

# Senate Bill 57

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## 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**.

Modifies laws related to transportation.  
Repeals Habitual Traffic Offenders Act.

## A BILL FOR AN ACT

Relating to transportation; creating new provisions; amending ORS 161.710, 801.010, 801.020, 802.010, 802.200, 802.210, 803.460, 803.600, 803.602, 806.050, 806.150, 806.180, 806.220, 806.240, 806.245, 806.300, 807.060, 807.140, 807.160, 807.240, 807.400, 807.560, 809.090, 809.380, 809.390, 809.415, 809.416, 809.430, 809.450, 811.180, 811.182, 811.725, 811.735, 813.410 and 826.031; and repealing ORS 806.160, 809.600, 809.605, 809.610 and 809.640.

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

## MOTOR VEHICLE INSURANCE

**SECTION 1.** ORS 806.150 is amended to read:

806.150. The Department of Transportation shall *[provide]* **establish by rule** a program *[of verification of compliance]* **to verify compliance** with the financial responsibility requirements *[under ORS 803.460 and 806.010]* **of operating a motor vehicle in this state**. The program established *[by the department]* under this section shall comply with all of the following:

*[(1) The verification shall be based on motor vehicles registered in this state.]*

*[(2)]* **(1)** The department may select vehicles **registered in this state** for verification when the department considers the selection necessary or appropriate. The department may emphasize*[, in accordance with rules adopted by the department,]* verification of vehicles registered to individuals who:

(a) Have been convicted of violating ORS 806.010;

(b) Have *[submitted certifications]* **provided proof** of compliance with financial responsibility requirements that *[have]* **has** been previously found to be *[incorrect]* **not correct**; or

(c) The department has reasonable grounds to believe are not in compliance with financial responsibility requirements.

*[(3) When a vehicle is selected for verification under this section, the department shall mail a letter and certification form described under ORS 806.180 to the registered owner of the vehicle notifying the owner that the vehicle has been selected for verification and requiring the owner to respond within 30 days and certify that the owner is in compliance with financial responsibility requirements as of the date of the letter. In addition, the department may seek verification by communicating directly with an*

**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 *insurer or its designee.]*

2 [(4) Failure of an owner either to return the certification of compliance with financial responsibility  
3 requirements to the department within 30 days after mailing by the department or to certify compliance  
4 as of the date of the letter, or a determination by the department that a certification is not accurate  
5 constitutes reasonable grounds for the department to proceed with a demand for verification under ORS  
6 806.160.]

7 [(5) The department shall investigate all certifications returned to the department under this section  
8 as follows:]

9 **(2) When a vehicle is selected for verification under this section, the department shall**  
10 **provide a notice of verification to the registered owner of the vehicle. The notice of verifi-**  
11 **cation must:**

12 **(a) Inform the owner that the vehicle has been selected for verification; and**

13 **(b) Require the owner to provide proof of compliance with financial responsibility re-**  
14 **quirements within the time specified by the department by rule.**

15 [(a)] **(3) [If the owner certifies the existence of insurance described under ORS 806.080,] After the**  
16 **department receives proof of compliance from a registered owner as required under sub-**  
17 **section (2) of this section, the department shall forward the [certification] proof of compliance**  
18 **to the listed insurer, or use other means, to determine whether the [certification] proof of compli-**  
19 **ance is correct. An insurer shall notify the department if the [certification] proof of compliance**  
20 **is not correct within the time specified by the department by rule.**

21 [(b) The department may also determine the correctness of certifications of other means of satisfying  
22 financial responsibility requirements for the vehicle.]

23 [(6)] **(4) [No] Civil liability [shall] does not** accrue to the insurer or any of its employees for  
24 reports made to the department under this section when the reports are made in good faith based  
25 on the most recent information available to the insurer.

26 **SECTION 2. ORS 806.050 is amended to read:**

27 806.050. (1) A person commits the offense of falsification of financial responsibility if the person  
28 does any of the following:

29 (a) Forges or, without authority, signs any evidence of proof of compliance with financial re-  
30 sponsibility requirements.

31 (b) Files or offers for filing any evidence of proof of compliance with financial responsibility  
32 requirements knowing or having reason to believe that the proof of **compliance** is forged or signed  
33 without authority.

34 (c) Knowingly certifies falsely to the existence of motor vehicle liability insurance meeting the  
35 requirements under ORS 806.080 or some other means of satisfying the financial responsibility re-  
36 quirements or making a financial responsibility filing.

37 (2) A denial of coverage, signed by an officer or agent of an insurer, returned to the Department  
38 of Transportation after inquiry from the department as to [*the accuracy of a certification of*] the ex-  
39 istence of liability insurance under ORS 806.150 or 811.725 is prima facie evidence of false certi-  
40 fication.

41 (3) Any person convicted of knowingly certifying falsely to the existence of motor vehicle li-  
42 ability insurance or to the existence of some other means of satisfying the financial responsibility  
43 requirements shall be imprisoned for no less than three consecutive days. In no case shall the exe-  
44 cution of the punishment imposed by this section be suspended by the court, nor shall any person  
45 subject to such punishment be sentenced to probation by the court.

1 (4) A person who is convicted for violation of this section is subject to ORS 806.230 if the person  
 2 does not make future responsibility filings as required by that section.

3 (5) The offense described in this section, falsification of financial responsibility, is a Class B  
 4 misdemeanor except that violation of subsection (1)(c) of this section is a Class A misdemeanor.

5 **SECTION 3.** ORS 806.180 is amended to read:

6 806.180. A person who is required[,] under ORS 803.460 or 811.725[,] to [*certify*] **provide proof**  
 7 **of compliance** with financial responsibility requirements shall [*comply with the following:*]

8 [(1) *The person shall*] **certify proof of compliance** in a manner prescribed by the Department  
 9 of Transportation[,] **by rule and**

10 [(2) *The applicant*] shall provide any information that the department requires.

11 [(3) *If the person certified the existence of a motor vehicle liability insurance policy described under*  
 12 *ORS 806.080, the person shall report at least the following information:*]

13 [(a) *The name of the insurer issuing the policy; and*]

14 [(b) *The policy number, insurance producer's binder number or any other number that identifies*  
 15 *the policy.*]

16 **SECTION 4.** ORS 806.220 is amended to read:

17 806.220. (1) A person commits the offense of failure to make future responsibility filing after  
 18 failing verification if the person **does not:**

19 (a) [*Is unable to*] Provide satisfactory proof of compliance with financial responsibility require-  
 20 ments [*as of the date*] **within the time specified by the Department of Transportation by rule**  
 21 **under ORS 806.150** [*of the letter of verification from the Department of Transportation under ORS*  
 22 *806.150 upon the demand of the department under ORS 806.160 within the time required by that*  
 23 *section*]; and

24 (b) [*Does not,*] Within 60 days after the date [*of the mailing of the demand by the department*  
 25 *under ORS 806.160*] **the department sent the notice of verification under ORS 806.150**, make a  
 26 future responsibility filing.

27 (2) The offense described in this section, failure to make future responsibility filing after failing  
 28 verification, is a Class B traffic violation.

29 **SECTION 5.** ORS 806.240 is amended to read:

30 806.240. Future responsibility filings required by ORS 806.200, 806.220 or 806.230 or by any other  
 31 law of this state are subject to all of the following:

32 (1) Except as provided in subsection (3) of this section, the person required to make the filing  
 33 must file with the Department of Transportation, or have filed with the department for the benefit  
 34 of the person, **proof of compliance** that meets the requirements of this section and must maintain  
 35 the **proof of compliance** as required under ORS 806.245. The filing is made on the date it is received  
 36 by the department if it is received during regular business hours.

37 (2) The **proof of compliance** filed under subsection (1) of this section must be:

38 (a) A certificate or certificates of insurance that meet the requirements under ORS 806.270; or

39 (b) A valid certificate of self-insurance issued by the department under ORS 806.130.

40 (3) The owner of a motor vehicle may make a future responsibility filing under this section on  
 41 behalf of the owner's employee or a member of the owner's immediate family or household in lieu  
 42 of the filing being made by the person. Filing under this subsection permits the person on whose  
 43 behalf the filing is made to operate only a motor vehicle covered by the **proof of compliance** given  
 44 in the filing. The department shall endorse restrictions, as appropriate, on any license or driver  
 45 permit the person holds as the department determines necessary to limit the person's ability to op-

1 erate vehicles consistent with this subsection.

2 (4) Whenever proof of **compliance** filed under this section no longer meets the requirements of  
 3 this section, the department shall require the furnishing of other proof of **compliance** for the future  
 4 responsibility filing. If other proof of **compliance** is not furnished, the department shall suspend the  
 5 driving privileges of the person as provided under ORS 809.415 or, if applicable, any registration as  
 6 provided under ORS 809.050.

7 **SECTION 6.** ORS 806.245 is amended to read:

8 806.245. A termination of the requirement to maintain a future responsibility filing does not re-  
 9 move a person’s responsibility to comply with financial responsibility requirements. The Department  
 10 of Transportation shall terminate requirements for a future responsibility filing when any of the  
 11 following occurs:

12 (1) The person on whose behalf the filing was made dies.

13 (2) More than three years have passed from the date the filing was required.

14 (3) A person on whose behalf the filing was made requests termination and either:

15 (a) The person was required to file because of an error committed by the department; or

16 (b) The person was required to file because of an error committed by an insurance company in  
 17 notifying the department regarding the correctness of *[a certification]* **proof of compliance with**  
 18 **financial responsibility requirements provided** under ORS 806.150.

19 (4) A person who was required to file **under ORS 806.150** *[because of failure to respond to a*  
 20 *department demand under ORS 806.160]* requests termination and the department determines either:

21 (a) That the person was in fact in compliance with financial responsibility requirements as of  
 22 the date *[of the department’s letter of verification]* **specified by the department by rule** under ORS  
 23 806.150; or

24 (b) That the person reasonably and in good faith believed that the person was in compliance  
 25 with financial responsibility requirements on the date *[of the department’s letter of verification]*  
 26 **specified by the department by rule under ORS 806.150.**

27 (5) A person who was required to file because of failure to prove under ORS 806.210 that the  
 28 person was in compliance with financial responsibility requirements requests termination and the  
 29 department determines either:

30 (a) That the person was in fact in compliance with financial responsibility requirements at the  
 31 time of the accident; or

32 (b) That the person reasonably and in good faith believed that the person was in compliance  
 33 with financial responsibility requirements at the time of the accident.

34 (6) A person’s hardship permit expires and the filing was required only for issuance of the  
 35 hardship permit under ORS 807.240.

