (1) A person commits the offense of violation driving while suspended or revoked if the  
 28 person does any of the following:

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

32 (b) Drives a motor vehicle outside the limitations of [*a probationary permit issued under ORS*  
 33 *807.270 or*] a hardship driver permit issued under ORS 807.240[, *including any limitations placed on*  
 34 *the permit under ORS 813.510*].

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

38 (2) Affirmative defenses to the offense described in this section are established under ORS  
 39 811.180.

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

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

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

44 811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the  
 45 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if

1 the hardship [*or probationary*] permit violated is based upon a suspension or revocation described  
2 in subsection (3) or (4) of this section.

3 (2) Affirmative defenses to the offense described in this section are established under ORS  
4 811.180.

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

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

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

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

18 [(c)] (b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS  
19 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content  
20 of:

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense  
43 described in this section and the underlying suspension resulted from driving while under the influ-  
44 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first  
45 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if

1 it is the person's second or subsequent conviction.

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

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

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

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

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

11 813.040. This section establishes, for purposes of ORS 471.432[,] **and** 807.060 [*and 813.500*], when  
 12 a person has a problem condition involving alcohol, cannabis, controlled substances or inhalants.  
 13 For purposes of ORS 471.432[,] **and** 807.060 [*and 813.500*], a person has a problem condition involving  
 14 alcohol, cannabis, controlled substances or inhalants if it is determined that the person has a prob-  
 15 lem condition in which the person's health or that of others is substantially impaired or endangered  
 16 or the person's social or economic function is substantially disrupted because of the person's:

17 (1) Habitual or periodic use of:

18 (a) Alcoholic beverages; or

19 (b) Cannabis, unless the person holds a registry identification card as defined in ORS 475B.791;

20 or

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

23 (a) A physical dependence in which the body requires a continuing supply of a controlled sub-  
 24 stance, an inhalant or a drug to avoid characteristic withdrawal symptoms; or

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

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

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

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

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

44 (3) For a period of one year after the beginning of the suspension if the suspension is because  
 45 a breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the

1 person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300  
 2 and the person is subject to an increase in the time before a hardship permit may be issued for  
 3 reasons described under ORS 813.430. *[This period of one year shall be reduced by the time the de-*  
 4 *partment refused to issue a hardship permit under subsection (5) or (6) of this section if the person's*  
 5 *driving privileges were suspended based on the same occurrence.]*

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

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

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

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

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

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

29  
 30 **APPLICABILITY OF PROBATIONARY PERMIT AND**  
 31 **HARDSHIP PERMIT PROVISIONS**  
 32

33 **SECTION 16.** The amendments to ORS 163.196, 430.165, 430.197, 801.250, 807.200, 807.240,  
 34 807.370, 809.312, 809.390, 809.600, 811.175, 811.182, 813.040 and 813.520 by sections 2 to 15 of this  
 35 2018 Act and the repeal of ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and  
 36 813.510 by section 1 of this 2018 Act apply to hardship permits issued on or after the effective  
 37 date of this 2018 Act. Hardship permits and probationary permits issued before the effective  
 38 date of this 2018 Act shall be governed by law applicable to those permits in effect imme-  
 39 diately before the effective date of this 2018 Act.

40  
 41 **DRIVING PRIVILEGE SUSPENSIONS**  
 42

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

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

45 164.775. (1) It is unlawful for any person to discard any glass, cans or other trash, rubbish, de-

1 bris or litter on land within 100 yards of any of the waters of the state, as defined in ORS 468B.005,  
2 other than in receptacles provided for the purpose of holding such trash, rubbish, debris or litter.

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

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

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

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

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

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

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

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

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

29 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

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

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

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

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

1 (4) The prohibitions of this section do not apply to any person acting under the direction of the  
 2 Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local  
 3 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting  
 4 sales of alcoholic beverages to persons who are under a certain, specified age.

