

(Including Amendments to Resolve Conflicts)

A-Engrossed House Bill 2079

Ordered by the Senate May 29
Including Senate Amendments dated May 29

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Marine Board)

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.

Modifies and adds laws related to boating offenses.

Modifies provisions requiring person to be informed about rights and consequences relating to boating under influence of intoxicants.

A BILL FOR AN ACT

1
2 Relating to boating offenses; creating new provisions; and amending ORS 830.084, 830.086, 830.088,
3 830.090, 830.092, 830.094, 830.315, 830.325, 830.505, 830.515, 830.520, 830.525, 830.545, 830.550,
4 830.815, 830.990 and 830.994.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 830.315 is amended to read:

7 830.315. (1) A person commits the crime of reckless [*operation of a boat who*] **boating if the**
8 **person recklessly** operates a boat [*carelessly and heedlessly in willful or wanton disregard of the*
9 *rights, safety or property of others*] **in a manner that endangers the safety of persons or**
10 **property. As used in this subsection, "recklessly" has the meaning given that term in ORS**
11 **161.085.**

12 (2) [*No person shall*] **A person may not** operate any boat at a rate of speed greater than will
13 permit that person in the exercise of reasonable care to bring the boat to a stop within the assured
14 clear distance ahead.

15 (3) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490
16 is intended to prevent the operator of a boat actually competing in an event [*which*] **that** is au-
17 thorized as provided in ORS 830.375 from attempting to attain high speeds on a marked racing
18 course.

19 **SECTION 2.** ORS 830.990 is amended to read:

20 830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a
21 Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565
22 by a person operating a manually propelled boat is \$30.

23 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation.
24 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-
25 erating a motorboat is \$50.

26 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, **830.215**, 830.230,

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.

1 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out
2 the purposes of those statutes, commits a Class D violation.

3 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
4 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
5 Class C violation.

6 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
7 [830.215,] 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,
8 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
9 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

10 (5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes
11 of those statutes, commits a Class A violation.

12 (6) A person who violates ORS 830.383 commits a Class B misdemeanor.

13 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or
14 830.955 (1) commits a Class A misdemeanor.

15 (8) A person who violates ORS 830.475 (2) commits a Class C felony.

16 (9) A person who violates ORS 830.944 commits a Class A violation.

17 **SECTION 3.** ORS 830.994 is amended to read:

18 830.994. (1) When a person is convicted of a violation of any provision of ORS **830.315 or**
19 **830.325**, the court shall comply with the following in addition to any other penalty imposed upon the
20 person under ORS 830.990:

21 (a) Order the person not to operate a boat for a period of one year;

22 (b) Order the person to complete a boating safety course **conducted in a classroom and** ap-
23 proved by the State Marine Board; and

24 (c) **Order the board to suspend the person's boating safety education card issued under**
25 **ORS 830.086 for one year.**

26 [(c)] (2) **When a person is convicted of a violation of any provision of ORS 830.325, the**
27 **court shall, in addition to any other penalty imposed upon the person under ORS 830.990 or**
28 **subsection (1) of this section**, include in the record of conviction a finding whether the person
29 willfully refused the request of a peace officer to **physically** submit to chemical testing of the breath
30 **or urine** or a **nontestimonial** field sobriety test [pursuant to] **under** ORS 830.505 and 830.550. For
31 purposes of this subsection, a person shall be found to have willfully refused the request if the per-
32 son was informed about rights and consequences concerning the test under ORS 830.505 and 830.545
33 and refused to **physically** submit to the test.

34 [(2)] (3) The record of conviction of each person convicted of violating ORS **830.315 or** 830.325
35 shall be sent by the court to the board within 14 days of the entry of the judgment of conviction in
36 the court register.

37 [(3)] (4) A person who knowingly operates a boat in violation of a court order under subsection
38 (1)(a) of this section commits a Class A misdemeanor.