36 **SECTION 7.** ORS 806.300 is amended to read:

37 806.300. (1) A person commits the offense of failure to surrender license and registration on  
 38 cancellation of future responsibility filing if the person does not immediately return the person’s li-  
 39 cense or driver permit and registration to the Department of Transportation when any of the fol-  
 40 lowing occur:

41 (a) A policy of insurance required under ORS 806.240 is canceled or terminated.

42 (b) The person neglects to furnish other proof of **compliance** for a future responsibility filing  
 43 upon request of the department.

44 (2) If any person fails to return to the department the license, driver permit or registration, the  
 45 department may request any peace officer to secure possession thereof and return it to the depart-

1 ment.

2 (3) The offense described in this section, failure to surrender license and registration on can-  
3 cellation of future responsibility filing, is a Class C misdemeanor.

4 **SECTION 8.** ORS 802.010 is amended to read:

5 802.010. (1) The Department of Transportation shall perform all of the duties, functions and  
6 powers with respect to the following:

7 (a) The administration of the laws relating to the motor vehicle fuel license tax, aircraft fuel  
8 license tax and use fuel license tax including ORS chapter 319.

9 (b) The administration of the laws relating to motor vehicle registration and titling and the is-  
10 suance of certificates to vehicle dealers and dismantlers including but not limited to the adminis-  
11 tration of the vehicle code.

12 (c) The administration of the laws relating to driving privileges granted under licenses and  
13 permits and under the vehicle code.

14 (d) The administration of the laws relating to operation of vehicles on highways and of vehicle  
15 size, weight and use limits under the vehicle code.

16 (e) The administration of ORS 820.130 and 820.140.

17 (f) The administration of the provisions relating to proof of **compliance with** financial respon-  
18 sibility **requirements** and future responsibility filings.

19 (2) The Director of Transportation shall act as a reciprocity officer for the purposes of ORS  
20 802.500 and 802.520.

21 (3) The director shall have the authority to execute or make such arrangements, agreements or  
22 declarations to carry out the provisions of ORS 802.500 and 802.520. The director shall receive no  
23 additional compensation for service performed under this subsection but shall be allowed actual and  
24 necessary expenses incurred in the performance of the duties to be paid from the account of the  
25 department.

26 **SECTION 9.** ORS 803.460 is amended to read:

27 803.460. The Department of Transportation shall not renew the registration of a motor vehicle  
28 unless one of the following occurs:

29 (1) The owner of the vehicle [*certifies*] **provides proof of** compliance with financial responsibility  
30 requirements for the vehicle and certifies that the owner will remain in compliance with the re-  
31 quirements for the term of the registration or until the vehicle is sold. This subsection does not  
32 apply if a renewal of registration is accompanied by an application for transfer of title arising from  
33 the sale of the vehicle. Exemptions from this subsection are established in ORS 806.020. The form  
34 of [*certification*] **proof of compliance** required for this subsection shall be as required under ORS  
35 806.180.

36 (2) The department receives satisfactory proof of compliance with financial responsibility re-  
37 quirements by some means other than the [*certification*] **the means** described in subsection (1) of  
38 this section. The department may determine by rule what constitutes satisfactory proof of **compli-**  
39 **ance with financial responsibility requirements** for purposes of this subsection.

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

42 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

44 (2) During the period of suspension, the person is not entitled to exercise any driving privileges  
45 in this state except as provided under this subsection. Unless otherwise specifically provided by law,

1 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship  
2 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

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

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

10 (5) If the person fails to surrender to the department any license or driver permit issued as ev-  
11 idence of driving privileges that are suspended, the person is subject to the penalties under ORS  
12 809.500.

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

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

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

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

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

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

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

29 (g) The suspension was the result of an error committed by an insurance company in issuing or  
30 failing to issue a certification of insurance or in canceling a certification of insurance filed with the  
31 department under ORS 806.270.

32 (h) The department issued the suspension without error because the person failed to respond as  
33 required under ORS [806.160] **806.150** or to furnish proof of exemption under ORS 806.210 from the  
34 filing requirement of ORS 806.200, but the department later determines that the person in fact was  
35 in compliance with financial responsibility requirements as of the date **specified by the department**  
36 **by rule** [of the department's letter of verification] under ORS 806.150 or at the time of an accident  
37 described in ORS 806.200.

38 (i) The department issued the suspension without error because the person was not in compli-  
39 ance with financial responsibility requirements as of the date **specified by the department by rule**  
40 [of the department's letter of verification] under ORS 806.150 or at the time of an accident described  
41 in ORS 806.200, but the department later determines that the person reasonably and in good faith  
42 believed that the person was in compliance with financial responsibility requirements on the date  
43 **specified by the department by rule under ORS 806.150** [of the department's letter of verification]  
44 or at the time of the accident.

45 (j) The suspension was the result of an error committed by an insurance company in notifying

1 the department regarding the correctness of [*a certification*] **proof of compliance with financial**  
 2 **responsibility requirements provided** under ORS 806.150.

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

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

12 **SECTION 11.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is  
 13 amended to read:

14 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person  
 15 who has a judgment of the type described under ORS 806.040 rendered against the person if the  
 16 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
 17 its entry.

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

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

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

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

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

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

29 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the  
 30 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-  
 31 isfying financial responsibility requirements or of a person who, after certifying the existence of a  
 32 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the  
 33 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-  
 34 bility requirements.

35 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this  
 36 subsection only if proof of compliance with financial responsibility requirements as of the date  
 37 **specified by the department by rule** [*of the letter of verification from the department*] under ORS  
 38 806.150 is not submitted within [*30 days after the date of the mailing of the department's demand un-*  
 39 *der ORS 806.160*] **the time specified by the department by rule under this section.**

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

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

45 (b) A suspension under this subsection shall continue until the person complies with future re-

1 sponsibility filings.

2 (c) A person whose initial obligation to make future responsibility filings is not based upon a  
3 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
4 sion under this subsection. A person whose obligation to make future responsibility filings is based  
5 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
6 of a suspension under this subsection. A person whose suspension under this subsection is based on  
7 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
8 809.440.

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

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

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

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

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

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

27 **SECTION 12.** ORS 809.450 is amended to read:

28 809.450. (1) If a person whose driving privileges have been suspended for one of the reasons  
29 specified in subsection (2) of this section requests that the suspension be rescinded and specifies the  
30 reason for the request, the Department of Transportation may provide a hearing to determine the  
31 validity of the suspension. The department may rescind a suspension only as provided in subsection  
32 (3) of this section.

33 (2) This section applies to suspensions under:

34 (a) ORS 809.415 for failure to make a future responsibility filing;

35 (b) ORS 809.415 for false certification of financial responsibility requirements; and

36 (c) ORS 809.417 for involvement in a motor vehicle accident when the department has deter-  
37 mined that the person has been operating a vehicle in violation of ORS 806.010.

38 (3) The granting of a hearing under this section shall not stay the suspension. However, the  
39 department shall rescind the suspension if the department determines:

40 (a) That an error was committed by the department;

41 (b) That the person in fact was in compliance with financial responsibility requirements [*as of*]  
42 **on** the date [*of the department's letter of verification*] **specified by the department by rule** under  
43 ORS 806.150;

44 (c) That an error was committed by an insurance company in notifying the department regarding  
45 the correctness of [*a certification*] **proof of compliance with financial responsibility requirements**



1 **provided** under ORS 806.150;

2 (d) That the person was not in compliance with financial responsibility requirements [*as of*] **on**  
 3 the date [*of the department's letter of verification*] **specified by the department by rule** under ORS  
 4 806.150 and the department also determines that the person reasonably and in good faith believed  
 5 that the person was in compliance with financial responsibility requirements on the date [*of the*  
 6 *department's letter of verification*] **the department sent the notice of verification** and that the  
 7 person currently is in compliance with financial responsibility requirements; or

8 (e) That at the time of the accident the person reasonably and in good faith believed that the  
 9 person was in compliance with financial responsibility requirements and the person is currently in  
 10 compliance with financial responsibility requirements.

11 (4) The hearing shall be held in the manner provided in ORS 809.440.

12 **SECTION 13.** ORS 811.725 is amended to read:

13 811.725. (1) The driver of a vehicle commits the offense of driver failure to report an accident  
 14 if the driver does any of the following:

15 (a) Is driving any vehicle that is involved in an accident required to be reported under ORS  
 16 811.720 and does not, within 72 hours of the accident, complete a report of the accident in a form  
 17 approved by the Department of Transportation and submit the report to the department.

18 (b) Is driving a vehicle that is involved in an accident and does not submit to the department  
 19 any report required by the department that is other than or in addition to the reports required by  
 20 this section. The department may request a supplemental report if in the opinion of the department  
 21 the original report is insufficient.

22 (c) Is driving any vehicle that is involved in an accident required to be reported under ORS  
 23 811.720 and does not, within 72 hours of the accident, [*certify*] **provide proof of compliance with**  
 24 **financial responsibility requirements** to the department, in a form furnished by the department,  
 25 that at the time of the accident the person was in compliance with the financial responsibility re-  
 26 quirements.

27 (2) The [*certification*] **proof** of compliance with financial responsibility required under this sec-  
 28 tion is subject to the prohibitions and penalties for false certification under ORS 806.050.

29 (3) The reports described under this section are subject to the provisions of ORS 802.220 and  
 30 802.240 relating to the use of such reports after submission. Exemptions from requirements to  
 31 [*certify*] **provide proof of** compliance with financial responsibility are established under ORS  
 32 806.020.

33 (4) A driver may be required to file additional accident reports with a city as provided under  
 34 ORS 801.040.

35 (5) The offense described in this section, driver failure to report an accident, is a Class B traffic  
 36 violation.

37 **SECTION 14.** ORS 811.735 is amended to read:

38 811.735. (1) A person commits the offense of failure of a vehicle occupant to make an accident  
 39 report if:

40 (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is  
 41 involved in an accident required to be reported under ORS 811.720;

42 (b) The driver of the vehicle is physically incapable of making an accident report required under  
 43 ORS 811.725; and

44 (c) The occupant does not make the accident report or cause the accident report to be made.

45 (2) This section does not require an occupant of a vehicle who is not a driver to [*make any*

1 *certification*] **provide proof** of compliance with financial responsibility requirements.

2 (3) The offense described in this section, failure of a vehicle occupant to make an accident re-  
 3 port, is a Class B traffic violation.