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

9 **SECTION 20.** ORS 305.385 is amended to read:

10 305.385. (1) Upon request of the Department of Revenue, an agency issuing or renewing a license  
 11 to conduct a business, trade or profession shall annually, on or before March 1, supply the depart-  
 12 ment with a list of specified licenses issued or renewed by the agency during the preceding calendar  
 13 year.

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

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

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

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

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

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

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

42 (5) The department may enter into an installment payment agreement with a licensee or pro-  
 43 vider with respect to any unpaid tax, penalty and interest. The agreement shall provide for interest  
 44 on the outstanding amount at the rate prescribed by ORS 305.220. The department may issue a  
 45 provisional certificate of good standing pursuant to subsection (4)(b) and (d) of this section which

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

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

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

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

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

21 **SECTION 21.** ORS 802.170 is amended to read:

22 802.170. If any person pays the Department of Transportation any fee or tax with a bank check  
 23 and the check is returned to the department as uncollectible, or if a person pays the department  
 24 with a credit or debit card and for any reason the department does not get payment from the issuer  
 25 of the card, the department may charge the person the fee for dishonored checks or other orders for  
 26 the payment of money under ORS 30.701 (5). If the person does not pay the fee charged under this  
 27 section, the department may do all of the following:

28 (1) Suspend or cancel, or refuse to issue or renew, any vehicle registration, [*or title,*] **vehicle**  
 29 **title or** vehicle permit[, *driver license or driver permit*] in payment of which the check or other order  
 30 for the payment of money was presented.

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

33 [(2)] **(3)** Authorize any department employee or police officer to seize and recover any evidence  
 34 of the registration, title, license or permit suspended or canceled.

35 [(3)] **(4)** If evidence of the suspended or canceled registration, title, license or permit is not re-  
 36 covered, refuse to conduct any further transactions with the person until the fee charged under this  
 37 section is paid.

38 **SECTION 22.** ORS 802.550 is amended to read:

39 802.550. The following relate to the Driver License Compact under ORS 802.540:

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

45 (2) When reference in the compact is made to the executive head in this state, the reference

1 applies to the Governor of this state.

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

4 (4) In accordance with subdivision (c) of Article IV of the compact, the following offenses or  
5 violations provided by Oregon law hereby are designated as offenses or violations of a substantially  
6 similar nature as the respective denominations and descriptions of conduct appearing in subdivision  
7 (a) of Article IV of the compact[.]:

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

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

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

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

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

15 **SECTION 23.** ORS 807.060 is amended to read:

16 807.060. The Department of Transportation may not grant driving privileges to a person under  
17 a license if the person is not eligible under this section. The following are not eligible for a license:

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

19 (2)(a) A person under 18 years of age who is not an emancipated minor, unless the application  
20 of the person is signed by the person's mother, father or legal guardian. [*A person who signs an*  
21 *application under this paragraph may have the driving privileges canceled as provided under ORS*  
22 *809.320.*]

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

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

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

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

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

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

34 (8) A person who cannot be issued a license under the Driver License Compact under ORS  
35 802.540.

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

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

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

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



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

2 (14) A person who holds a current out-of-state license or driver permit or a valid Oregon license  
3 or driver permit. A person who is not eligible under this subsection may become eligible by sur-  
4 rendering the license, driver permit or out-of-state license or driver permit to the department before  
5 issuance of the license. Nothing in this subsection authorizes a person to continue to operate a  
6 motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
7 807.062 to obtain an Oregon license or permit.

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

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

12 **SECTION 24.** ORS 807.065 is amended to read:

13 807.065. (1) The Department of Transportation may not issue a driver license to a person who  
14 is under 18 years of age unless the person:

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

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

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

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

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

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

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

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

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

40 **SECTION 25.** ORS 809.135 is amended to read:

41 809.135. The Department of Transportation may refuse to issue, may revoke or may suspend any  
42 [*license, permit,*] identification card, title or registration issued by the department or for which ap-  
43 plication is made to the department if the department determines that the person issued or applying  
44 for the [*license, permit,*] identification card, title or registration has used one name in one application  
45 and another name in any other application.

