

House Bill 2614

Sponsored by Representatives WILLIAMSON, BARKER; Representative POWER, Senators DEMBROW, FREDERICK, MANNING JR, MONNES ANDERSON (Pre-session filed.)

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**.

Repeals driving privilege suspension and eliminates imposition of driving privilege restrictions for failure to pay fine.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; amending ORS 807.010, 807.120, 809.380,
3 809.415, 809.416 and 809.515; repealing ORS 809.210; and prescribing an effective date.

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

5 **SECTION 1.** ORS 807.010 is amended to read:

6 807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the
7 person operates a motor vehicle upon a highway or premises open to the public in this state and the
8 person does not have an appropriate grant of driving privileges from this state in the form of a li-
9 cense, driver permit, endorsement or statutory grant of driving privileges allowing the person to
10 engage in the particular type of operation.

11 (2) A person to whom a license or driver permit is issued commits the offense of violating license
12 restrictions if the person operates a motor vehicle in any manner that violates restrictions that are
13 placed upon the person's driving privileges by the Department of Transportation under ORS 807.120
14 or 807.122, by a court under ORS [*809.210 or*] 809.270, or by the vehicle code.

15 (3) Nothing in this section is applicable to a person who is driving while suspended or revoked
16 in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to
17 the provisions and penalties provided therein and are not subject to the penalties and provisions of
18 this section.

19 (4) Except as provided in subsection (5) of this section, the offense described in subsection (1)
20 of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

21 (5) The offense described in subsection (1) of this section, operating a vehicle without driving
22 privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is
23 a Class A traffic violation.

24 (6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condi-
25 tion that the person, within 120 days of the date of sentencing:

26 (A) Complete a motorcycle education course established by the department under ORS 802.320;
27 and

28 (B) Obtain a motorcycle endorsement issued under ORS 807.170.

29 (b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing
30 the court shall:

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 (A) If the person has successfully completed the requirements described in paragraph (a)(A) and
 2 (B) of this subsection, [*dismiss the fine imposed under subsection (5) of this section*] **enter a sentence**
 3 **of discharge**; or

4 (B) If the person has not successfully completed the requirements described in paragraph (a)(A)
 5 and (B) of this subsection:

- 6 (i) Grant the person an extension based on good cause shown; or
- 7 (ii) Impose the fine under subsection (5) of this section.

8 (7) The offense described in subsection (2) of this section, operating in violation of license re-
 9 strictions, is a Class B traffic violation.

10 **SECTION 2.** ORS 807.120 is amended to read:

11 807.120. (1) The Department of Transportation may place restrictions on any driving privileges
 12 granted a person if the department determines that there is good cause to restrict the driving priv-
 13 ileges of the person in order to ensure the safe operation of a motor vehicle by the person.

14 (2) Restrictions placed on a driver license or driver permit by the department under this section
 15 shall be suitable to the driving ability of the person whose driving privileges are restricted. The
 16 restrictions may include:

- 17 (a) Restrictions on the type of motor vehicle the person may operate;
- 18 (b) Requirements for special mechanical control devices on motor vehicles operated by the per-
 19 son; or
- 20 (c) Any other restrictions the department determines appropriate to ensure the safe operation
 21 of a motor vehicle by the person.

22 (3) The department shall place a restriction on the commercial driver license of a person who
 23 performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver
 24 license in a vehicle that:

- 25 (a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the
 26 person from operating commercial motor vehicles equipped with service brakes that operate fully
 27 or partially by air pressure.
- 28 (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking
 29 system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed
 30 under this paragraph prohibits the person from operating commercial motor vehicles equipped with
 31 service brakes that operate solely by air pressure.

32 (c) Is equipped with an automatic transmission. A restriction imposed under this paragraph
 33 prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

34 (d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle
 35 towed in combination with the power unit. A restriction under this paragraph prohibits the person
 36 from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel
 37 hitch between the power unit and first towed unit.

38 (4) The department shall place a restriction on the commercial driver license and the commer-
 39 cial learner driver permit of a person who does not pass an air brakes knowledge test administered
 40 under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor
 41 vehicle with service brakes that operate fully or partially by air pressure.

42 (5) The department may impose restrictions under this section by setting forth the restrictions
 43 on the regular license form or by issuing a special form for licenses with restrictions.

44 (6) The department shall place restrictions on driving privileges under this section when ordered
 45 by a court under ORS [*809.210 or*] 809.270. Any restriction imposed under this subsection shall be

1 made a part of the person's driving record and shall remain in effect until the court notifies the
2 department in writing that the restrictions are removed.

3 (7) The department may impose restrictions under this section on driving privileges that are
4 restored after having been suspended or revoked. The restrictions imposed under this subsection
5 may include any restrictions that have been recommended by a convicting magistrate.

6 (8) The use of the term "restrictions" in this section includes any restrictions, conditions or
7 requirements.

8 (9) Violation of any restrictions placed on driving privileges under this section is punishable as
9 provided under ORS 807.010.

10 **SECTION 3.** ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended
11 to read:

12 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

18 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-
19 quest of the person, the suspended driving privileges and any license or driver permit that evidences
20 the driving privileges. The reissuance shall be without requalification by the person except that the
21 department may require the person to furnish evidence satisfactory to the department that the per-
22 son is qualified to continue to exercise driving privileges in this state before the department reissues
23 the driving privileges.