4 **SECTION 15.** ORS 826.031 is amended to read:

5 826.031. (1) The owner of a vehicle that is subject to the tax imposed under ORS 825.474 and  
 6 that is not registered under the proportional registration provisions of this chapter and is not reg-  
 7 istered in any other jurisdiction shall register the vehicle with the Department of Transportation if  
 8 the vehicle is to be operated in this state. Registration under this section is in lieu of registration  
 9 under ORS chapter 803.

10 (2) The department shall determine the form of application for registration and renewal of reg-  
 11 istration and may require any information that it determines necessary to facilitate the registration  
 12 process.

13 (3) A vehicle registered under this section is subject to the insurance requirements of ORS  
 14 825.160 and not to the financial responsibility requirements of ORS chapter 806. [*Certification*] **Proof**  
 15 of compliance with financial responsibility requirements as specified in ORS 803.460 is not required  
 16 for renewal of registration of a vehicle under this section.

17 (4) A vehicle registered under this section shall be deemed to be fully registered in this state  
 18 for any type of movement or operation, except that in those instances in which a grant of authority  
 19 is required for intrastate movement or operation, no such vehicle shall be operated in intrastate  
 20 commerce in this state unless the owner thereof has been granted intrastate authority or right by  
 21 the department and unless the vehicle is being operated in conformity with such authority and  
 22 rights.

23 (5) A vehicle may be registered under this section prior to a certificate of title being issued for  
 24 the vehicle but nothing in this section affects any requirement that a certificate of title be issued.

25  
 26 **CHANGE OF ADDRESS**

27  
 28 **SECTION 16.** ORS 807.160 is amended to read:

29 807.160. (1) The Department of Transportation shall establish by rule the reasons for issuing a  
 30 replacement driver license or driver permit to a person who submits an application for the re-  
 31 placement. The reasons for replacement shall include, but are not limited to, situations when the  
 32 person:

33 (a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the  
 34 person's driver license or driver permit.

35 (b) Changes residence address from the address noted on the person's driver license or driver  
 36 permit **or the department's records.**

37 (c) Is a corrections officer or an eligible employee who has requested, in accordance with ORS  
 38 802.250 or 802.253, that department records show the address of the person's employer.

39 (d) Changes names from the name noted on the person's driver license or driver permit.

40 (e) Is applying or is required to add or remove a restriction on the driver license or driver  
 41 permit.

42 (f) Is applying or is required to add or remove an endorsement other than a motorcycle  
 43 endorsement on the driver license or driver permit.

44 (g) Furnishes proof satisfactory to the department or the department determines that the de-  
 45 partment made an error when issuing a driver license or driver permit.

1 (h) Furnishes proof satisfactory to the department that, for a reason identified by the department  
 2 by rule, the person needs a replacement driver license or driver permit that bears a different dis-  
 3 tinguishing number from the license or permit being replaced.

4 (i) Furnishes proof satisfactory to the department that the person is a veteran, as defined in ORS  
 5 408.225, and the person requests a replacement driver license that includes the fact that the person  
 6 is a veteran.

7 *[(2) Notwithstanding subsection (1)(b) of this section, in lieu of issuing a replacement driver license*  
 8 *or driver permit upon a change in residence address of a person, the department may note the change*  
 9 *of residence address on the person's license or permit in a manner determined by the department.]*

10 [(3)] (2) A replacement driver license or driver permit issued under this section:

11 (a) Shall bear the same distinguishing number as the driver license or driver permit replaced  
 12 unless the person applying for the replacement furnishes proof as described in subsection (1)(h) of  
 13 this section.

14 (b) Does not alter or extend the driving privileges granted to the person under the old license  
 15 or permit unless the replacement license or permit was issued for the purpose of changing a re-  
 16 striction or endorsement or for correcting an error involving driving privileges.

17 [(4)] (3) Except for driver permits for which the department does not charge an issuance fee, the  
 18 department shall charge the fee under ORS 807.370 for a replacement license or driver permit issued  
 19 under this section. The replacement fee is in addition to any endorsement or test fee that may apply.  
 20 The department may waive the replacement fee as provided under ORS 807.390.

21 [(5)] (4) The driver license or driver permit replaced under this section is invalid and shall be  
 22 surrendered to the department.

23 [(6)] (5) The department may not issue a replacement driver license or driver permit under this  
 24 section if:

25 (a) The person making application is not qualified to hold a license or permit at the time of  
 26 application.

27 (b) The driving privileges of the person making application are suspended or revoked and have  
 28 not been partially or completely reinstated.

29 [(7)] (6) The department need not issue a replacement driver license or driver permit to a person  
 30 who has not complied with the requirements and responsibilities created by citation for or con-  
 31 viction of a traffic offense in another jurisdiction if an agreement under ORS 802.530 authorizes the  
 32 department to withhold issuance of a replacement license or permit.

33 **SECTION 17.** ORS 807.560 is amended to read:

34 807.560. (1) A person to whom a license or driver permit is issued commits the offense of failure  
 35 to notify upon change of driver address or name if the person does not notify the Department of  
 36 Transportation in a manner authorized by the department by rule upon any change of the person's:

37 (a) Residence **address** from that noted on the person's license or driver permit as issued **or on**  
 38 **the department's records;**

39 (b) Name from that noted on the person's license or driver permit as issued, including a change  
 40 of name by marriage; or

41 (c) Place of employment, if the person is a corrections officer, as provided in ORS 802.253, or  
 42 an eligible employee, as defined in ORS 802.250, whose place of employment address is noted on  
 43 department records in accordance with ORS 802.250 or 802.253.

44 (2) Notice required under this section:

45 (a) Must be given within 30 days of change **of driver address or name.**

1 (b) Must be given in person for a change of name.

2 (3) **The department shall note on its records any change reported to the department un-**  
3 **der this section.**

4 [(3)] (4) Failure to notify upon change of driver address or name is a Class D traffic violation.

5  
6 **REPEAL OF HABITUAL TRAFFIC OFFENDER PROGRAM**

7  
8 **SECTION 18.** ORS 161.710 is amended to read:

9 161.710. Notwithstanding ORS 161.525, the court has authority, at any time after a sentence of  
10 probation has been completed, to enter judgment of conviction for a Class A misdemeanor for a  
11 person convicted of criminal driving while suspended or revoked under ORS 811.182 committed be-  
12 fore September 1, 1999, and constituting a felony if:

13 (1) The suspension or revocation resulted from habitual offender status [*under ORS 809.640*];

14 (2) The person successfully completed the sentence of probation; and

15 (3) The court finds that, considering the nature and circumstances of the crime and the history  
16 and character of the person, it would be unduly harsh for the person to continue to have a felony  
17 conviction.

18 **SECTION 19.** ORS 801.010 is amended to read:

19 801.010. (1) ORS chapters 801 to 826 may be cited as the Oregon Vehicle Code.

20 [(2) *ORS 809.600 to 809.660 may be cited as the Habitual Traffic Offenders Act.*]

21 [(3)] (2) ORS 813.095, 813.100, 813.131, 813.132, 813.140, 813.150, 813.310, 813.320 and 813.410 to  
22 813.440 may be cited as the Motorist Implied Consent Law.

23 **SECTION 20.** ORS 801.020 is amended to read:

24 801.020. This section contains statements of purpose or intent that are applicable to portions  
25 of the vehicle code as described in the following:

26 (1) The provisions of the vehicle code and other statutory provisions described in this subsection  
27 are an exercise of the police powers of this state, and the purpose, object and intent of the sections  
28 is to provide a comprehensive system for the regulation of all motor and other vehicles in this state.  
29 This subsection is applicable to the following:

30 (a) Those provisions of the vehicle code relating to the administration of the Department of  
31 Transportation.

32 (b) Those provisions of the vehicle code relating to the registration and titling of vehicles.

33 (c) Those provisions of the vehicle code relating to the regulation of the businesses of vehicle  
34 dealers, dismantlers, vehicle transporters, driver training schools and instructors and the towing and  
35 recovery of vehicles.

36 (d) Those provisions relating to the transfer and alteration of vehicles.

37 (2) It is the policy of this state to promote and encourage the fullest possible use of its highway  
38 system by authorizing the making and execution of motor vehicle reciprocal or proportional regis-  
39 tration agreements, arrangements and declarations with other states, provinces, territories and  
40 countries with respect to vehicles registered in this and such other states, provinces, territories and  
41 countries, thus contributing to the economic and social development and growth of this state.

42 (3) The provisions described in this subsection shall be applicable and uniform throughout this  
43 state and in all political subdivisions and municipalities therein and on the ocean shore which has  
44 been or may hereafter be declared a state recreation area. This subsection applies to provisions of  
45 the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight

1 and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

2 (4) The provisions of the vehicle code applicable to drivers of vehicles upon the highways shall  
3 apply to the drivers of all vehicles owned or operated by the United States, this state or any county,  
4 city, district or any other political subdivision of this state, subject to such specific exceptions as  
5 are set forth in the vehicle code.

6 (5) Except as provided otherwise by federal law, the provisions of the vehicle code shall be ap-  
7 plicable and uniform on federal lands within this state.

8 (6) Except as provided otherwise by federal law, traffic rules and regulations [*which*] **that** are  
9 promulgated by a federal authority having jurisdiction over federal lands within this state and  
10 [*which*] **that** vary from the provisions of the vehicle code shall be the law of the local authority  
11 within whose boundaries the federal land is located, and enforceable as such, if:

12 (a) Local authorities are authorized to vary in the same manner under the provisions of the  
13 vehicle code; and

14 (b) Prior approval for the variance has been obtained by the federal authority from the govern-  
15 ing body of the local authority within whose boundaries the federal land is located.

16 (7) The vehicle code shall govern the construction of and punishment for any vehicle code of-  
17 fense committed after June 27, 1975, the construction and application of any defense to a prose-  
18 cution for such an offense and any administrative proceedings authorized or affected by the vehicle  
19 code.

20 (8) When all or part of a vehicle code statute is amended or repealed, the statute or part thereof  
21 so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution,  
22 conviction and punishment of a person who violated the statute or part thereof before the effective  
23 date of the amending or repealing Act.

24 (9) The provisions of the vehicle code described in this subsection relating to the operation of  
25 vehicles refer exclusively to operation of vehicles upon highways and the ocean shore which has  
26 been or may hereafter be declared to be a state recreation area, except where the vehicle code  
27 specifically provides otherwise. This subsection applies to the provisions of the vehicle code relating  
28 to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner  
29 of operation of vehicles and use of roads by persons, animals and vehicles.

30 (10) All reciprocity and proportional registration agreements, arrangements and declarations  
31 relating to vehicles, in force and effect on August 22, 1969, shall continue in force and effect until  
32 specifically amended or revoked as provided by law or by such arrangements or agreements.