1        **SECTION 26.** ORS 809.260 is amended to read:

2        809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years  
3 of age, **at the time of committing any offense described in this subsection**, is [*convicted of any*  
4 *offense described in this subsection or*] determined by a juvenile court to have committed one of the  
5 [*described*] offenses **described in this subsection**, the court shall order suspension of the person's  
6 driving privileges. This subsection applies [*to ORS 166.370, 475B.341, 475B.346 and 475B.349 and*]  
7 to any offense involving the delivery, manufacture or possession of controlled substances, **or any**  
8 **offense described in ORS 475B.341, 475B.346 or 475B.349 that involves the operation of a mo-**  
9 **tor vehicle.**

10        (2) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age,  
11 at the time of committing any offense described in this subsection, is convicted or determined by a  
12 juvenile court to have committed one of the [*described*] offenses **described in this subsection**, the  
13 court shall order suspension of the person's driving privileges. This subsection applies to any offense  
14 involving the possession, use or abuse of alcohol or cannabis **that involves the operation of a**  
15 **motor vehicle.**

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

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

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

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

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

28        **SECTION 27.** ORS 809.275 is amended to read:

29        809.275. (1) A court shall take immediate possession of any license or driver permit held by a  
30 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under  
31 ORS [*165.805,*] 471.430, 809.120, 809.235, 809.240, 809.260, [*809.265,*] 809.270, 811.109 or 811.135.

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

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

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

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

42        **SECTION 28.** ORS 809.280 is amended to read:

43        809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation  
44 shall suspend the person's driving privileges. The suspension shall remain in effect until the de-  
45 partment is notified by the court that the suspension is ended, except that, if the department is or-

1 dered to automatically reinstate the driving privileges upon the successful completion of a program,  
2 the department shall do so and shall notify the judge that the person has complied with the order  
3 of the judge.

4 (2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's  
5 driving privileges. The suspension shall be for the period ordered by the court. The court may only  
6 order suspension for a period not to exceed 90 days.

7 (3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department  
8 shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate  
9 the driving privileges upon appropriate notification from the court under ORS 809.130, except that  
10 the department shall only impose the suspension after the department has determined that:

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

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

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

14 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend  
15 the person's driving privileges for an indefinite period. The department shall reinstate driving priv-  
16 ileges that have been suspended under this subsection upon notification by the court or upon the  
17 elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, whichever  
18 comes first. The department may not suspend any driving privileges under this subsection for a  
19 person's failure to appear on a parking, pedestrian or bicyclist offense.

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

24 (6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's  
25 driving privileges as follows:

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

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

32 (7) If the department receives notice from a court that it has withdrawn an order issued under  
33 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-  
34 pended under subsection (6) of this section because of the issuance of the order.

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

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

40 [(10)] (9) Upon receipt of a court order under ORS 809.235, the department shall permanently  
41 revoke the person's driving privileges. The revocation shall remain in effect until the department is  
42 notified by a court that the person's driving privileges have been ordered restored.

43 [(11)] (10) When a court orders suspension of driving privileges under ORS 811.109 (4), the de-  
44 partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
45 dered by the court. The court may only order suspension for a period not to exceed 30 days.

1        [(12)] (11) When a court orders suspension of driving privileges under ORS 811.109 (5), the de-  
 2        partment shall suspend the person's driving privileges. The suspension shall be for the period or-  
 3        dered by the court. The court may only order suspension for not less than 30 days and not more  
 4        than 90 days.

5        [(13)] (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the  
 6        person's driving privileges for one year.

7        **SECTION 29.** ORS 809.310 is amended to read:

8        809.310. (1) The Department of Transportation may cancel any driving privileges upon deter-  
 9        mining that the person is not entitled to the driving privileges under the vehicle code. The depart-  
 10       ment may reissue driving privileges canceled under this subsection when the applicant has satisfied  
 11       all requirements for the driving privileges sought.

