

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 693**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and lines 3 through 9 and insert “163.196, 164.775, 165.805, 167.401,  
3 305.385, 430.165, 430.197, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265,  
4 801.250, 802.170, 802.550, 807.060, 807.065, 807.200, 807.240, 807.370, 809.135,  
5 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.390, 809.409, 809.411,  
6 809.415, 809.416, 809.600, 811.175, 811.182, 813.040 and 813.520; and repealing  
7 ORS 339.254, 339.257, 807.066, 807.250, 807.252, 807.260, 807.270, 809.265,  
8 809.320, 809.423, 809.650, 809.660, 813.500 and 813.510.”.

9 On page 2, line 9, delete “or”.

10 In line 12, restore “; or”.

11 After line 12, insert:

12 “(E) That the person’s driving privileges are suspended for driving in vi-  
13 olation of ORS 471.430 and are not suspended for any other reason and that  
14 the person must operate a motor vehicle in order to provide necessary ser-  
15 vices to the person or to a member of the person’s family. The department  
16 shall determine by rule what constitutes necessary services for purposes of  
17 this subparagraph. The rule shall include as necessary services, but need not  
18 be limited to, grocery shopping, driving the person or the person’s children  
19 to school, driving to medical appointments and caring for elderly family  
20 members.”.

21 In line 19, delete the period.

1 On page 5, delete lines 27 through 45 and delete page 6.

2 On page 7, delete lines 1 through 6 and insert:

3 **SECTION 8.** ORS 807.370 is amended to read:

4 “807.370. The following are the fees relating to the issuance and renewal  
5 of licenses, driver permits and endorsements:

6 “(1) Disability golf cart driver permit fees under ORS 807.210, as follows:

7 “(a) For issuance, \$44.

8 “(b) For renewal fee under ORS 807.210, \$32.

9 “(2) Emergency driver permit fee under ORS 807.220, \$23.50.

10 “(3) Instruction driver permit fees under ORS 807.280, as follows:

11 “(a) For issuance, \$23.50.

12 “(b) For renewal, \$23.50.

13 “(4) Commercial learner driver permit issuance fee under ORS 807.285,  
14 \$23.50.

15 “(5)(a) License issuance fee for a Class C license, \$54.

16 “(b) Fee to take the knowledge test for a Class C license, \$5.

17 “(c) Fee to take the skills test for a Class C license, \$9.

18 “(6) License issuance fee for a restricted Class C license, \$54.

19 “(7) License issuance fee for a commercial driver license, whether or not  
20 the license contains endorsements, \$75.50.

21 “(8) Test fees for a commercial driver license or permit:

22 “(a) To take the knowledge test for a Class A commercial driver license  
23 or permit, \$10.

24 “(b) To take the skills test for a Class A commercial driver license, \$70.

25 “(c) To take the knowledge test for a Class B commercial driver license  
26 or permit, \$10.

27 “(d) To take the skills test for a Class B commercial driver license, \$70.

28 “(e) To take the knowledge test for a Class C commercial driver license  
29 or permit, \$10.

30 “(f) To take the skills test for a Class C commercial driver license, \$70.

1 “(9) Notwithstanding subsection (7) of this section, for issuance of a  
2 commercial driver license of any class when the Department of Transporta-  
3 tion accepts a certificate of competency issued under ORS 807.080, \$40 in  
4 addition to the fee under subsection (7) of this section.

5 “(10) Notwithstanding subsection (7) of this section, for original issuance  
6 of a school bus endorsement to a person who has a commercial driver license  
7 with a passenger endorsement:

8 “(a) \$21; or

9 “(b) \$61 if the department accepts a certificate of competency issued under  
10 ORS 807.080.

11 “(11) For a farm endorsement, \$26.

12 “(12) Test fees for the knowledge test for endorsements other than mo-  
13 torcycle and farm endorsements:

14 “(a) For a hazardous materials endorsement, \$10.

15 “(b) For a tank vehicle endorsement, \$10.

16 “(c) For a passenger endorsement, \$10.

17 “(d) For a double and triple trailer endorsement, \$10.

18 “(e) For a school bus endorsement, \$10.