39 **SECTION 4. Section 5 of this 2019 Act is added to and made a part of ORS chapter 830.**

40 **SECTION 5. In addition to any other penalty, the State Marine Board shall suspend a**
41 **person's boating safety education card issued under ORS 830.086 for three years from the**
42 **date of conviction if the record of conviction under ORS 830.325 shows that the person**
43 **willfully refused the request of a peace officer to physically submit to chemical testing of the**
44 **breath or urine or a nontestimonial field sobriety test under ORS 830.505 and 830.550.**

45 **SECTION 6.** ORS 830.545 is amended to read:

1 830.545. This section establishes the requirements for information about rights and consequences
2 for purposes of ORS 830.505. The following apply to the information about rights and consequences:

3 (1) The information about rights and consequences shall be substantially in the form prepared
4 by the State Marine Board. The board may establish any form it determines appropriate and con-
5 venient.

6 (2) **Except as provided in subsection (3) of this section**, the information about rights and
7 consequences shall be substantially as follows:

8 (a) Operating a boat **while** under the influence of intoxicants is a crime in Oregon and the
9 person is subject to criminal penalties if the test shows that the person is under the influence of
10 intoxicants. If the person [*refuses the test or*] fails a **test**, evidence of the [*refusal or*] failure may also
11 be offered against the person.

12 (b) The person fails the test if the test shows the person is under the influence of intoxicants
13 under Oregon law.

14 (c) If the person is convicted of operating a boat while under the influence of intoxicants, the
15 person may not operate a boat for a period of time following the conviction.

16 (d) If the person is convicted of operating a boat while under the influence of intoxicants, **the**
17 **following apply for one year:**

18 (A) The person is not eligible to apply for any certificate of title, registration or numbering; and
19 [*all certificates of title, registration and numbering necessary to lawfully operate a boat on Oregon*
20 *waters shall be canceled for at least a year. The ineligibility to apply for certificates or the cancellation*
21 *of the certificates shall be substantially longer if the person refuses the test.*]

22 (B) **The person's boating safety education card is suspended.**

23 (e) After taking the test, the person shall have a reasonable opportunity, upon request, for an
24 additional chemical test for blood alcohol content to be performed at the person's own expense by
25 a qualified individual of the person's choosing.

26 (3) **A person who refuses to submit to a chemical test after being informed of the rights**
27 **and consequences in subsection (2) of this section shall be provided additional information,**
28 **substantially as follows:**

29 (a) **If the person refuses to provide consent to a breath or urine test, and is thereafter**
30 **requested to provide only physical cooperation to submit to a breath or urine test and the**
31 **person refuses to physically submit to a test, evidence of that refusal may be offered against**
32 **the person.**

33 (b) **If the person refuses to physically submit to the test, the following apply for three**
34 **years:**

35 (A) **The person is not eligible to apply for any certificate of title, registration or num-**
36 **bering; and**

37 (B) **The person's boating safety education card is suspended.**

38 (4) **Notwithstanding subsection (3) of this section, the board may not impose the penalties**
39 **described in subsection (3)(b) of this section for refusal to provide a urine sample if the**
40 **person provides documentation from a physician licensed by this state showing that the**
41 **person has a medical condition that makes it impossible for the person to provide a sample.**

42 [(3)] (5) Nothing in this section prohibits the board from providing additional information con-
43 cerning rights and consequences that the board considers appropriate or convenient.

44 **SECTION 7.** ORS 830.084 is amended to read:

45 830.084. In establishing the mandatory boating safety education program pursuant to ORS

1 830.082, the State Marine Board shall:

2 (1) Set a minimum standard of boating safety education competency. The standard shall be con-
3 sistent with the applicable standard established by the National Association of State Boating Law
4 Administrators. The board may update the minimum standard of competency as necessary.

5 (2) Create a boating safety course of instruction and examination designed to educate and test
6 for the minimum standard of safety established pursuant to subsection (1) of this section.

7 (3) Create an equivalency exam that may substitute for taking the boating safety course.

8 (4) Incorporate volunteer boating safety education programs to the maximum extent possible.