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

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

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

21       (b) Committed false swearing in making application for the driving privileges in violation of ORS  
 22       807.520.

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

24       (d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or  
 25       807.590.

26       (e) Used the license, permit or identification card of another in violation of ORS 807.430 or  
 27       807.600.

28       (f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS  
 29       807.500.

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

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

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

36       (5) To obtain driving privileges after the period of suspension or cancellation under this section,  
 37       a person must reapply for driving privileges in the manner established by law.

38       **SECTION 30.** ORS 809.380 is amended to read:

39       809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

45       (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-

1 quest of the person, the suspended driving privileges and any license or driver permit that evidences  
2 the driving privileges. The reissuance shall be without requalification by the person except that the  
3 department may require the person to furnish evidence satisfactory to the department that the per-  
4 son is qualified to continue to exercise driving privileges in this state before the department reissues  
5 the driving privileges.

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

7 (5) If the person fails to surrender to the department any license or driver permit issued as ev-  
8 idence of driving privileges that are suspended, the person is subject to the penalties under ORS  
9 809.500.

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

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

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

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

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

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

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

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

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

34 (i) The department issued the suspension without error because the person was not in compli-  
35 ance with financial responsibility requirements as of the date of the department's letter of verifica-  
36 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department  
37 later determines that the person reasonably and in good faith believed that the person was in com-  
38 pliance with financial responsibility requirements on the date of the department's letter of verifica-  
39 tion or at the time of the accident.

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

42 (k) The suspension occurred because the person failed to make future responsibility filings but  
43 the department later determines that the reason for the failure was that the person was a military  
44 reservist or a member of a national guard unit that was ordered to active military duty to a location  
45 outside of the United States. The effective date of the military orders must be prior to the effective

1 date of a suspension issued by the department for failure to make a future responsibility filing.

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

6 *[(7) The department shall waive the reinstatement fee for a person whose driving privileges were  
7 suspended under ORS 809.423 (2) if the person:]*

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

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

13 **SECTION 31.** ORS 809.409 is amended to read:

14 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the  
15 Department of Transportation shall revoke the driving privileges of the person convicted.

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

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

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

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

33 (b) If the sentence for the crime for which the person's driving privileges were revoked and any  
34 other crimes arising from the same criminal episode does not include incarceration, no sooner than  
35 10 years from the date the department revoked the privileges under this subsection.

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

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

45 (c) The department shall revoke driving privileges under this subsection for a period of five

1 years if the court indicates on the record of conviction that a person was killed as a result of the  
 2 accident. The person may apply for reinstatement of privileges five years after the date the person  
 3 was released from incarceration, if the sentence includes incarceration. If the sentence does not  
 4 include incarceration, the person may apply for reinstatement five years from the date the revoca-  
 5 tion was imposed under this subsection.

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

9 *[(5)]* (4) The department shall take action under subsection (1) of this section upon receipt of a  
 10 record of conviction of any felony with a material element involving the operation of a motor vehi-  
 11 cle.

12 **SECTION 32.** ORS 809.411 is amended to read:

13 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the  
 14 Department of Transportation shall suspend the driving privileges of the person convicted.

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

17 (c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and (10)*] of this section, the  
 18 suspension shall be for the period of time described in Schedule I of ORS 809.428. The department  
 19 may not reinstate driving privileges of any person whose privileges are suspended under subsection  
 20 (2), (3), (4), (5), (6)[, (7)] or *[(10)]* (9) of this section until the person complies with future responsi-  
 21 bility filings. There is no requirement of compliance with future responsibility filings if the person  
 22 was suspended under subsection *[(8) or (9)]* (7) **or** (8) of this section.

