House Bill 2614

Sponsored by Representatives WILLIAMSON, BARKER; Representative POWER, Senators DEMBROW, FREDERICK, MANNING JR, MONNES ANDERSON (Presession 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
Relating to driving privileges; creating new provisions; amending ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515; repealing ORS 809.210; and prescribing an effective date.

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

SECTION 1. ORS 807.010 is amended to read:
807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

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

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

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

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

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

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

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

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

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

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

(i) Grant the person an extension based on good cause shown; or

(ii) Impose the fine under subsection (5) of this section.

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

SECTION 2. ORS 807.120 is amended to read:

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

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

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the per-
son; or

(c) Any other restrictions the department determines appropriate to ensure the safe operation
of a motor vehicle by the person.

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

(a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the
person from operating commercial motor vehicles equipped with service brakes that operate fully
or partially by air pressure.

(b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking
system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed
under this paragraph prohibits the person from operating commercial motor vehicles equipped with
service brakes that operate solely by air pressure.

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

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

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

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

(6) The department shall place restrictions on driving privileges under this section when ordered
by a court under ORS [809.210 or] 809.270. Any restriction imposed under this subsection shall be
made a part of the person’s driving record and shall remain in effect until the court notifies the
department in writing that the restrictions are removed.

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

(8) The use of the term “restrictions” in this section includes any restrictions, conditions or
requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The suspension was the result of an error committed by an insurance company in issuing or
failing to issue a certification of insurance or in canceling a certification of insurance filed with the
(h) The department issued the suspension without error because the person failed to respond as required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing requirement of ORS 806.200, but the department later determines that the person in fact was in compliance with financial responsibility requirements as of the date of the department’s letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

(i) The department issued the suspension without error because the person was not in compliance with financial responsibility requirements as of the date of the department’s letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department later determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date of the department’s letter of verification or at the time of the accident.

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

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

(L) The department issued the suspension without error because the department received a notice to suspend from a court under ORS [809.210 or] 809.220, but the department later determines that the person in fact was in compliance with the requirements of the court prior to the effective date of the suspension.

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

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

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

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

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

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

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

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

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department’s demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

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

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

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

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

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

(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the suspension is imposed for a reason described in ORS 809.416 (1) or 20 years from the date the traffic offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. ORS 809.515 is amended to read:

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

(A) Ten years; or

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

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

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

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

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

SECTION 7. ORS 809.210 is repealed.

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

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