19 “(13) Fee to take an airbrake knowledge test, \$10.

20 “(14) Fee to take an airbrake skills test to remove an airbrake restriction,  
21 \$56.

22 “(15) License renewal fee for a commercial driver license, \$55.50.

23 “(16) License renewal fee for a Class C license, \$34.

24 “(17) License or driver permit replacement fee under ORS 807.160, \$26.50.

25 “(18) Original endorsement issuance fee under ORS 807.170 for a motor-  
26 cycle endorsement, \$46, in addition to any fees for the endorsed license.

27 “(19) Special student driver permit fee under ORS 807.230, \$23.50.

28 “(20) Student Driver Training Fund eligibility fee under ORS 807.040 and  
29 807.150, \$6.

30 “(21) Motorcycle Safety Subaccount fee as follows:

1       “(a) Upon original issuance of motorcycle endorsements under ORS  
2 807.170, \$38.

3       “(b) Upon renewal of a license with a motorcycle endorsement under ORS  
4 807.170, \$28.

5       “[(22) *Probationary driver permit application fee under ORS 807.270, \$50.*]

6       “[(23)] **(22)** Hardship driver permit application fee under ORS 807.240, \$50.

7       “[(24)] **(23)** Fee for reinstatement of revoked driving privileges under ORS  
8 809.390, \$75.

9       “[(25)] **(24)** Fee for reinstatement of suspended driving privileges under  
10 ORS 809.380, \$75.

11       “[(26) *Fee for reinstatement of right to apply for driving privileges after a*  
12 *delay under ORS 809.280 (10) (1997 Edition), the same as the fee for rein-*  
13 *statement of suspended driving privileges.*]

14       “[(27)] **(25)** Fee for a special limited vision condition learner’s permit un-  
15 der ORS 807.359, \$13.

16       “[(28)(a)] **(26)(a)** License issuance fee for a Class C limited term license,  
17 \$23.

18       “(b) Fee to take the knowledge test for a Class C limited term license,  
19 \$5.

20       “(c) Fee to take the skills test for a Class C limited term license, \$9.

21       “[(29)] **(27)** License issuance fee for a restricted Class C limited term li-  
22 cense, \$23.

23       “[(30)] **(28)** License issuance fee for a limited term commercial driver li-  
24 cense, whether or not the license contains endorsements, \$45.

25       “[(31)] **(29)** License renewal fee for a limited term commercial driver li-  
26 cense, \$14.

27       “[(32)] **(30)** License renewal fee for a Class C limited term license, \$8.

28       “[(33)] **(31)** Limited term license or limited term driver permit replacement  
29 fee under ORS 807.160, \$26.50.

30       “[(34)] **(32)** Limited term Student Driver Training Fund eligibility fee

1 under ORS 807.040 and 807.150, \$2.”.

2 On page 8, lines 2 through 4, restore the bracketed material.

3 In line 4, delete “165.805 or”.

4 On page 12, delete lines 33 through 45 and delete pages 13 through 36 and  
5 insert:

6 **“SECTION 17. ORS 339.254, 339.257, 807.066, 809.265, 809.320 and**  
7 **809.423 are repealed.**

8 **“SECTION 18.** ORS 164.775 is amended to read:

9 “164.775. (1) It is unlawful for any person to discard any glass, cans or  
10 other trash, rubbish, debris or litter on land within 100 yards of any of the  
11 waters of the state, as defined in ORS 468B.005, other than in receptacles  
12 provided for the purpose of holding such trash, rubbish, debris or litter.

13 “(2) It is unlawful for any person to discard any glass, cans or other  
14 similar refuse in any waters of the state, as defined in ORS 468B.005.

15 “(3) In addition to or in lieu of the penalties provided for violation of any  
16 provision of this section, the court in which any individual is convicted of  
17 a violation of this section may order suspension of certain permits or li-  
18 censes for a period not to exceed 90 days if the court finds that the violation  
19 occurred during or in connection with the exercise of the privilege granted  
20 by the permit or license. The permits and licenses to which this section ap-  
21 plies are [*motor vehicle operator’s permits or licenses,*] hunting licenses, fish-  
22 ing licenses or boat registrations.