33 (11) It is hereby declared to be the policy of this state:

34 (a) To provide maximum safety for all persons who travel or otherwise use the public highways  
35 of this state;

36 (b) To deny the privilege of operating motor vehicles on the public highways to persons who by  
37 their conduct and record have demonstrated their indifference for the safety and welfare of others  
38 and their disrespect for the laws of the state, the orders of its courts and the statutorily required  
39 acts of its administrative agencies; and

40 (c) To discourage repetition of criminal acts by individuals against the peace and dignity of the  
41 state and its political subdivisions and to impose increased and added deprivation of the privilege  
42 to operate motor vehicles upon [*habitual offenders*] **individuals** who have been convicted repeatedly  
43 of violations of traffic laws.

44 (12) If any of the provisions under ORS 818.200 relating to variance permits are found to  
45 contravene section 127 of title 23, United States Code, it shall not serve to render inoperative any

1 remaining of such provisions that may be held not to conflict with that federal law.

2 **SECTION 21.** ORS 807.060 is amended to read:

3 807.060. The Department of Transportation may not grant driving privileges to a person under  
4 a license if the person is not eligible under this section. The following are not eligible for a license:

5 (1) A person under 16 years of age.

6 (2)(a) A person under 18 years of age who is not an emancipated minor, unless the application  
7 of the person is signed by the person’s mother, father or legal guardian. A person who signs an ap-  
8 plication under this paragraph may have the driving privileges canceled as provided under ORS  
9 809.320.

10 (b) A person under 18 years of age who does not meet the requirements of ORS 807.065.

11 (3) Notwithstanding subsection (2) of this section, a person under 18 years of age is not eligible  
12 for a commercial driver license.

13 (4) A person the department determines has a problem condition involving alcohol, cannabis,  
14 controlled substances or inhalants as described under ORS 813.040.

15 (5) A person the department reasonably believes has a mental or physical condition or impair-  
16 ment that affects the person’s ability to safely operate a motor vehicle upon the highways.

17 (6) A person the department reasonably believes is unable to understand highway signs that  
18 warn, regulate or direct traffic.

19 (7) A person who is required to make future responsibility filings but has not made filings as  
20 required.

21 (8) A person who cannot be issued a license under the Driver License Compact under ORS  
22 802.540.

23 (9) A person who is not subject to the Driver License Compact under ORS 802.540 but whose  
24 driving privileges are currently under suspension or revocation in any other state upon grounds  
25 which, if committed in this state, would be grounds for the suspension or revocation of the driving  
26 privileges of the person.

27 *[(10) A person who has been declared a habitual offender under ORS 809.640. A person declared*  
28 *not eligible to be licensed under this subsection may become eligible by having eligibility restored under*  
29 *ORS 809.640.]*

30 *[(11)] (10)* A person whose driving privileges are canceled in this state under ORS 809.310 until  
31 the person is eligible under ORS 809.310.

32 *[(12)] (11)* A person while the person’s driving privileges are revoked in this state.

33 *[(13)] (12)* A person during a period when the person’s driving privileges are suspended in this  
34 state.

35 *[(14)] (13)* A person who holds a current out-of-state license or driver permit or a valid Oregon  
36 license or driver permit. A person who is not eligible under this subsection may become eligible by  
37 surrendering the license, driver permit or out-of-state license or driver permit to the department  
38 before issuance of the license. Nothing in this subsection authorizes a person to continue to operate  
39 a motor vehicle on the basis of an out-of-state license or permit if the person is required by ORS  
40 807.062 to obtain an Oregon license or permit.

41 *[(15)] (14)* A person who has not complied with the requirements and responsibilities created by  
42 citation for or conviction of a traffic offense in another jurisdiction if an agreement under ORS  
43 802.530 authorizes the department to withhold issuance of a license.

44 *[(16)] (15)* A person who has not complied with the requirement of ORS 813.022 (1).

45 **SECTION 22.** ORS 807.240, as amended by sections 2 and 2a, chapter 76, Oregon Laws 2018, is

1 amended to read:

2 807.240. The Department of Transportation shall provide for issuance of hardship driver permits  
 3 in a manner consistent with this section. A hardship driver permit grants the driving privileges  
 4 provided in this section or under the permit. Except as otherwise provided in this section, a hardship  
 5 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to  
 6 a license. The following apply to a hardship driver permit:

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

9 [(2) *Except as provided in this section and ORS 813.520, the department may reinstate the privilege*  
 10 *to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended,*  
 11 *or revoked under ORS 809.600 as a habitual offender, by issuing the person a hardship permit.*]

12 [(3)] (2) To qualify for a hardship permit, a person must do all of the following:

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

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

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

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

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

22 (D) That the person or a member of the person's immediate family requires medical treatment  
 23 on a regular basis and that the person must operate a motor vehicle in order that the treatment  
 24 may be obtained; or

25 (E) That the person must operate a motor vehicle to get to or from a gambling addiction treat-  
 26 ment program.

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

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

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

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

38 [(4)] (3) If the department finds that the person meets the requirements of this section and any  
 39 applicable requirements under ORS 813.520, the department may issue the person a hardship permit,  
 40 valid for the duration of the suspension or revocation or for a shorter period of time established by  
 41 the department unless sooner suspended or revoked under this section. If the department issues the  
 42 permit for a period shorter than the suspension or revocation period, renewal of the permit shall  
 43 be on such terms and conditions as the department may require. The permit:

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

45 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a

1 motor vehicle that the department deems proper or necessary. The limitations may include any  
 2 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS  
 3 811.175 or 811.182.

4 [(5)] (4) The department, upon receiving satisfactory evidence of any violation of the limitations  
 5 of a permit issued under this section, may suspend or revoke the hardship permit.

6 [(6)] (5) The fee charged for application or issuance of a hardship driver permit is the hardship  
 7 driver permit application fee under ORS 807.370. The department may not refund the fee if the ap-  
 8 plication is denied or if the driver permit is suspended or revoked. The fee upon renewal of the  
 9 driver permit is the same fee as that charged for renewal of a license. The application fee charged  
 10 under this subsection is in addition to any fee charged for reinstatement of driving privileges under  
 11 ORS 807.370.

12 [(7)] (6) The department may issue a permit granting the same driving privileges as those sus-  
 13 pended or revoked or may issue a permit granting fewer driving privileges, as the department de-  
 14 termines necessary to [*assure*] **ensure** safe operation of motor vehicles by the permit holder.

15 [(8)] (7) The department may not issue a hardship permit to a person:

16 (a) Whose driver license or driver permit is suspended [*pursuant to*] **under** ORS 25.750 to 25.783;

17 (b) Whose driving privileges are suspended [*pursuant to*] **under** ORS 809.280 (2);

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

19 (d) Whose suspension of driving privileges is based on a second or subsequent conviction of  
 20 driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory  
 21 counterpart to ORS 813.010 in another jurisdiction and the suspension period is determined by ORS  
 22 809.428 (2)(b) or (c);

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

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

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

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

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

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

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

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

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

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

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

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

44 (C) For a period of two years from the date the department suspends driving privileges if the  
 45 person's driving privileges are suspended for conviction of assault in the third degree and the person



1 was not incarcerated for that conviction.

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

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

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

11 [(9)] (8) A conviction arising out of the same episode as the current suspension is not considered  
 12 a conviction for purposes of subsection [(8)(e)] (7)(e) of this section.

13 [(10)] (9) A person’s driving privileges under a hardship permit are subject to suspension or re-  
 14 vocation if the person does not maintain a good driving record, as defined by the administrative  
 15 rules of the department, during the term of the permit.

16 **SECTION 23.** ORS 809.390, as amended by section 10, chapter 76, Oregon Laws 2018, is  
 17 amended to read:

18 809.390. All of the following apply to a person whose driving privileges have been revoked:

19 (1) The period of revocation shall last as long as required for the revocation by law.

20 (2) During the period of revocation, the person is not entitled to exercise any driving privileges  
 21 in this state or to apply for or receive any driving privileges in this state *[except when a person who*  
 22 *has been determined to be a habitual offender is permitted to obtain driving privileges under ORS*  
 23 *807.240].*

24 (3) Upon expiration of the revocation period, the person must reapply for driving privileges in  
 25 the manner established by law and must reestablish the person’s eligibility for issuance of driving  
 26 privileges.

27 (4) The Department of Transportation may issue new driving privileges to a person before the  
 28 expiration of the revocation period if the person is otherwise entitled to be issued driving privileges  
 29 and when, with reference to a conviction upon which the revocation was based, the Governor has  
 30 pardoned the person of the crime.

31 (5) The department *[shall]* **may** not issue any driving privileges in contradiction to this section.

32 (6) If the person fails to surrender to the department any license or driver permit issued as ev-  
 33 idence of driving privileges that are revoked, the person is subject to the penalty under ORS 809.500.

34 (7) No reinstatement of revoked driving privileges will be made by the department until the fee  
 35 for reinstatement of revoked driving privileges established under ORS 807.370 is paid to or waived  
 36 by the department. The department may waive the reinstatement fee if the department committed  
 37 an error in issuing the revocation.

38 **SECTION 24.** ORS 811.182, as amended by section 13, chapter 76, Oregon Laws 2018, is  
 39 amended to read:

40 811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the  
 41 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if  
 42 the hardship permit violated is based upon a suspension or revocation described in subsection (3)  
 43 or (4) of this section.

44 (2) Affirmative defenses to the offense described in this section are established under ORS  
 45 811.180.

1 (3) The offense described in this section, criminal driving while suspended or revoked, is a Class  
 2 B felony if the suspension or revocation resulted from any degree of murder, manslaughter,  
 3 criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the sus-  
 4 pension or revocation resulted from aggravated vehicular homicide or aggravated driving while  
 5 suspended or revoked or if the revocation resulted from a conviction for felony driving while under  
 6 the influence of intoxicants.

7 (4) The offense described in this section, criminal driving while suspended or revoked, is a Class  
 8 A misdemeanor if the suspension or revocation is any of the following:

9 (a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree  
 10 of recklessly endangering another person, menacing or criminal mischief, resulting from the opera-  
 11 tion of a motor vehicle.

12 (b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS  
 13 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content  
 14 of:

15 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

16 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

17 (C) Any amount if the person was under 21 years of age.

18 (c) A suspension of commercial driving privileges under ORS 809.510 resulting from failure to  
 19 perform the duties of a driver under ORS 811.700.

20 (d) A suspension of commercial driving privileges under ORS 809.510 (6) where the person's  
 21 commercial driving privileges have been suspended or revoked by the other jurisdiction for failure  
 22 of or refusal to take a chemical test to determine the alcoholic content of the person's blood under  
 23 a statute that is substantially similar to ORS 813.100.