9 (5) Allow use of commercially provided boating safety courses, provided they meet the standard
10 adopted by the board.

11 (6) Accept proof of prior completion of any approved boating safety course as meeting the re-
12 quirement for a boating safety course.

13 (7) Establish a fee for the boating safety [*certificate*] **education card** issued under ORS 830.086
14 that may not exceed \$10.

15 (8) Establish a temporary boating safety [*certificate*] **education card** that is valid for 60 days and
16 issued in conjunction with a temporary certificate of number for newly acquired boats.

17 (9) Promote the fact that insurance discounts of 10 percent to 15 percent are widely available
18 for taking a boating safety course that meets the minimum standard established pursuant to sub-
19 section (1) of this section.

20 **SECTION 7a. If House Bill 2078 becomes law, section 7 of this 2019 Act (amending ORS**
21 **830.084) is repealed.**

22 **SECTION 8.** ORS 830.092 is amended to read:

23 830.092. A boating safety [*certificate*] **education card** is not required if a person:

24 (1) Is at least 16 years of age and rents a motorboat with an engine greater than 10 horsepower
25 and completes a required dockside safety checklist before operating the boat;

26 (2) Possesses a current commercial fishing license as required by ORS 508.235;

27 (3) Possesses a valid United States Coast Guard commercial motorboat operator's license;

28 (4) Is not a resident of this state and does not operate a boat with an engine greater than 10
29 horsepower in Oregon waters for more than 60 consecutive days;

30 (5) Is not a resident of this state, holds a current out-of-state boating safety [*certificate*] **educa-**
31 **tion card** and has the [*out-of-state certificate*] **card** in the person's possession; **or**

32 (6) Holds a temporary [*certificate*] **card** as described under ORS 830.084; *or*

33 [(7) *Is not yet required to have a certificate under the phase-in program developed by the State*
34 *Marine Board pursuant to section 9, chapter 716, Oregon Laws 1999*].

35 **SECTION 8a. If House Bill 2078 becomes law, section 8 of this 2019 Act (amending ORS**
36 **830.092) is repealed.**

37 **SECTION 9.** ORS 830.086 is amended to read:

38 830.086. A person may obtain a boating safety [*certificate*] **education card** if the person:

39 (1) Is at least 12 years of age;

40 (2) Passes the boating safety course and examination, or the equivalency exam, as described in
41 ORS 830.084, or submits proof to the satisfaction of the State Marine Board that the person has
42 taken a course that is substantively equivalent to the course described in ORS 830.084; and

43 (3) Pays the fee required by the board.

44 **SECTION 10.** ORS 830.088 is amended to read:

45 830.088. A person 12 to 15 years of age with a boating safety [*certificate*] **education card** may

1 operate a motorboat with an engine of 10 horsepower or less. In addition, a person 12 to 15 years
2 of age with a boating safety [*certificate*] **education card** may operate a motorboat with an engine
3 greater than 10 horsepower if accompanied by and under the direct supervision of a parent, guardian
4 or responsible person 16 years of age or older who possesses a boating safety [*certificate*] **education**
5 **card**.

6 **SECTION 11.** ORS 830.090 is amended to read:

7 830.090. A person may operate a motorboat with an engine greater than 10 horsepower if the
8 person:

9 (1)(a) Is at least 16 years of age; and

10 (b) Obtains a boating safety [*certificate*] **education card** pursuant to ORS 830.086; or

11 (2) Is accompanied by and under the direct supervision of a person 16 years of age or older who
12 has obtained a boating safety [*certificate*] **education card** pursuant to ORS 830.086.

13 **SECTION 12.** ORS 830.094 is amended to read:

14 830.094. A person shall carry a boating safety [*certificate*] **education card** on the boat while
15 operating a motorboat, as required, and shall present the [*certificate*] **card** to a peace officer upon
16 request by the peace officer.