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

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

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

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

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

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

37 *[(8)]* (7) The department shall take action under subsection (1) of this section upon receipt of a  
 38 record of conviction of criminal trespass under ORS 164.245 that involves the operation of a motor  
 39 vehicle. A suspension under this subsection shall continue for a period of six months from the date  
 40 of suspension.

41 *[(9)]* (8) The department shall take action under subsection (1) of this section upon receipt of a  
 42 record of conviction of an offense described in ORS 809.310. A suspension under this subsection shall  
 43 continue for a period of one year from the date of the suspension.

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

1 of a motor vehicle.

2 (b) A person who is convicted of assault in the second degree and whose driving privileges are  
3 suspended under this subsection may apply for reinstatement of driving privileges eight years from  
4 the date the person is released from incarceration for the conviction, if the sentence includes  
5 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
6 ply for reinstatement of driving privileges eight years from the date the department suspended the  
7 privileges under this subsection.

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

14 (d) A person who is convicted of assault in the fourth degree and whose driving privileges are  
15 suspended under this subsection may apply for reinstatement of driving privileges one year from the  
16 date the person is released from incarceration for the conviction, if the sentence includes  
17 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-  
18 ply for reinstatement of driving privileges one year from the date the department suspended the  
19 privileges under this subsection.

20 **SECTION 33.** ORS 809.415 is amended to read:

21 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person  
22 who has a judgment of the type described under ORS 806.040 rendered against the person if the  
23 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
24 its entry.

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

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

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

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

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

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

36 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the  
37 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-  
38 isfying financial responsibility requirements or of a person who, after certifying the existence of a  
39 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the  
40 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-  
41 bility requirements.

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



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

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

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

8 (c) A person whose initial obligation to make future responsibility filings is not based upon a  
9 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
10 sion under this subsection. A person whose obligation to make future responsibility filings is based  
11 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
12 of a suspension under this subsection. A person whose suspension under this subsection is based on  
13 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
14 809.440.

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

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

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

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

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

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

34 **SECTION 34.** ORS 809.416 is amended to read:

35 809.416. This section establishes circumstances that will make a person subject to suspension  
36 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to  
37 suspension. The following apply as described:

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

1 unless the person presents the department with the notice required by this subsection.

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

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

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

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

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

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

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

23  
 24 **APPLICABILITY OF DRIVING PRIVILEGE**  
 25 **SUSPENSION PROVISIONS**

26  
 27 **SECTION 35.** The amendments to ORS 163.196, 164.775, 165.805, 305.385, 802.170, 802.550,  
 28 807.060, 807.065, 807.240, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.409,  
 29 809.411, 809.415, 809.416 and 811.182 by sections 2, 3, 9, 13 and 18 to 34 of this 2018 Act and the  
 30 repeal of ORS 339.254, 339.257, 807.066, 809.265, 809.320 and 809.423 by section 17 of this 2018  
 31 Act apply to conduct giving rise to a driving privilege suspension or driving privilege revo-  
 32 cation on or after the effective date of this 2018 Act. Driving privilege suspensions or driving  
 33 privilege revocations imposed before the effective date of this 2018 Act shall be governed by  
 34 law applicable to driving privilege suspensions and driving privilege revocations in effect at  
 35 the time of the most recent suspension or revocation.

36  
 37 **MEMBERS OF COMMISSIONED CORPS OF**  
 38 **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

39  
 40 **SECTION 36.** ORS 807.020 is amended to read:

41 807.020. A person who is granted a driving privilege by this section may exercise the driving  
 42 privilege described without violation of the requirements under ORS 807.010. A grant of driving  
 43 privileges to operate a motor vehicle under this section is subject to suspension and revocation the  
 44 same as other driving privileges granted under the vehicle code. This section is in addition to any  
 45 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-

1 scribed driving privileges:

2 (1) A person who is not a resident of this state or who has been a resident of this state for less  
3 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
4 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person  
5 is a resident of this state if the person meets the residency requirements described in ORS 807.062.  
6 To qualify under this subsection, the person must have the out-of-state license or driver permit in  
7 the person's possession. A person is not granted driving privileges under this subsection:

8 (a) If the person is under the minimum age required to be eligible for driving privileges under  
9 ORS 807.060;

10 (b) During a period of suspension or revocation by this state or any other jurisdiction of driving  
11 privileges or of the right to apply for a license or driver permit issued by this state or any other  
12 jurisdiction; or

13 (c) That exceed the driving privileges granted to the person by the out-of-state license or driver  
14 permit.