24 (e) A suspension of commercial driving privileges under ORS 809.520.

25 *[(f) A revocation resulting from habitual offender status under ORS 809.640.]*

26 *[(g)]* (f) A suspension resulting from any crime punishable as a felony with proof of a material  
 27 element involving the operation of a motor vehicle, other than a crime described in subsection (3)  
 28 of this section.

29 *[(h)]* (g) A suspension for failure to perform the duties of a driver under ORS 811.705.

30 *[(i)]* (h) A suspension for reckless driving under ORS 811.140.

31 *[(j)]* (i) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

32 *[(k)]* (j) A suspension or revocation resulting from misdemeanor driving while under the influ-  
 33 ence of intoxicants under ORS 813.010.

34 *[(L)]* (k) A suspension for use of a motor vehicle in the commission of a crime punishable as a  
 35 felony.

36 (5) In addition to any other sentence that may be imposed, if a person is convicted of the offense  
 37 described in this section and the underlying suspension resulted from driving while under the influ-  
 38 ence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person's first  
 39 conviction for criminal driving while suspended or revoked and a minimum fine of at least \$2,000 if  
 40 it is the person's second or subsequent conviction.

41 (6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is  
 42 a felony as crime category 4 of the rules of the commission.

43 (b) Notwithstanding paragraph (a) of this subsection, the commission shall classify a violation  
 44 of this section that is a felony as crime category 6 of the rules of the commission, if the suspension  
 45 or revocation resulted from:

1 (A) Any degree of murder, manslaughter or criminally negligent homicide or an assault that  
 2 causes serious physical injury, resulting from the operation of a motor vehicle; or

3 (B) Aggravated vehicular homicide or aggravated driving while suspended or revoked.

4  
 5 **OUT-OF-STATE DRIVING RECORDS**

6  
 7 **SECTION 25.** ORS 802.200 is amended to read:

8 802.200. In addition to any other records the Department of Transportation may establish, the  
 9 department is subject to the following provisions concerning records:

10 (1) The department shall maintain records concerning the titling of vehicles in this state. The  
 11 records under this subsection shall include the following:

12 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain  
 13 the following:

14 (A) The name of the vehicle owner and any security interest holders in order of priority, except  
 15 that a security interest holder need not be identified if the debtor who granted the interest is in the  
 16 business of selling vehicles and the vehicles constitute inventory held for sale;

17 (B) The name of any lessor of the vehicle;

18 (C) The vehicle description; and

19 (D) Whether a certificate of title was issued for the vehicle.

20 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the  
 21 vehicle is reconstructed.

22 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

23 (d) Any other information concerning the titling of vehicles that the department considers con-  
 24 venient or appropriate.

25 (e) All odometer disclosures and readings for a vehicle that are reported to the department un-  
 26 der provisions of the vehicle code. The department shall keep the most recent version of records  
 27 required under this paragraph in electronic form.

28 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions  
 29 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the  
 30 reason for the report was theft and the vehicle has been recovered.

31 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled  
 32 in this state, the department shall retain a record of any odometer readings shown on the title or  
 33 registration documents submitted to the department at the time of registration or title.

34 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-  
 35 cerning the registration of vehicles required to be registered by the department. The records con-  
 36 cerning the registration of vehicles may be stored along with records concerning the titling of  
 37 vehicles. The records under this subsection shall include the following:

38 (a) For vehicles registered by the department, the records shall identify the vehicle and contain  
 39 the following:

40 (A) The registration plate number assigned by the department to the vehicle;

41 (B) The name of the vehicle owner;

42 (C) The vehicle description and vehicle identification number; and

43 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department  
 44 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report  
 45 was theft and the vehicle has been recovered.

1 (b) Any other information concerning the registration of vehicles that the department considers  
 2 convenient or appropriate.

3 (4) The department shall maintain separate records for the regulation of vehicle dealers. The  
 4 records required under this subsection shall include the following information about persons issued  
 5 dealer certificates:

- 6 (a) The person's application for a vehicle dealer certificate.
- 7 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.
- 8 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

9 (5) The department shall maintain a file on vehicles for which the title record is canceled under  
 10 ORS 819.030. The records required under this subsection shall disclose the last registered owner of  
 11 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the  
 12 canceled title record for each vehicle and the make and year model for each vehicle.

13 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500  
 14 and 802.520.

15 (7) The department shall maintain separate and comprehensive records of all transactions af-  
 16 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

17 (8) The department shall maintain suitable records of driver licenses, driver permits and iden-  
 18 tification cards. The records required under this subsection shall include all of the following:

- 19 (a) An index by name and number.
- 20 (b) Supporting documentation of all driver licenses, driver permits or identification cards issued.
- 21 (c) Every application for a driver license, driver permit or identification card.
- 22 (d) All driver licenses or driver permits that have been suspended, [or] revoked **or canceled**.
- 23 (e) For each driver license, driver permit or identification card, the Social Security number of  
 24 the person to whom the driver license, driver permit or identification card is issued or proof that  
 25 the person is not eligible for a Social Security number.

26 (f) For each commercial driver license and commercial learner driver permit, the Social Security  
 27 number of the person to whom the license or permit is issued, or any other number or identifying  
 28 information that the Secretary of the United States Department of Transportation determines ap-  
 29 propriate to identify the person.

30 (9) The Department of Transportation shall maintain a two-part driving record consisting of an  
 31 employment driving record and a nonemployment driving record for each person as required under  
 32 this subsection. All of the following apply to the records required under this subsection:

33 (a) The department shall maintain driving records on **each person the department determines**  
 34 **requires an Oregon driving record to comply with federal regulations or provisions of the**  
 35 **vehicle code. The department shall establish rules for maintaining driving records under this**  
 36 **subsection.[:]**

37 [(A) Every person who is granted driving privileges under a driver license, driver permit or a  
 38 statutory grant of driving privileges under ORS 807.020;]

39 [(B) Every person whose driving privileges have been suspended, revoked or canceled under this  
 40 vehicle code;]

41 [(C) Every person who has filed an accident report under ORS 811.725 or 811.730; and]

42 [(D) Every person who is required to provide future responsibility filings under ORS 806.200,  
 43 806.220, 806.230 or 806.240.]

44 (b) In addition to other information required by this paragraph, the employment driving record  
 45 shall include all reports of drug test results that are made to the department under ORS 825.410 or

1 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-  
 2 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in  
 3 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle  
 4 accidents that the person is required to report under ORS 811.720, all suspensions of driving privi-  
 5 leges required to be placed on the record under ORS 809.280, all suspensions of the person's com-  
 6 mercial driving privileges that result from operation or use of a commercial motor vehicle and all  
 7 convictions of the person for violation of motor vehicle laws except convictions for offenses requir-  
 8 ing mandatory revocation or suspension of driving privileges under ORS 809.409, 809.411, 809.510 to  
 9 809.545 and 813.400, but shall include only such accidents, suspensions and convictions that occur  
 10 while the person is driving a motor vehicle:

11 (A) In the course of the person's employment when the person is employed by another for the  
 12 principal purpose of driving a motor vehicle;

13 (B) Carrying persons or property for compensation;

14 (C) In the course of the person's employment in the collection, transportation or delivery of mail  
 15 if the vehicle is government owned or marked for the collection, transportation or delivery of mail  
 16 in accordance with government rules;

17 (D) That is an authorized emergency vehicle;

18 (E) That is a commercial motor vehicle; or

19 (F) In the course of the person's employment with a federal, state or local government in a  
 20 public works project involving repair or maintenance of water, sewer or road systems.

21 (c) The nonemployment driving record shall include the person's:

22 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than  
 23 the motor vehicle accidents that are included on the person's employment driving record;

24 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

25 (C) Convictions for violation of the motor vehicle laws other than those included in the em-  
 26 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which  
 27 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-  
 28 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

29 (D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

30 (d) The department may record other entries to indicate correspondence, interviews, partic-  
 31 ipation in driver improvement programs or other matters concerning the status of the driving privi-  
 32 leges of the person.

33 (e) When a person from another jurisdiction applies for a driver license or driver permit [*issued*  
 34 *by this state*], the department [*shall*] **may** request a copy of the person's driving [*record*] **records**  
 35 **that exist for the person in any** [*from the*] other jurisdiction. [*At the time the person is issued a*  
 36 *license in Oregon, the record from the other jurisdiction shall become part of the driver's record in this*  
 37 *state with the same force and effect as though entered on the driver's record in this state in the original*  
 38 *instance.*] The department [*by rule may specify methods for converting*] **shall adopt rules specifying**  
 39 **when the department may request driving records from other jurisdictions and may apply**  
 40 entries from out-of-state records for use in Oregon.

41 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on  
 42 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-  
 43 ment shall note on the record that the suspension was for failure to appear in court and shall also  
 44 note the offense charged against the person on which the person failed to appear.

45 (g) The Department of Transportation, in consultation with the Department of State Police, shall

1 devise and implement a method of noting suspensions and revocations of driving privileges on the  
 2 record in such a way that police agencies can determine directly from the record what class of of-  
 3 fense, as provided by law, is committed by a person who drives in violation of the suspension or  
 4 revocation. If the Department of Transportation and the Department of State Police devise a mutu-  
 5 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-  
 6 vocation and the consequences of its violation, the implementation of that method shall satisfy the  
 7 duty of the Department of Transportation under this paragraph.

8 (10) The Department of Transportation shall maintain records of judgments or convictions sent  
 9 to the department under ORS 810.375.

10 (11) The department shall maintain accident reports filed with the department under ORS  
 11 810.460 and 811.725 to 811.735.

12 (12) The department shall maintain records of bank checks or money orders returned under ORS  
 13 802.110.

14 (13) The department shall maintain records of trip permits issued by the department under ORS  
 15 803.600, as provided under this subsection. The records required by this subsection shall include the  
 16 following:

17 (a) A description of the vehicle sufficient to identify the vehicle.

18 (b) The person to whom the permit was issued.

19 (c) When the permit was issued.

20 (d) The type of permit issued.

21 (e) For registration weight trip permits, the maximum allowable registration weight permitted  
 22 for operation under the permit.

23 (f) Any other information the department determines appropriate or convenient.