17 **SECTION 12a. If House Bill 2078 becomes law, section 12 of this 2019 Act (amending ORS**
18 **830.094) is repealed.**

19 **SECTION 13.** ORS 830.325 is amended to read:

20 830.325. (1) [*No*] **A** person under the influence of an intoxicating liquor, cannabis, **an inhalant**
21 or a controlled substance [*shall*] **may not** operate, propel or be in actual physical control of any
22 boat on any waters of this state.

23 (2) [*No*] **An** owner of a boat or person in charge or in control of a boat [*shall*] **may not** au-
24 thorize or knowingly permit the boat to be propelled or operated on any waters of this state by any
25 person who is under the influence of an intoxicating liquor, cannabis, **an inhalant** or a controlled
26 substance.

27 **SECTION 14.** ORS 830.505 is amended to read:

28 830.505. (1) Any person who operates a boat on any waters of this state shall be deemed to have
29 given consent to submit to chemical tests of the person's breath for the purpose of determining the
30 alcoholic content of the person's blood if the person is arrested for operating a boat while under the
31 influence of intoxicants while in violation of ORS 830.325 or of a municipal ordinance. Tests shall
32 be administered upon the request of a peace officer having reasonable grounds to believe that the
33 person arrested was operating a boat while under the influence of intoxicants while in violation of
34 ORS 830.325 or of a municipal ordinance. Before the test is administered, the person requested to
35 take the test shall be informed of rights and consequences as described in ORS 830.545.

36 [*(2) No chemical test of the person's breath shall be given under subsection (1) of this section, to*
37 *a person under arrest for operating a boat while under the influence of intoxicants in violation of ORS*
38 *830.325 or of a municipal ordinance, if the person refuses the request of a peace officer to submit to the*
39 *chemical test after the person has been informed of rights and consequences as described in ORS*
40 *830.545.*]

41 **(2) Any person who operates a boat on any waters of this state shall be deemed to have**
42 **given consent to submit to chemical tests of the person's urine for the purpose of deter-**
43 **mining the presence of cannabis, a controlled substance or an inhalant in the person's body**
44 **if the person is arrested for operating a boat while under the influence of intoxicants while**
45 **in violation of ORS 830.325 or of a municipal ordinance. Tests shall be administered upon the**

1 request of a peace officer having reasonable grounds to believe that the person arrested was
2 operating a boat while under the influence of intoxicants while in violation of ORS 830.325
3 or of a municipal ordinance. Before the test is administered, the person requested to take
4 the test shall be informed of rights and consequences as described in ORS 830.545.

5 (3) A person asked to give a urine sample shall be given privacy and may not be observed
6 by a peace officer when producing the sample.

7 (4)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts
8 committed by a person operating a boat while under the influence of intoxicants, a valid
9 chemical analysis of a person's urine is admissible as evidence and may be used with other
10 evidence, if any, to determine whether the person was operating a boat while under the in-
11 fluence of intoxicants.

12 (b) A chemical analysis of a person's urine is valid if analysis is performed in an ac-
13 credited or licensed toxicology laboratory.

14 [(3)] (5) Within the time required by the State Marine Board by rule, the arresting officer shall
15 report the following information to the board:

16 (a) Whether the person refused to **physically** submit to a test.

17 (b) Whether the person was informed of rights and consequences as described under ORS
18 830.545.

19 [(4)] (6) A report required by this section may be made on one or more forms provided by the
20 board.

21 (7) **Nothing in this section precludes a peace officer from obtaining a chemical test**
22 **through any lawful means for use as evidence in a criminal or civil proceeding including, but**
23 **not limited to, obtaining a search warrant.**

24 **SECTION 15.** ORS 830.515 is amended to read:

25 830.515. If a person refuses or fails to **physically** submit to chemical tests of the breath[,
26 *blood*] or urine as required by ORS 830.505 [*and 830.520*], evidence of the person's refusal or failure
27 to **physically** submit is admissible in any criminal or civil action or proceeding arising out of acts
28 alleged to have been committed while the person was operating a boat while under the influence
29 of **an** intoxicating liquor, cannabis, **an inhalant** or **a** controlled [*substances*] **substance**.