23 “(4)(a) Any person sentenced under subsection (6) of this section to pay  
24 a fine for violation of this section shall be permitted, in default of the pay-  
25 ment of the fine, to work at clearing rubbish, trash and debris from the lands  
26 and waters described by subsections (1) and (2) of this section. Credit in  
27 compensation for such work shall be allowed at the rate of \$25 for each day  
28 of work.

29 “(b) In any case, upon conviction, if punishment by imprisonment is im-  
30 posed upon the defendant, the form of the sentence shall include that the

1 defendant shall be punished by confinement at labor clearing rubbish, trash  
2 and debris from the lands and waters described by subsections (1) and (2) of  
3 this section, for not less than one day nor more than five days.

4 “(5) A citation conforming to the requirements of ORS 133.066 shall be  
5 used for all violations of subsection (1) or (2) of this section in the state.

6 “(6) Violation of this section is a Class B misdemeanor.

7 “(7) In addition to and not in lieu of the criminal penalty authorized by  
8 subsection (6) of this section, the civil penalty authorized by ORS 468.140  
9 may be imposed for violation of this section.

10 “(8) Nothing in this section or ORS 164.785 prohibits the operation of a  
11 disposal site, as defined in ORS 459.005, for which a permit is required by  
12 the Department of Environmental Quality, for which such a permit has been  
13 issued and which is being operated and maintained in accordance with the  
14 terms and conditions of such permit.

15 **“SECTION 19.** ORS 165.805 is amended to read:

16 “165.805. (1) A person commits the crime of misrepresentation of age by  
17 a minor if:

18 “(a) Being less than a certain, specified age, the person knowingly pur-  
19 ports to be of any age other than the true age of the person with the intent  
20 of securing a right, benefit or privilege which by law is denied to persons  
21 under that certain, specified age; or

22 “(b) Being unmarried, the person knowingly represents that the person is  
23 married with the intent of securing a right, benefit or privilege which by law  
24 is denied to unmarried persons.

25 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.

26 “(3) In addition to and not in lieu of any other penalty established by law,  
27 a person who, using a driver permit or license or other identification issued  
28 by the Department of Transportation of this state or its equivalent in an-  
29 other state, commits the crime of misrepresentation of age by a minor in  
30 order to purchase or consume alcoholic liquor may be required to perform

1 community service. *[and the court shall order that the person's driving privi-*  
2 *leges and right to apply for driving privileges be suspended for a period not*  
3 *to exceed one year. If a court has issued an order suspending driving privileges*  
4 *under this section, the court, upon petition of the person, may withdraw the*  
5 *order at any time the court deems appropriate. The court notification to the*  
6 *department under this subsection may include a recommendation that the per-*  
7 *son be granted a hardship permit under ORS 807.240 if the person is otherwise*  
8 *eligible for the permit.]*

9 “(4) The prohibitions of this section do not apply to any person acting  
10 under the direction of the Oregon Liquor Control Commission or a regula-  
11 tory specialist or under the direction of state or local law enforcement  
12 agencies for the purpose of investigating possible violations of laws prohib-  
13 iting sales of alcoholic beverages to persons who are under a certain, speci-  
14 fied age.

15 “(5) The prohibitions of this section do not apply to a person under the  
16 age of 21 years who is acting under the direction of a licensee for the pur-  
17 pose of investigating possible violations by employees of the licensee of laws  
18 prohibiting sales of alcoholic beverages to persons who are under the age  
19 of 21 years.

20 **“SECTION 20.** ORS 167.401 is amended to read:

21 “167.401. (1)(a) Except as provided in subsection (4) of this section, a  
22 person under 18 years of age may not purchase, attempt to purchase or ac-  
23 quire tobacco products or inhalant delivery systems.

24 “(b) A person under 18 years of age may not possess tobacco products or  
25 an inhalant delivery system unless the person is in a private residence ac-  
26 companied by the parent or guardian of the person and the parent or  
27 guardian has consented to the person possessing tobacco products or the  
28 inhalant delivery system.

