

House Bill 3214

Sponsored by Representative BOSHART DAVIS; Representatives LEWIS, MCLAIN, NOSSE, POWER, PRUSAK, SMITH G

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**.

Allows person with hardship driver permit to provide necessary services to person or member of person's family.

A BILL FOR AN ACT

1
2 Relating to hardship driver permits; creating new provisions; and amending ORS 807.240.

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

4 **SECTION 1.** ORS 807.240, as amended by sections 2 and 2a, chapter 76, Oregon Laws 2018, is
5 amended to read:

6 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
7 in a manner consistent with this section. A hardship driver permit grants the driving privileges
8 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
9 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
10 a license. The following apply to a hardship driver permit:

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

13 (2) Except as provided in this section and ORS 813.520, the department may reinstate the privi-
14 lege to operate a motor vehicle of any person whose license to operate a motor vehicle has been
15 suspended, or revoked under ORS 809.600 as a habitual offender, by issuing the person a hardship
16 permit.

17 (3) To qualify for a hardship permit, a person must do all of the following:

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

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

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

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

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

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

30 (E) That the person must operate a motor vehicle to get to or from a gambling addiction treat-
31 ment program[.]; **or**

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 **(F) That the person must operate a motor vehicle to provide necessary services to the**
 2 **person or to a member of the person’s family. The department shall determine by rule what**
 3 **constitutes necessary services for purposes of this subparagraph. The rule shall include as**
 4 **necessary services, but need not be limited to, grocery shopping, driving the person or the**
 5 **person’s children to school, driving to medical appointments and caring for elderly family**
 6 **members.**

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

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

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

16 (f) The person must submit any other information the department may require for purposes of
 17 determining whether the person qualifies under this section and ORS 813.520.

18 (4) If the department finds that the person meets the requirements of this section and any ap-
 19 plicable requirements under ORS 813.520, the department may issue the person a hardship permit,
 20 valid for the duration of the suspension or revocation or for a shorter period of time established by
 21 the department unless sooner suspended or revoked under this section. If the department issues the
 22 permit for a period shorter than the suspension or revocation period, renewal of the permit shall
 23 be on such terms and conditions as the department may require. The permit:

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

25 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a
 26 motor vehicle that the department deems proper or necessary. The limitations may include any
 27 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS
 28 811.175 or 811.182.

29 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of
 30 a permit issued under this section, may suspend or revoke the hardship permit.

31 (6) The fee charged for application or issuance of a hardship driver permit is the hardship driver
 32 permit application fee under ORS 807.370. The department may not refund the fee if the application
 33 is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit
 34 is the same fee as that charged for renewal of a license. The application fee charged under this
 35 subsection is in addition to any fee charged for reinstatement of driving privileges under ORS
 36 807.370.

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

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

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

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

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

44 (d) Whose suspension of driving privileges is based on a second or subsequent conviction of
 45 driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory

1 counterpart to ORS 813.010 in another jurisdiction and the suspension period is determined by ORS
2 809.428 (2)(b) or (c);

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

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

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

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

10 (D) Failure to perform the duties of a driver involved in a collision, as described in ORS 811.700
11 or 811.705;

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

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

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

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

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

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

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

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

27 (D) For a period of two years from the date the person is released from incarceration for the
28 conviction if the person's driving privileges are suspended for conviction of assault in the third de-
29 gree and the person was incarcerated for that conviction.

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

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

36 (9) A conviction arising out of the same episode as the current suspension is not considered a
37 conviction for purposes of subsection (8)(e) of this section.

38 (10) A person's driving privileges under a hardship permit are subject to suspension or revoca-
39 tion if the person does not maintain a good driving record, as defined by the administrative rules
40 of the department, during the term of the permit.

41 **SECTION 2. The amendments to ORS 807.240 by section 1 of this 2019 Act apply to**
42 **hardship driver permits issued before, on or after the effective date of this 2019 Act.**