30 **SECTION 16.** ORS 830.520 is amended to read:

31 830.520. Nothing in ORS 830.505 is intended to preclude the administration of chemical tests
32 described in this section. A peace officer may obtain a chemical test of the blood to determine the
33 amount of alcohol in any person's blood or a test of the person's blood or a test of the person's blood
34 or urine, or both, to determine the presence of cannabis, **an inhalant** or a controlled substance in
35 the person as provided in the following:

36 (1) If, when requested by a peace officer, the person expressly consents to such a test.

37 (2) Notwithstanding subsection (1) of this section, from a person without the person's consent
38 if:

39 (a) The peace officer has probable cause to believe that the person was operating a boat while
40 under the influence of an intoxicating liquor, cannabis, **an inhalant** or a controlled substance and
41 that evidence of the offense will be found in the person's blood or urine; and

42 (b) The person is unconscious or otherwise in a condition rendering the person incapable of
43 expressly consenting to the test or tests requested.

44 **SECTION 17.** ORS 830.525 is amended to read:

45 830.525. In addition to chemical tests of the breath, blood or urine administered under ORS

1 830.505 and 830.520, upon the request of a peace officer, a person shall be permitted upon request,
 2 at the person's own expense, reasonable opportunity to have any licensed physician, licensed pro-
 3 fessional nurse or qualified technician, chemist or other qualified person of the person's own
 4 choosing administer a chemical test or tests of the person's breath or blood for the purpose of de-
 5 termining the alcoholic content of the person's blood or a chemical test or tests of the person's blood
 6 or urine, or both, for the purpose of determining the presence of cannabis, **an inhalant** or a con-
 7 trolled substance in the person. The failure or inability to obtain such a test or tests by a person
 8 shall not preclude the admission of evidence relating to a test or tests taken upon the request of a
 9 peace officer.

10 **SECTION 18.** ORS 830.550 is amended to read:

11 830.550. (1) Any person who operates a boat on any waters of this state shall be deemed to have
 12 given consent to submit to field sobriety tests upon the request of a peace officer for the purpose
 13 of determining if the person is under the influence of intoxicants if the peace officer reasonably
 14 suspects that the person has committed the offense of operating a boat while under the influence
 15 of intoxicants in violation of ORS 830.325 or a municipal ordinance. *[Before the tests are adminis-*
 16 *tered, the person requested to take the test shall be informed of the consequences of refusing to take*
 17 *or failing to submit to the tests under ORS 830.545.]* **If the person refuses to consent to field**
 18 **sobriety tests, the person shall be asked to provide only physical cooperation to submit to**
 19 **nontestimonial field sobriety tests and the person shall be informed of the consequences of**
 20 **failing to physically submit to those tests under subsection (2) of this section.**

21 (2) If a person refuses or fails to **physically** submit to **nontestimonial** field sobriety tests as
 22 required by subsection (1) of this section **and after the person has been informed of the conse-**
 23 **quences of refusing or failing to physically submit**, evidence of the person's refusal or failure to
 24 **physically** submit is admissible in any criminal or civil action or proceeding arising out of
 25 allegations that the person was operating a boat while under the influence of intoxicants.

26 (3) Within the time required by the State Marine Board by rule, the arresting officer shall report
 27 the following information to the board:

28 (a) Whether the person refused **or failed to physically** submit to a test.

29 (b) Whether the person was informed of rights and consequences as described under ORS
 30 830.545.

31 (4) A report required by this section may be made on one or more forms provided by the board.

32 **SECTION 19.** ORS 830.815 is amended to read:

33 830.815. (1) The State Marine Board may refuse to issue a certificate of title or a certificate of
 34 number or registration if the board determines at any time that an applicant for the certificate has:

35 (a) Given a false statement or false information in applying for the certificate;

36 (b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.140 and
 37 830.700 to 830.870 pertaining to application for certificates; or

38 (c) Been convicted of operating a boat while under the influence of an intoxicating liquor,
 39 cannabis, **an inhalant** or a controlled substance within one year of the date of application or within
 40 three years of the date of application if the record of conviction shows that the person willfully
 41 refused the request of a peace officer to **physically** submit to chemical testing of the breath **or**
 42 **urine** or a **nontestimonial** field sobriety test pursuant to ORS 830.505 and 830.550.