29 “(2) A person who violates subsection (1) of this section commits a Class  
30 B violation.

1 “(3)[(a)] In lieu of any other penalty established by law, a person who is  
2 convicted for the first **or second** time of a violation of subsection (1) of this  
3 section may be ordered to participate in an education program about using  
4 tobacco products or inhalant delivery systems or a cessation program for  
5 users of tobacco products or inhalant delivery systems or to perform com-  
6 munity service related to diseases associated with using tobacco products or  
7 inhalant delivery systems. [*Except as provided in paragraph (b) of this sub-*  
8 *section, a person may be ordered to participate in a program described in this*  
9 *paragraph only once.*]

10 “[*(b) In addition to and not in lieu of any other penalty established by law,*  
11 *a person who is convicted of a second violation of subsection (1) of this section*  
12 *through misrepresentation of age may be required to participate in a program*  
13 *described in paragraph (a) of this subsection or to perform community service*  
14 *as described in paragraph (a) of this subsection, and the court shall order that*  
15 *the person’s driving privileges or right to apply for driving privileges be sus-*  
16 *pending for a period not to exceed one year. If a court has issued an order*  
17 *suspending driving privileges under this paragraph, the court, upon petition*  
18 *of the person, may withdraw the order at any time the court deems appropriate.*  
19 *The court notification to the Department of Transportation under this para-*  
20 *graph may include a recommendation that the person be granted a hardship*  
21 *permit under ORS 807.240 if the person is otherwise eligible for the permit.*]

22 “(4) A person under 18 years of age who is acting under the supervision  
23 of an adult may purchase, attempt to purchase or acquire tobacco products  
24 or an inhalant delivery system for the purpose of testing compliance with a  
25 federal law, state law, local law or retailer management policy limiting or  
26 regulating the delivery of tobacco products or inhalant delivery systems to  
27 minors.

28 “**SECTION 21.** ORS 305.385 is amended to read:

29 “305.385. (1) Upon request of the Department of Revenue, an agency is-  
30 suing or renewing a license to conduct a business, trade or profession shall



1 annually, on or before March 1, supply the department with a list of specified  
2 licenses issued or renewed by the agency during the preceding calendar year.

3 “(2) Upon request of the department, an agency shall annually, on or be-  
4 fore March 1, supply the department with a list of specified persons con-  
5 tracting with the agency to provide goods, services or real estate space to  
6 the agency during the preceding calendar year.

7 “(3) The lists required by subsections (1) and (2) of this section shall  
8 contain the name, address, Social Security or federal employer identification  
9 number of each licensee or provider or such other information as the de-  
10 partment may by rule require.

11 “(4)(a) If the department determines that any licensee or provider has  
12 neglected or refused to file any return or to pay any tax and that such person  
13 has not filed in good faith a petition before the department contesting the  
14 tax, and the department has been unable to obtain payment of the tax  
15 through other methods of collection, the Director of the Department of Rev-  
16 enue may, notwithstanding ORS 118.525, 314.835 or 314.840 or any similar  
17 provision of law, notify the agency and the person in writing.

18 “(b) Upon receipt of such notice, the agency shall refuse to reissue, renew  
19 or extend any license, contract or agreement until the agency receives a  
20 certificate issued by the department that the person is in good standing with  
21 respect to any returns due and taxes payable to the department as of the date  
22 of the certificate.

23 “(c) Upon the written request of the director and after a hearing and  
24 notice to the licensee as required under any applicable provision of law, the  
25 agency shall suspend the person’s license if the agency finds that the returns  
26 and taxes have not been filed or paid and that the licensee has not filed in  
27 good faith a petition before the department contesting the tax and the de-  
28 partment has been unable to obtain payment of the tax through other meth-  
29 ods of collection. For the purpose of the agency’s findings, the written  
30 representation to that effect by the department to the agency shall constitute

1 prima facie evidence of the person's failure to file returns or pay the tax.  
2 The department shall have the right to intervene in any license suspension  
3 proceeding.

4 “(d) Any license suspended under this subsection [*shall*] **may** not be re-  
5 issued or renewed until the agency receives a certificate issued by the de-  
6 partment that the licensee is in good standing with respect to any returns  
7 due and taxes payable to the department as of the date of the certificate.