## 24 25 NOTICE OF EXPIRATION OF DRIVER LICENSES OR IDENTIFICATION CARDS

26  
27 **SECTION 26.** ORS 807.140 is amended to read:

28 807.140. (1) Before the expiration of any license or a license with an endorsement under the  
 29 vehicle code, the Department of Transportation shall notify the person to whom the license was is-  
 30 sued of the approaching expiration. Within a reasonable time prior to the expiration date, *[the notice*  
 31 *shall be mailed to the person to whom the license was issued at the address shown in the files main-*  
 32 *tained by]* the department **shall notify the person to whom the license was issued in the manner**  
 33 **determined by the department by rule.**

34 (2) The department is not required to notify the person of an approaching expiration if the  
 35 person's license has been suspended, canceled or revoked or if the person has failed to notify the  
 36 department of a change of address as required under ORS 807.560.

37 (3) Notwithstanding subsection (1) of this section, the department is not required to notify the  
 38 person of an approaching expiration if the person received a limited term driver license, limited term  
 39 commercial driver license, limited term driver permit, limited term commercial learner driver permit  
 40 or limited term identification card under ORS 807.730 for a period of less than one year.

41 (4) Failure to receive a notice of expiration from the department is not a defense to a charge  
 42 of driving with an expired license. However, the court may dismiss the charge if the person renews  
 43 the license before the scheduled court appearance.

44 (5) The department's responsibility to maintain records concerning notice under this section is  
 45 as provided under ORS 802.210.



1 (c) The department may authorize the administrative law judge to issue a final order in any  
2 case.

3 (d) A person who requests a hearing under this section and who fails, without just cause, to  
4 appear personally or through an attorney waives the right to a hearing. If a person waives a right  
5 to a hearing under this paragraph, the department is not required to make any showing at hearing.

6 (e) Except as provided in ORS 813.440 or upon remand under ORS 813.450, the department shall  
7 hold the hearing and issue a final order within 30 days of the date of the arrest or, if the person fails  
8 a blood test, within 60 days from the date the department received the report of the failure.

9 (f) In connection with the hearing, the department or its authorized representative may admin-  
10 ister oaths and shall issue subpoenas for the appearance of witnesses by telephone or other two-way  
11 electronic communication device at the hearing requested by the person or the department and the  
12 production of relevant documents.

13 (g) The hearing shall be recorded by whatever means may be determined by the department and  
14 shall include testimony and exhibits, if any. The record of the proceedings may not be transcribed  
15 unless requested by a party to the proceeding.

16 (5)(a) A person or a police officer may request that a hearing required by this section be con-  
17 ducted in person.

18 (b) The department, by rule, shall establish the manner and time limitation requirements by  
19 which a person or a police officer may request that a hearing be conducted in person.

20 (c) Unless there is an agreement between the person and the department that the hearing be  
21 conducted elsewhere, a hearing requested under this subsection shall be held either in the county  
22 where the alleged offense occurred or at any place within 100 miles of the place where the offense  
23 is alleged to have occurred, as established by the department by rule.

24 (d) In connection with the hearing, the department or its authorized representative may admin-  
25 ister oaths and shall issue subpoenas for the attendance of witnesses at the hearing requested under  
26 this subsection by the person and the production of relevant documents.

27 (6) This subsection shall be narrowly construed so as to effect the legislative purpose of limiting  
28 the scope of hearings under this section. The scope of a hearing under this section shall be limited  
29 to whether the suspension is valid as described in this subsection. A suspension under this section  
30 is valid if all of the following requirements have been met:

31 (a) The person, at the time the person was requested to submit to a test under ORS 813.100,  
32 was under arrest for driving while under the influence of intoxicants in violation of ORS 813.010 or  
33 a municipal ordinance.

34 (b) The police had reasonable grounds to believe, at the time the request was made, that the  
35 person arrested had been driving under the influence of intoxicants in violation of ORS 813.010 or  
36 of a municipal ordinance.

37 (c) The person refused a test under ORS 813.100, or took a breath or blood test and the test  
38 disclosed that the level of alcohol in the person's blood at the time of the test was:

39 (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

40 (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

41 (C) Any amount if the person was under 21 years of age.

42 (d) If the report under ORS 813.120 indicates that the person was driving a commercial motor  
43 vehicle, the vehicle was in fact a commercial motor vehicle as defined in ORS 801.208.

44 (e) The person had been informed under ORS 813.100 of rights and consequences as described  
45 under ORS 813.130.



1 (f) The person was given written notice required under ORS 813.100.

2 (g) If the person arrested submitted to a test under ORS 813.100, the person administering the  
3 test was qualified to administer the test under ORS 813.160.

4 (h) If the person arrested submitted to a test under ORS 813.100, the methods, procedures and  
5 equipment used in the test complied with requirements under ORS 813.160.

6 (7) A suspension imposed under this section shall remain in effect pending any appeal or remand  
7 of a final order issued under this section and there shall be no stay of the suspension pending appeal  
8 or remand.

9 (8) Unless a person fails, without just cause, to appear personally or through an attorney at a  
10 hearing requested under this section, a person shall have the right to appeal any final order by the  
11 department after a hearing under this section by filing a petition. The following apply to this sub-  
12 section:

13 (a) The person shall file the petition in the circuit court for the county where the person resides  
14 or, if the person does not reside in Oregon, in the circuit court of the county in which the arrest  
15 took place within 30 days after issuance of the final order of the department.

16 (b) The court upon receipt of the petition shall set the matter for hearing upon 10 days' notice  
17 to the department and the petitioner unless hearing is waived by both the department and the  
18 petitioner.

19  
20 **DRIVING PRIVILEGE SUSPENSION NOTICES**

21  
22 **SECTION 29.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is  
23 amended to read:

24 809.416. This section establishes circumstances that will make a person subject to suspension  
25 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to  
26 suspension. The following apply as described:

27 (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation  
28 receives notice from a court to [*apply this section*] **commence suspension** under ORS 809.220. A  
29 person who is subject under this subsection remains subject until the person presents the depart-  
30 ment with notice issued by the court showing that the person is no longer subject to this section  
31 or until 10 years have elapsed from the date the traffic offense or violation of ORS 471.430 occurred,  
32 whichever is earlier. This subsection [*shall*] **does** not subject a person to ORS 809.415 (4) for any  
33 pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court **to**  
34 **commence suspension under ORS 809.220**, the department shall [*send a letter by first class mail*  
35 *advising the person*] **notify the person, in a manner determined by the department by rule**, that  
36 the suspension will commence 60 days from the date [*of the letter*] **the department sent the no-**  
37 **tification** unless the person presents the department with [*the notice required by this subsection*]  
38 **notice issued by the court showing that the person is no longer subject to this section.**

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

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

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

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

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

4 (3) *[Subsection (2) of this section does not subject a person to]* **Notwithstanding subsection (2)**  
 5 **of this section, a person is not subject to suspension under** ORS 809.415 (4) for failure or refusal  
 6 to pay a fine relating to any pedestrian offense, bicycling offense or parking offense.

7 (4) Upon receipt of a notice of suspension from a court, the department shall *[send a letter by*  
 8 *first class mail advising]* **notify the person, in the manner provided by the department by rule,**  
 9 that the suspension will commence 60 days from the date *[of the letter]* **the department sent the**  
 10 **notification** unless the person presents the department with *[the]* **a notice of reinstatement** *[required*  
 11 *by this]* **as described in subsection (2)(a) of this section.**

12 **SECTION 30.** ORS 809.430 is amended to read:

13 809.430. (1) When the Department of Transportation, as authorized or required, suspends, re-  
 14 vokes or cancels driving privileges, commercial driving privileges or the right to apply for driving  
 15 privileges or commercial driving privileges, the department shall give notice under this section of  
 16 such action to the person whose driving privileges, commercial driving privileges or right to apply  
 17 is affected.

18 (2) Notice under this section shall state the nature and reason for the action and, in the case  
 19 of a suspension, whether it was ordered by a court.

20 *[(3) If violation of a suspension or revocation would constitute the offense described in ORS*  
 21 *811.182, service of notice of the suspension or revocation under this section is accomplished by:]*

22 *[(a) Mailing the notice by certified mail, restricted delivery, return receipt requested, to the person's*  
 23 *address as shown by driver licensing records of the department; or]*

24 *[(b) Personal service in the same manner as a summons is served in an action at law.]*

25 *[(4) Service of notice under this section for all other actions is accomplished by:]*

26 *[(a) Mailing the notice by first class mail to the person's address as shown by driver licensing re-*  
 27 *ords of the department; or]*

28 *[(b) Personal service in the same manner as a summons is served in an action at law.]*

29 **(3) The department shall serve the notice in a manner determined by the department by**  
 30 **rule.**

31 **SECTION 31.** ORS 811.180 is amended to read:

32 811.180. The following establishes affirmative defenses in prosecutions for driving while sus-  
 33 pended or revoked in violation of ORS 811.175 or 811.182 and describes when the affirmative de-  
 34 fenses are not available:

35 (1) In addition to other defenses provided by law, including but not limited to ORS 161.200, it  
 36 is an affirmative defense to the offenses described in ORS 811.175 and 811.182 that:

37 (a) An injury or immediate threat of injury to a human being or animal, and the urgency of the  
 38 circumstances made it necessary for the defendant to drive a motor vehicle at the time and place  
 39 in question; or

40 (b) The defendant had not received notice of the defendant's suspension or revocation or been  
 41 informed of the suspension or revocation by a trial judge who ordered a suspension or revocation  
 42 of the defendant's driving privileges or right to apply.

43 (2) The affirmative defenses described in subsection (1)(b) of this section are not available to a  
 44 defendant under the circumstances described in this subsection. Any of the evidence specified in this  
 45 subsection may be offered in the prosecution's case in chief. This subsection applies if any of the

1 following circumstances exist:

2 (a) The defendant refused to **accept a notification provided by the department, including**  
 3 **refusing to** sign a receipt for the certified mail containing the notice of suspension or revocation.

4 (b) The notice of suspension or revocation could not be delivered to the defendant because the  
 5 defendant failed to comply with the requirements under ORS 807.560 to notify the Department of  
 6 Transportation of a change of address or residence.

7 (c) At a previous court appearance, the defendant had been informed by a trial judge that the  
 8 judge was ordering a suspension or revocation of the defendant’s driving privileges or right to apply.

9 (d) The defendant had actual knowledge of the suspension or revocation by any means prior to  
 10 the time the defendant was stopped on the current charge.

11 (e) The defendant was provided with notice of intent to suspend under ORS 813.100.