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

25 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
26 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
27 809.500.

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

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

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

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

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

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

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

44 (g) The suspension was the result of an error committed by an insurance company in issuing or
45 failing to issue a certification of insurance or in canceling a certification of insurance filed with the

1 department under ORS 806.270.

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

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

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

15 (k) The suspension occurred because the person failed to make future responsibility filings but
 16 the department later determines that the reason for the failure was that the person was a military
 17 reservist or a member of a national guard unit that was ordered to active military duty to a location
 18 outside of the United States. The effective date of the military orders must be prior to the effective
 19 date of a suspension issued by the department for failure to make a future responsibility filing.

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

24 **SECTION 4.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended
 25 to read:

26 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
 27 who has a judgment of the type described under ORS 806.040 rendered against the person if the
 28 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
 29 its entry.

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

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

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

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

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

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

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

1 bility requirements.

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

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

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

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

13 (c) A person whose initial obligation to make future responsibility filings is not based upon a
 14 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
 15 sion under this subsection. A person whose obligation to make future responsibility filings is based
 16 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
 17 of a suspension under this subsection. A person whose suspension under this subsection is based on
 18 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
 19 809.440.

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

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

24 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
 25 pension is imposed for a reason described in ORS 809.416 [(1) or 20 years from the date the traffic
 26 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2)].

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

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

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

38 **SECTION 5.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is amended
 39 to read:

40 809.416. [*This section establishes circumstances that will make a person subject to suspension un-*
 41 *der ORS 809.415 (4) and what a person is required to do to make the person no longer subject to*
 42 *suspension. The following apply as described:]*

43 [(1)] A person is subject to suspension under ORS 809.415 (4) if the Department of Transporta-
 44 tion receives notice from a court to apply this section under ORS 809.220. A person who is subject
 45 under this subsection remains subject until the person presents the department with notice issued

1 by the court showing that the person is no longer subject to this section or until 10 years have
 2 elapsed from the date the traffic offense or violation of ORS 471.430 occurred, whichever is earlier.
 3 This subsection *[shall]* **does** not subject a person to ORS 809.415 (4) for any pedestrian offense, bi-
 4 cycling offense or parking offense. Upon receipt of notice from a court, the department shall send
 5 a letter by first class mail advising the person that the suspension will commence 60 days from the
 6 date of the letter unless the person presents the department with the notice required by this sub-
 7 section.

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

12 *[(a) The person presents the department with a notice of reinstatement issued by the court showing*
 13 *that the person:]*

14 *[(A) Is making payments, has paid the fine or has obeyed the order of the court; or]*

15 *[(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered*
 16 *apprentice under ORS 660.020; or]*

17 *[(b) Twenty years have elapsed from the date the traffic offense occurred.]*

18 *[(3) Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or refusal*
 19 *to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of*
 20 *a notice of suspension from a court, the department shall send a letter by first class mail advising the*
 21 *person that the suspension will commence 60 days from the date of the letter unless the person presents*
 22 *the department with the notice of reinstatement required by this subsection.]*

23 **SECTION 6.** ORS 809.515 is amended to read:

24 809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges
 25 of a person if the department receives a notice from another jurisdiction that the person failed to
 26 appear, *pay a fine or comply with an order of the court*] in a prosecution on a citation for a traffic
 27 offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds
 28 for suspension under ORS *[809.210 or]* 809.220, and the person held commercial driving privileges
 29 or was operating a commercial motor vehicle at the time of the offense. The period of a suspension
 30 under this subsection is the shorter of:

31 (A) Ten years; or

32 (B) Until the department receives notice from the other jurisdiction that the person appeared[,
 33 *paid the fine or complied with the court's order*].

34 (b) The department shall suspend a person's commercial driving privileges under this subsection
 35 without regard to whether the other jurisdiction suspends any driving privileges of the person by
 36 reason of the person's failure to appear[, *pay a fine or comply with an order of the court*].

37 (c) This subsection does not apply to failure to appear[, *pay a fine or comply with an order of the*
 38 *court*] in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

39 (2) The department shall suspend the commercial driving privileges of a person if the department
 40 receives a notice from the Federal Motor Carrier Safety Administration that the person has been
 41 disqualified from operating a commercial motor vehicle and that the disqualification is due to a de-
 42 termination that the driving of that person constitutes an imminent hazard. The department shall
 43 immediately suspend commercial driving privileges under this subsection without hearing, but the
 44 person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings
 45 conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under

1 this section is the period of suspension prescribed by the Federal Motor Carrier Safety Adminis-
2 tration, or one year, whichever is shorter.

3 **SECTION 7. ORS 809.210 is repealed.**

4 **SECTION 8. The amendments to ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515**
5 **by sections 1 to 6 of this 2019 Act and the repeal of ORS 809.210 by section 7 of this 2019 Act**
6 **apply to conduct giving rise to a driving privilege restriction or driving privilege suspension**
7 **on or after the effective date of this 2019 Act. Driving privilege restrictions or driving privi-**
8 **lege suspensions imposed before the effective date of this 2019 Act shall be governed by law**
9 **applicable to driving privilege restrictions and driving privilege suspensions in effect at the**
10 **time of the most recent restriction or suspension.**

11 **SECTION 9. This 2019 Act takes effect on the 91st day after the date on which the 2019**
12 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

13