43 (2) After a hearing upon 10 days' notice, the board may cancel a certificate of title or certificate
 44 of number or registration if the board determines at any time that an owner, boat manufacturer or
 45 dealer named in the certificate:

1 (a) Gave a false statement or false information in applying for the certificate; or

2 (b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.140,
3 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to
4 830.870 pertaining to applications for certificates.

5 (3) The board shall automatically suspend the certificate of number for any boat if the board
6 receives notification of a conviction for violation of ORS 830.260 under ORS 830.270. The suspension
7 under this subsection is not subject to hearing. The board shall reinstate a certificate of number
8 suspended under this subsection when the boat owner submits proof satisfactory to the board that
9 the boat has been approved by a person designated by the board as meeting the standards for sound
10 levels established by the board.

11 (4) If the board receives notification from any court in this state that any person who is charged
12 with a boating offense and who is the registered owner of the boat has failed to appear as required
13 by law or has failed to comply with the judgment of the sentencing court, the board shall take the
14 following actions:

15 (a) Notify, by certified mail, the registered owner of the boat involved in the offense of the
16 owner's failure to appear or comply with the judgment of the court. The notification shall include
17 a copy of the citation issued to the owner and will inform the owner that the board will suspend the
18 certificate of number for the boat 45 days from the date of the mailing of the notice by the board.
19 The notice shall include a statement that a hearing may be requested in writing within 10 days of
20 the notice. Any hearing requested under this subsection shall be limited to the issue of whether the
21 person is the person who failed to appear or comply with the judgment of the sentencing court.

22 (b) The board shall suspend the certificate of number for the boat involved 45 days after mailing
23 notice of intent to suspend to the owner of the boat unless a hearing has been requested or, within
24 the 45-day notice period, the board receives notice from the court that the owner has appeared in
25 court and is in compliance with any court order entered in the proceeding. Notice from the court
26 may consist of a copy of any receipt or other document issued by the court indicating that the
27 person has appeared and is in compliance with any court order.

28 (c) Upon suspending any certificate of number under this subsection, the board may charge the
29 owner a reinstatement fee sufficient to cover the actual expenses of the board in processing the
30 transactions described in this section. The board shall reinstate any certificate of number suspended
31 under this subsection upon receiving payment of any reinstatement fee and notice from the court
32 that the owner has appeared and fully satisfied the judgment of the court.

33 (5) Conviction of operating a boat while under the influence of an intoxicating liquor,
34 cannabis, **an inhalant** or a controlled substance under ORS 830.325 constitutes grounds for sus-
35 pension of a person's certificate of number or registration for all boats owned by the person. The
36 following provisions apply to such suspension:

37 (a) Upon receipt of a record of conviction for a violation of ORS 830.325, the board shall notify
38 the convicted person that all certificates of number or registration issued in the person's name are
39 suspended. The notice shall include a statement that a hearing may be requested in writing within
40 10 days of the notice. Any hearing requested under this subsection shall be limited to the issue of
41 whether the person is the person convicted.

42 (b) The suspension shall be for three years from the date of conviction if the record of con-
43 viction shows that the person willfully refused the request of a peace officer to **physically** submit
44 to chemical testing of the breath **or urine** or a **nontestimonial** field sobriety test under ORS
45 830.505 and 830.550. Otherwise the period of suspension shall be for one year from the date of

1 conviction.

2 **SECTION 20. Section 5 of this 2019 Act and the amendments to ORS 830.315, 830.325,**
3 **830.505, 830.515, 830.520, 830.525, 830.545, 830.550, 830.815, 830.990 and 830.994 by sections 1 to**
4 **3, 6 and 13 to 19 of this 2019 Act apply to conduct occurring on or after the effective date**
5 **of this 2019 Act.**

6