12  
 13 **IDENTIFICATION CARDS**

14  
 15 **SECTION 32.** ORS 807.400 is amended to read:

16 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 17 who:

18 (a) Is domiciled in or is a resident of this state, as described in ORS 807.062;

19 (b) As required by ORS 807.021 and 807.730, provides the Social Security number assigned to the  
 20 person by the United States Social Security Administration and proof of legal presence in the United  
 21 States or, if the person is not eligible for a Social Security number, proof of legal presence in the  
 22 United States and proof that the person is not eligible for a Social Security number;

23 (c) Does not have a current, valid driver license;

24 (d) Furnishes evidence of the person’s full legal name, age and identity as the department may  
 25 require; and

26 (e) Submits to collection of biometric data by the department that establish the identity of the  
 27 person as provided in ORS 807.024.

28 (2) The department shall work with other agencies and organizations to attempt to improve the  
 29 issuance system for identification cards.

30 (3) Every original application for an identification card must be signed by the applicant. The  
 31 department shall require proof to verify the address of an applicant for issuance of an identification  
 32 card in addition to other documents the department may require of the applicant. If the address of  
 33 an applicant has changed since the last time an identification card was issued to or renewed for the  
 34 applicant, the department shall require proof to verify the address of the applicant for renewal of  
 35 an identification card, in addition to anything else the department may require. The department  
 36 shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Ver-  
 37 ification of proof of address may include, but is not limited to, providing a utility bill, a tax return,  
 38 a record from a financial institution, a proof of insurance card or a health benefits card, a selective  
 39 service card, a mortgage document or a lease agreement. The applicant may provide the proof of  
 40 address by submitting proof in the form of an original document or a copy of a document, use an  
 41 electronic device to display proof of address, or provide proof through the use of a third party ad-  
 42 dress verification system.

43 (4) Every identification card shall be issued upon the standard license form described under ORS  
 44 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
 45 other grant of driving privileges to operate a motor vehicle and is to be used for identification

1 purposes only. The department shall use the same security procedures, processes, materials and  
2 features for an identification card as are required for a license under ORS 807.110. The identification  
3 card is not required to contain the residence address of persons listed in ORS 807.110 (1)(e).

4 (5) If the identification card is a limited term identification card issued under ORS 807.730, the  
5 limited term identification card shall indicate:

6 (a) That it is a limited term identification card; and

7 (b) The date on which the limited term identification card expires.

8 (6) Upon order of the juvenile court, the department shall include on the card the fact that the  
9 person issued the identification card is an emancipated minor.

10 (7) Upon request of the person to whom the identification card is issued and presentation of  
11 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS  
12 408.225, the department shall include on the card the fact that the person is a veteran.

13 (8) Each original identification card shall expire on a date consistent with the expiration dates  
14 of licenses as set forth in ORS 807.130.

15 (9) Identification cards shall be renewed under the terms for renewal of licenses as set forth in  
16 ORS 807.150.

17 (10) The fee for an original identification card or a renewal thereof shall be the fee established  
18 under ORS 807.410.

19 (11) An identification card becomes invalid if the holder of the card changes the holder's resi-  
20 dence address from that shown on the identification card and does not provide the department with  
21 notice of the change as required under ORS 807.420.

22 (12) If a person to whom an identification card was issued and who changes the person's resi-  
23 dence address [*appears in person at a department office that issues identification cards,*] **submits an**  
24 **application for a replacement identification card**, the department may [*do any of the following:*]

25 [(a)] issue a replacement identification card containing the new address upon receipt of the old  
26 identification card and payment of the fee established [*for issuing a replacement identification card*  
27 *with a changed address*] under ORS 807.410. Except as otherwise provided in subsection (14) of this  
28 section, the replacement identification card shall bear the same distinguishing number as the card  
29 being replaced.

30 [(b) *Note the new address on the old identification card in a manner to be determined by the de-*  
31 *partment by rule.*]

32 (13) An identification card becomes invalid if the holder of the card changes the holder's name  
33 from that shown on the card, including a change of name by marriage, without providing the de-  
34 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and  
35 the old identification card, the department shall issue a replacement identification card upon pay-  
36 ment of the fee [*required*] **established** under ORS 807.410.

37 (14) In the event that, for a reason identified by the department by rule, a person needs a re-  
38 placement identification card that bears a distinguishing number different from the number on the  
39 card being replaced, the person to whom the card was issued may obtain a replacement card from  
40 the department upon furnishing proof satisfactory to the department of the need for such replace-  
41 ment and payment of the [*replacement*] fee **established** under ORS 807.410.

42 (15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the  
43 person's identification card does not include the fact that the person is a veteran, the department  
44 shall issue a replacement identification card that includes the fact that the person is a veteran.

45 (16) The department may establish by rule reasons for issuing replacement identification cards

1 that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for  
2 a replacement identification card is provided under ORS 807.410.

3 (17) Upon cancellation of an identification card, the card is terminated and must be surrendered  
4 to the department. An identification card may be canceled for any of the reasons that driving priv-  
5 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an  
6 identification card canceled under this subsection when the applicant has satisfied all requirements  
7 for the identification card.

8 (18) Notwithstanding any other provision of this section, the department may issue an identifi-  
9 cation card to a person under this subsection without charge when the person surrenders the  
10 person's driver license or driver permit to the department for reasons described in this subsection.  
11 If the department issues an identification card under this subsection, the identification card shall  
12 expire at the same time as the surrendered driver license or driver permit would have expired. An  
13 identification card issued under this subsection is subject to the same requirements and fees for  
14 renewal or upon expiration as any other identification card issued under this section. The depart-  
15 ment may issue identification cards under this subsection for any of the following reasons:

16 (a) The person voluntarily surrenders the person's driver license or driver permit to the de-  
17 partment based upon the person's recognition that the person is no longer competent to drive.

18 (b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only  
19 applies if the person voluntarily surrenders the person's driver license or driver permit to the de-  
20 partment as provided under ORS 809.500.

21 **SECTION 33.** ORS 807.400, as amended by section 18, chapter 568, Oregon Laws 2017, is  
22 amended to read:

23 807.400. (1) The Department of Transportation shall issue an identification card to any person  
24 who:

25 (a) Is domiciled in or is a resident of this state, as described in ORS 807.062;

26 (b) As required by ORS 807.021 and 807.730, provides the Social Security number assigned to the  
27 person by the United States Social Security Administration and proof of legal presence in the United  
28 States or, if the person is not eligible for a Social Security number, proof of legal presence in the  
29 United States and proof that the person is not eligible for a Social Security number;

30 (c) Does not have a current, valid driver license;

31 (d) Furnishes evidence of the person's full legal name and date of birth; and

32 (e) Submits to collection of biometric data by the department that establish the identity of the  
33 person as provided in ORS 807.024.

34 (2) The department shall work with other agencies and organizations to attempt to improve the  
35 issuance system for identification cards.

36 (3) Every original application for an identification card must be signed by the applicant. The  
37 department shall require proof to verify the address of an applicant for issuance of an identification  
38 card in addition to other documents the department may require of the applicant. If the address of  
39 an applicant has changed since the last time an identification card was issued to or renewed for the  
40 applicant, the department shall require proof to verify the address of the applicant for renewal of  
41 an identification card, in addition to anything else the department may require. The department  
42 shall adopt rules to identify what constitutes proof of address for purposes of this subsection. Proof  
43 of address may include, but is not limited to, providing a utility bill, a tax return, a record from a  
44 financial institution, a proof of insurance card or a health benefits card, a selective service card, a  
45 mortgage document or a lease agreement. The applicant may provide the proof of address by sub-

1 mitting proof in the form of an original document or a copy of a document, use an electronic device  
2 to display proof of address, or provide proof through the use of a third party address verification  
3 system.

4 (4) Every identification card shall be issued upon the standard driver license form described  
5 under ORS 807.110 and shall bear a statement to the effect that the identification card is not a  
6 driver license or any other grant of driving privileges to operate a motor vehicle and is to be used  
7 for identification purposes only. The department shall use the same security procedures, processes,  
8 materials and features for an identification card as are required for a driver license under ORS  
9 807.110. The identification card is not required to contain the residence address of persons listed in  
10 ORS 807.110 (1)(e).

11 (5) If the identification card is a limited term identification card issued under ORS 807.730, the  
12 limited term identification card shall indicate:

13 (a) That it is a limited term identification card; and

14 (b) The date on which the limited term identification card expires.

15 (6) Upon order of the juvenile court, the department shall include on the card the fact that the  
16 person issued the identification card is an emancipated minor.

17 (7) Upon request of the person to whom the identification card is issued and presentation of  
18 proof, as determined by the department by rule, that the person is a veteran, as defined in ORS  
19 408.225, the department shall include on the card the fact that the person is a veteran.

20 (8) Each original identification card shall expire on a date consistent with the expiration dates  
21 of licenses as set forth in ORS 807.130.

22 (9) Identification cards shall be renewed under the terms for renewal of licenses as set forth in  
23 ORS 807.150.

24 (10) The fee for an original identification card or a renewal thereof shall be the fee established  
25 under ORS 807.410.

26 (11) An identification card becomes invalid if the holder of the card changes the holder's resi-  
27 dence address from that shown on the identification card and does not provide the department with  
28 notice of the change as required under ORS 807.420.

29 (12) If a person to whom an identification card was issued and who changes the person's resi-  
30 dence address [*appears in person at a department office that issues identification cards,*] **submits an**  
31 **application for a replacement identification card**, the department may [*do any of the following:*]

32 [(a)] issue a replacement identification card containing the new address upon receipt of the old  
33 identification card and payment of the fee established [*for issuing a replacement identification card*  
34 *with a changed address*] under ORS 807.410. Except as otherwise provided in subsection (14) of this  
35 section, the replacement identification card shall bear the same distinguishing number as the card  
36 being replaced.

37 [(b) *Note the new address on the old identification card in a manner to be determined by the de-*  
38 *partment by rule.*]

39 (13) An identification card becomes invalid if the holder of the card changes the holder's name  
40 from that shown on the card, including a change of name by marriage, without providing the de-  
41 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and  
42 the old identification card, the department shall issue a replacement identification card upon pay-  
43 ment of the fee [*required*] **established** under ORS 807.410.

44 (14) In the event that, for a reason identified by the department by rule, a person needs a re-  
45 placement identification card that bears a distinguishing number different from the number on the

1 card being replaced, the person to whom the card was issued may obtain a replacement card from  
 2 the department upon furnishing proof satisfactory to the department of the need for such replace-  
 3 ment and payment of the [replacement] fee **established** under ORS 807.410.

4 (15) If a person furnishes proof that the person is a veteran, as defined in ORS 408.225, and the  
 5 person's identification card does not include the fact that the person is a veteran, the department  
 6 shall issue a replacement identification card that includes the fact that the person is a veteran.