15 (2) A person [*in*] **who is a member of the Armed Forces of the United States or a member**  
16 **of the commissioned corps of the National Oceanic and Atmospheric Administration** may op-  
17 erate a motor vehicle without an Oregon license or driver permit if the person is operating a motor  
18 vehicle in the course of the person's duties in the Armed Forces **or the National Oceanic and**  
19 **Atmospheric Administration.**

20 (3) A person without a license or driver permit may operate a road roller or road machinery  
21 that is not required to be registered under the laws of this state.

22 (4) A person without a license or driver permit may temporarily operate, draw, move or propel  
23 a farm tractor or implement of husbandry.

24 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate  
25 driving ability during the course of an examination administered under ORS 807.070 for the purpose  
26 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-  
27 iner is in a seat beside the driver of the motor vehicle.

28 (6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

29 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,  
30 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access  
31 route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

32 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS  
33 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway  
34 access route that is designated by the commission as open to all-terrain vehicles.

35 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS  
36 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway  
37 access route that is designated by the commission as open to all-terrain vehicles.

38 (10) A person without a license or driver permit may operate a golf cart in accordance with an  
39 ordinance adopted under ORS 810.070.

40 (11) The spouse of a member of the Armed Forces of the United States on active duty **or the**  
41 **spouse of a member of the commissioned corps of the National Oceanic and Atmospheric**  
42 **Administration** who is accompanying the member on assignment in this state may operate a motor  
43 vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by an-  
44 other state in the spouse's possession.

45 (12) A person who is a member of the Armed Forces of the United States on active duty **or a**

1 **member of the commissioned corps of the National Oceanic and Atmospheric Administration**  
 2 may operate a motor vehicle if the person has a current out-of-state license or driver permit in the  
 3 person's possession that is issued to the person by the person's state of domicile or by the Armed  
 4 Forces of the United States in a foreign country. Driving privileges described under this subsection  
 5 that are granted by the Armed Forces apply only for a period of 45 days from the time the person  
 6 returns to the United States.

7 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the  
 8 person is:

9 (a) Within an enclosed cab;

10 (b) Operating a vehicle designed to travel with three wheels in contact with the ground at  
 11 speeds of less than 15 miles per hour; or

12 (c) Operating an auticycle.

13 (14) A person may operate a bicycle that is not an electric assisted bicycle without any grant  
 14 of driving privileges.

15 (15) A person may operate an electric assisted bicycle without a driver license or driver permit  
 16 if the person is 16 years of age or older.

17 (16) A person may operate a motor assisted scooter without a driver license or driver permit if  
 18 the person is 16 years of age or older.

19 (17) A person who is not a resident of this state or who has been a resident of this state for less  
 20 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
 21 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a  
 22 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person  
 23 is a resident of this state if the person meets the residency requirements described in ORS 807.062.  
 24 A person operating a motor vehicle under authority of this subsection has the same privileges and  
 25 is subject to the same restrictions as a person operating under the authority of a Class C instruction  
 26 driver permit issued as provided in ORS 807.280.

27 (18) A person may operate an electric personal assistive mobility device without any grant of  
 28 driving privileges if the person is 16 years of age or older.

29  
 30 **CAPTIONS**

31  
 32 **SECTION 37. The unit captions used in this 2018 Act are provided only for the conven-**  
 33 **ience of the reader and do not become part of the statutory law of this state or express any**  
 34 **legislative intent in the enactment of this 2018 Act.**