

SB 1538-A17  
(LC 239)  
2/27/18 (HE/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY

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

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

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4 **4055 becomes law, ORS 807.252 is repealed by section 1 of this 2018**  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

6 On page 4, after line 16, insert:

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

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

15 “(1) The department may only issue a permit to a person whose driving  
16 privileges under the vehicle code have been suspended, or revoked under ORS  
17 809.600 as a habitual offender.

18 “(2) Except as provided in this section and ORS 813.520, the department  
19 may reinstate the privilege to operate a motor vehicle of any person whose  
20 license to operate a motor vehicle has been suspended, or revoked under ORS

1 809.600 as a habitual offender, by issuing the person a hardship permit.

2 “(3) To qualify for a hardship permit, a person must do all of the follow-  
3 ing:

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

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

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

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

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

14 “(D) That the person or a member of the person’s immediate family re-  
15 quires medical treatment on a regular basis and that the person must operate  
16 a motor vehicle in order that the treatment may be obtained; or

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

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

26 “(d) The person must show that the person is not incompetent to drive  
27 nor a habitual incompetent, reckless or criminally negligent driver as es-  
28 tablished by the person’s driving record in this or any other jurisdiction.

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

30 “(f) The person must submit any other information the department may

1 require for purposes of determining whether the person qualifies under this  
2 section and ORS 813.520.

3 “(4) If the department finds that the person meets the requirements of this  
4 section and any applicable requirements under ORS 813.520, the department  
5 may issue the person a hardship permit, valid for the duration of the sus-  
6 pension or revocation or for a shorter period of time established by the de-  
7 partment unless sooner suspended or revoked under this section. If the  
8 department issues the permit for a period shorter than the suspension or  
9 revocation period, renewal of the permit shall be on such terms and condi-  
10 tions as the department may require. The permit:

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

13 “(b) May bear other reasonable limitations relating to the hardship permit  
14 or the operation of a motor vehicle that the department deems proper or  
15 necessary. The limitations may include any limitation, condition or require-  
16 ment. Violation of a limitation is punishable as provided by ORS 811.175 or  
17 811.182.

18 “(5) The department, upon receiving satisfactory evidence of any violation  
19 of the limitations of a permit issued under this section, may suspend or re-  
20 voke the hardship permit.

21 “(6) The fee charged for application or issuance of a hardship driver per-  
22 mit is the hardship driver permit application fee under ORS 807.370. The  
23 department may not refund the fee if the application is denied or if the driver  
24 permit is suspended or revoked. The fee upon renewal of the driver permit  
25 is the same fee as that charged for renewal of a license. The application fee  
26 charged under this subsection is in addition to any fee charged for rein-  
27 statement of driving privileges under ORS 807.370.

28 “(7) The department may issue a permit granting the same driving privi-  
29 leges as those suspended or revoked or may issue a permit granting fewer  
30 driving privileges, as the department determines necessary to assure safe

1 operation of motor vehicles by the permit holder.

2 “(8) The department may not issue a hardship permit to a person:

3 “(a) Whose driver license or driver permit is suspended pursuant to ORS  
4 25.750 to 25.783;

5 “(b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);

6 “(c) That authorizes the person to operate a commercial motor vehicle;

7 “(d) Whose suspension of driving privileges is based on a second or sub-  
8 sequent conviction of driving while under the influence of intoxicants in vi-  
9 olation of ORS 813.010 or the statutory counterpart to ORS 813.010 in  
10 another jurisdiction and the suspension period is determined by ORS 809.428  
11 (2)(b) or (c);

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

15 “(A) Any degree of murder, manslaughter, criminally negligent homicide  
16 or assault resulting from the operation of a motor vehicle;

17 “(B) Reckless driving, as defined in ORS 811.140;

18 “(C) Driving while under the influence of intoxicants, as defined in ORS  
19 813.010;

20 “(D) Failure to perform the duties of a driver involved in [*an accident*  
21 *or*] a collision, as described in ORS 811.700 or 811.705;

22 “(E) Criminal driving while suspended or revoked, as defined in ORS  
23 811.182;

24 “(F) Fleeing or attempting to elude a police officer, as defined in ORS  
25 811.540;

26 “(G) Aggravated vehicular homicide, as defined in ORS 163.149; or

27 “(H) Aggravated driving while suspended or revoked, as defined in ORS  
28 163.196; or

29 “(f) Whose driving privileges are suspended for a conviction of assault in  
30 the second, third or fourth degree:

1       “(A) For a period of four years from the date the department suspends  
2 driving privileges if the person’s driving privileges are suspended for con-  
3 viction of assault in the second degree and the person was not incarcerated  
4 for that conviction.

5       “(B) For a period of four years from the date the person is released from  
6 incarceration for the conviction if the person’s driving privileges are sus-  
7 pended for conviction of assault in the second degree and the person was  
8 incarcerated for that conviction.