7 (16) The department may establish by rule reasons for issuing replacement identification cards  
 8 that are in addition to the reasons identified in subsections (12) to (15) of this section. The fee for  
 9 a replacement identification card is provided under ORS 807.410.

10 (17) Upon cancellation of an identification card, the card is terminated and must be surrendered  
 11 to the department. An identification card may be canceled for any of the reasons that driving priv-  
 12 ileges or a driver license may be canceled under ORS 809.310. The department may reissue an  
 13 identification card canceled under this subsection when the applicant has satisfied all requirements  
 14 for the identification card.

15 (18) Notwithstanding any other provision of this section, the department may issue an identifi-  
 16 cation card to a person under this subsection without charge when the person surrenders the  
 17 person's driver license or driver permit to the department for reasons described in this subsection.  
 18 If the department issues an identification card under this subsection, the identification card shall  
 19 expire at the same time as the surrendered driver license or driver permit would have expired. An  
 20 identification card issued under this subsection is subject to the same requirements and fees for  
 21 renewal or upon expiration as any other identification card issued under this section. The depart-  
 22 ment may issue identification cards under this subsection for any of the following reasons:

23 (a) The person voluntarily surrenders the person's driver license or driver permit to the de-  
 24 partment based upon the person's recognition that the person is no longer competent to drive.

25 (b) The person's driving privileges are suspended under ORS 809.419 (1). This paragraph only  
 26 applies if the person voluntarily surrenders the person's driver license or driver permit to the de-  
 27 partment as provided under ORS 809.500.

28 (19) If a person is applying for an identification card that is a Real ID, the person must comply  
 29 with the requirements under the vehicle code for issuance of Real IDs.

30  
 31 **CANCELLATION NOTICES**

32  
 33 **SECTION 34.** ORS 809.090 is amended to read:

34 809.090. (1) The Department of Transportation may cancel the registration or title or both of a  
 35 vehicle if the department determines that:

36 (a) A holder is not entitled [thereto] **to the registration or title or both;** or

37 (b) All fees applicable to a vehicle, payable to the department under any provision of law have  
 38 not been paid.

39 (2) Before cancellation under this section, the department must give opportunity for a hearing  
 40 upon 10 days' notice. [The notice shall be served in person or by first class mail.] **The department**  
 41 **shall serve notice in a manner determined by the department by rule.**

42  
 43 **VEHICLE TRIP PERMITS**

44  
 45 **SECTION 35.** ORS 803.600 is amended to read:

1 803.600. A trip permit grants authority to temporarily operate a vehicle on the highways of this  
2 state under circumstances where the operation would not otherwise be legal because the vehicle is  
3 not registered by this state or because provisions relating to the vehicle's registration do not allow  
4 the operation. The Department of Transportation shall provide for the issuance of trip permits in a  
5 manner consistent with this section. All of the following apply to permits issued under this section:

6 (1) The department shall issue the following types of trip permits to authorize the described type  
7 of operation and, except as provided in subsection (2) of this section, may not issue trip permits for  
8 any other purpose:

9 (a) A heavy motor vehicle trip permit may be issued for a motor vehicle with a combined weight  
10 or loaded weight of more than 8,000 pounds or that is a fixed load motor vehicle, and that is not  
11 registered in this state. A permit described in this paragraph is valid for 10 consecutive days.

12 (b) A heavy trailer trip permit may be issued for a trailer that will be operated on the highways  
13 at a loaded weight of more than 8,000 pounds or that is a fixed load vehicle, and that is not regis-  
14 tered to allow operation of the vehicle in this state. A permit described in this paragraph is valid  
15 for 10 consecutive days. This paragraph does not apply to travel trailers.

16 (c) A light vehicle trip permit may be issued for a vehicle with a combined weight or loaded  
17 weight of less than 8,001 pounds that is not a fixed load vehicle and that is not registered to allow  
18 operation of the vehicle in this state. Permits described in this paragraph may be issued for a period  
19 of 21 consecutive days. The department may not issue more than two permits under this paragraph  
20 in a 12-month period for any one vehicle unless all registered owners of the vehicle are replaced  
21 by new owners. If there is a complete change in ownership of the vehicle, as shown by the regis-  
22 tration records for the vehicle, a new owner may receive permits for the vehicle under this para-  
23 graph as if no permits had been issued for the vehicle. This paragraph does not apply to campers,  
24 travel trailers or motor homes, which are eligible for recreational vehicle trip permits under para-  
25 graph (d) of this subsection.

26 (d) A recreational vehicle trip permit may be issued for a period of up to 10 consecutive days  
27 for a camper, travel trailer or motor home that is not registered for operation in this state. A  
28 person buying a recreational vehicle trip permit must show proof satisfactory to the department [*of*  
29 *Transportation*] that the person is the owner of the camper, travel trailer or motor home for which  
30 the permit will be granted. A person may not receive recreational vehicle trip permits authorizing  
31 more than 10 days of operation in any 12-month period. [*A person who applies for a recreational ve-*  
32 *hicle trip permit must certify that the person has not been granted permits that together, and including*  
33 *the permit applied for, exceed the maximum number of days of operation allowed by this paragraph.*]  
34 **The department may determine by rule the method for ensuring a person has not exceeded**  
35 **the maximum number of days of operation allowed by the permit.**

36 (e) A registration weight trip permit may be issued for a vehicle that is registered in this state,  
37 to allow the vehicle to be operated with a greater combined weight or loaded weight than is per-  
38 mitted by the registration weight established for the vehicle or at a greater combined weight or  
39 loaded weight than is otherwise permitted under the registration for the vehicle if the vehicle is not  
40 required to establish a registration weight. A permit issued under this paragraph does not authorize  
41 movements or operations for which a variance permit is required under ORS 818.200. A permit is-  
42 sued under this paragraph shall show the maximum registration weight allowed for operation under  
43 the permit. A permit issued under this paragraph is valid for 10 consecutive days.

44 (f) A registered vehicle trip permit may be issued for a vehicle that is registered in this state  
45 to allow the vehicle to operate under conditions or in ways not permitted by the terms of the vehicle



1 registration. The department shall determine by rule the kinds of operation for which permits may  
2 be issued under this paragraph. A permit issued under this paragraph is valid for 10 consecutive  
3 days.

4 (2) The department shall allow a person issued a vehicle dealer certificate under ORS 822.020  
5 or a towing business certificate under ORS 822.205 to issue a 10-day trip permit to a person who  
6 buys a motor vehicle from the person with the certificate if the registration stickers are removed  
7 in accordance with ORS 803.565. The following apply to trip permits issued under this subsection:

8 (a) A permit issued under this subsection allows operation of the motor vehicle in this state for  
9 the purpose of registering the vehicle.

10 (b) A permit issued under this subsection is valid for a period of 10 consecutive days.

11 (c) A person with a vehicle dealer certificate or a towing business certificate may not issue  
12 more than two permits under this subsection for the same motor vehicle.

13 (3) The following requirements for records are established concerning permits issued under this  
14 section:

15 (a) Any carrier regulated by the department shall maintain records of heavy motor vehicle and  
16 heavy trailer trip permits and registration weight trip permits issued to the carrier as required by  
17 the department by rule.

18 (b) Requirements for the department to maintain records concerning trip permits are established  
19 under ORS 802.200.

20 (4) An owner or operator of a vehicle may obtain a trip permit. The fees for issuance of trip  
21 permits are as provided under ORS 803.645.

22 (5) The department shall make the trip permits available to all field offices and agents main-  
23 tained by the department and may make arrangements for the issuance of the permits by designated  
24 individuals, firms or associations for the convenience of the motoring public. This subsection does  
25 not require the department to make trip permits described in subsection (2) of this section available  
26 to anyone other than persons with vehicle dealer certificates or towing business certificates.

27 (6) The department may also sell heavy motor vehicle, heavy trailer and registration weight trip  
28 permits in advance of issuance to contractors, transportation companies and other users for issuance  
29 to their own vehicles or vehicles under their control.

30 (7) The department shall adopt rules for the issuance, sale and control of trip permits.

31 (8) Trip permits are not required for the operation of unregistered vehicles where such operation  
32 is permitted as follows:

33 (a) By vehicle dealers as permitted under ORS 822.040.

34 (b) By vehicle transporters as permitted under ORS 822.310.

35 (c) By towing businesses as permitted under ORS 822.210.

36 (9) Trip permits are not required for the operation of unregistered vehicles where such operation  
37 is permitted under ORS 803.305.

38 (10) Unregistered vehicles that are operated without a trip permit are subject to the prohibitions  
39 and penalties for operation of unregistered vehicles under ORS 803.300 or 803.315, as appropriate.

40 (11) A trip permit may be issued to a school vehicle registered under ORS 805.050 for use of the  
41 vehicle for purposes not permitted under ORS 805.050.

42 **SECTION 36.** ORS 803.602 is amended to read:

43 803.602. An applicant for a light vehicle trip permit, a recreational vehicle trip permit for a  
44 motor vehicle or a trip permit issued under ORS 803.600 (2) must submit, at the time of application,  
45 [a statement] **proof** indicating that the vehicle that will be operated under the permit is covered by

1 an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered by  
 2 the policy for as long as the permit is valid. The *[statement shall]* **proof must** include the name of  
 3 the insurer and the policy number. The Department of Transportation or, if the permit is issued  
 4 under ORS 803.600 (2), the person with the vehicle dealer certificate or towing business certificate  
 5 shall refuse to issue a permit to a person who does not *[submit the statement]* **present the proof**  
 6 required by this section.

7  
 8 **REPEALS**

9  
 10 **SECTION 37. ORS 806.160, 809.600, 809.605, 809.610 and 809.640 are repealed.**

11  
 12 **APPLICABILITY**

13  
 14 **SECTION 38. The amendments to ORS 161.710, 801.010, 801.020, 807.060, 807.240, 809.390  
 15 and 811.182 by sections 18 to 24 of this 2019 Act and the repeal of ORS 809.600, 809.605, 809.610  
 16 and 809.640 by section 37 of this 2019 Act do not apply to habitual offenders whose driving  
 17 privileges are revoked under ORS 809.640 before the effective date of this 2019 Act. Habitual  
 18 offenders whose driving privileges are revoked under ORS 809.640 before the effective date  
 19 of this 2019 Act shall continue to be governed by the law applicable to habitual offenders in  
 20 effect immediately before the effective date of this 2019 Act.**

21  
 22 **CAPTIONS**

23  
 24 **SECTION 39. The unit captions used in this 2019 Act are provided only for the conven-  
 25 ience of the reader and do not become part of the statutory law of this state or express any  
 26 legislative intent in the enactment of this 2019 Act.**