9       “(C) For a period of two years from the date the department suspends  
10 driving privileges if the person’s driving privileges are suspended for con-  
11 viction of assault in the third degree and the person was not incarcerated  
12 for that conviction.

13       “(D) For a period of two years from the date the person is released from  
14 incarceration for the conviction if the person’s driving privileges are sus-  
15 pended for conviction of assault in the third degree and the person was  
16 incarcerated for that conviction.

17       “(E) For a period of six months from the date the department suspends  
18 driving privileges if the person’s driving privileges are suspended for con-  
19 viction of assault in the fourth degree and the person is not incarcerated for  
20 that conviction.

21       “(F) For a period of six months from the date the person is released from  
22 incarceration for the conviction if the person’s driving privileges are sus-  
23 pended for conviction of assault in the fourth degree and the person was  
24 incarcerated for that conviction.

25       “(9) A conviction arising out of the same episode as the current suspen-  
26 sion is not considered a conviction for purposes of subsection (8)(e) of this  
27 section.

28       “(10) A person’s driving privileges under a hardship permit are subject to  
29 suspension or revocation if the person does not maintain a good driving re-  
30 cord, as defined by the administrative rules of the department, during the

1 term of the permit.”.

2 On page 7, after line 14, insert:

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

7 “807.370. (1) Fees for issuance of or application for a driving privilege are  
8 as follows:

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

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

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

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

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

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

18 “(g) Limited term commercial learner driver permit, \$23.

19 “(h) Special student driver permit, \$23.

20 “(i) Emergency driver permit, \$23.

21 “(j) Special limited vision condition learner’s permit, \$13.

22 “(k) Disability golf cart driver permit, \$44.

23 “[*L*] Probationary driver permit application, \$50.]

24 “[*m*] (L) Hardship driver permit application, \$50.

25 “(2) In addition to paying a fee under this section for issuance of a com-  
26 mercial driver license of any class, when the Department of Transportation  
27 accepts skills test results from a driver competency tester certified under  
28 ORS 807.080, the person shall pay a fee of \$40.

29 “(3) Fees for a motorcycle endorsement are as follows:

30 “(a) In addition to any fee for the endorsed driver license, for an original

1 motorcycle endorsement added at the time of an original issuance of a driv-  
2 ing privilege or with a renewal or replacement of an existing driving privi-  
3 lege, \$46.

4 “(b) For an original motorcycle endorsement added without an original  
5 issuance of a driving privilege or without a renewal or replacement of an  
6 existing driving privilege, \$49.

7 “(c) A Motorcycle Safety Subaccount fee:

8 “(A) Upon original issuance of a motorcycle endorsement, \$38.

9 “(B) Upon renewal of a driver license with a motorcycle endorsement, \$28.

10 “(4) Fees for a farm endorsement are as follows:

11 “(a) In addition to any fee for the endorsed driver license, for an original  
12 farm endorsement added at the time of an original issuance of a driving  
13 privilege or with a renewal or replacement of an existing driving privilege,  
14 \$26.

15 “(b) For an original farm endorsement added without an original issuance  
16 of a driving privilege or without a renewal or replacement of an existing  
17 driving privilege, \$29.

18 “(5) Fees for renewal of a driving privilege are as follows:

19 “(a) Class C driver license, \$34.

20 “(b) Class C limited term driver license, \$8.

21 “(c) Commercial driver license, \$55.

22 “(d) Limited term commercial driver license, \$14.

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

24 “(f) Disability golf cart driver permit, \$32.

25 “(6) Fee to replace a driver license or driver permit, \$26.

26 “(7) Fees to take tests required for driving privileges or to remove re-  
27 strictions are as follows:

28 “(a) The knowledge test for a Class C driver license or Class C limited  
29 term driver license, \$5.

30 “(b) The knowledge test for a motorcycle endorsement, \$5.

1 “(c) The knowledge test for any commercial driver license or commercial  
2 learner driver permit, to remove a commercial driving privilege restriction  
3 or to add a commercial driving privilege endorsement, \$10.

4 “(d) The skills test for a Class C driver license or Class C limited term  
5 driver license, \$9.

6 “(e) The skills test for any commercial driver license, to remove a re-  
7 striction or to add any commercial driver license endorsement, \$70.

8 “(8) Student Driver Training Fund eligibility fee, \$6.

9 “(9) Limited term Student Driver Training Fund eligibility fee, \$2.

10 “(10) Fee for reinstatement of revoked driving privileges under ORS  
11 809.390[,] **or** reinstatement of suspended driving privileges under ORS 809.380  
12 [*or reinstatement of right to apply for driving privileges after a delay under*  
13 *ORS 809.280 (10) (1997 Edition)*], \$75.

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

17 On page 8, after line 12, insert:

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

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

21 On page 14, line 15, after “beverages” insert “or marijuana items, as de-  
22 fined in ORS 475B.015,”.

23 In line 18, after “beverages” insert “or marijuana items, as defined in ORS  
24 475B.015,”.

25

---