8 “(e) **This subsection does not apply to driver licenses or driver per-**  
9 **mits.**

10 “(5) The department may enter into an installment payment agreement  
11 with a licensee or provider with respect to any unpaid tax, penalty and in-  
12 terest. The agreement shall provide for interest on the outstanding amount  
13 at the rate prescribed by ORS 305.220. The department may issue a provi-  
14 sional certificate of good standing pursuant to subsection (4)(b) and (d) of  
15 this section which shall remain in effect so long as the licensee or provider  
16 fully complies with the terms of the installment agreement. Failure by the  
17 licensee or provider to fully comply with the terms of the installment  
18 agreement shall render the agreement and the provisional certificate of good  
19 standing null and void, unless the department determines that the failure  
20 was due to reasonable cause. If the department determines that the failure  
21 was not due to reasonable cause, the total amount of the tax, penalty and  
22 interest shall be immediately due and payable, and the department shall no-  
23 tify any affected agency that the licensee or provider is not in good standing.  
24 The agency shall then take appropriate action under subsection (4)(b) and (d)  
25 of this section.

26 “(6) No contract or other agreement for the purpose of providing goods,  
27 services or real estate space to any agency shall be entered into, renewed  
28 or extended with any person, unless the person certifies in writing, under  
29 penalty of perjury, that the person is, to the best of the person's knowledge,  
30 not in violation of any tax laws described in ORS 305.380 (4).

1 “(7) The certification under subsection (6) of this section shall be required  
2 for each contract and renewal or extension of a contract or may be provided  
3 on an annual basis. A certification shall not be required for a contract if the  
4 consideration for the goods, services or real estate space provided under the  
5 contract is no more than \$1,000.

6 “(8)(a) The requirements of the certification under subsection (6) of this  
7 section shall be subject to the rules adopted by the department in accordance  
8 with this section.

9 “(b) The department may by rule exempt certain contracts from the re-  
10 quirements of subsection (6) of this section.

11 **“SECTION 21a.** ORS 471.430 is amended to read:

12 “471.430. (1) A person under 21 years of age may not attempt to purchase,  
13 purchase or acquire alcoholic beverages. Except when such minor is in a  
14 private residence accompanied by the parent or guardian of the minor and  
15 with such parent’s or guardian’s consent, a person under 21 years of age may  
16 not have personal possession of alcoholic beverages.

17 “(2) For the purposes of this section, personal possession of alcoholic  
18 beverages includes the acceptance or consumption of a bottle of such  
19 beverages, or any portion thereof or a drink of such beverages. However, this  
20 section does not prohibit the acceptance or consumption by any person of  
21 sacramental wine as part of a religious rite or service.

22 “(3) Except as authorized by rule or as necessitated in an emergency, a  
23 person under 21 years of age may not enter or attempt to enter any portion  
24 of a licensed premises that is posted or otherwise identified as being pro-  
25 hibited to the use of minors.

26 “(4)(a) Except as provided in paragraph (b) of this subsection, a person  
27 who violates subsection (1) or (3) of this section commits a Class B violation.

28 “(b) A person commits a Class A violation if the person violates sub-  
29 section (1) of this section by reason of personal possession of alcoholic  
30 beverages while the person is operating a motor vehicle, as defined in ORS

1 801.360.

2 “(5) In addition to and not in lieu of any other penalty established by law,  
3 a person under 21 years of age who violates subsection (1) of this section  
4 through misrepresentation of age may be required to perform community  
5 service and the court shall order that the person’s driving privileges and  
6 right to apply for driving privileges be suspended for a period not to exceed  
7 one year. If a court has issued an order suspending driving privileges under  
8 this section, the court, upon petition of the person, may withdraw the order  
9 at any time the court deems appropriate. The court notification to the De-  
10 partment of Transportation under this subsection may include a recommen-  
11 dation that the person be granted a hardship permit under ORS 807.240 if the  
12 person is otherwise eligible for the permit.

13 “(6) If a person cited under this section is at least 13 years of age but less  
14 than 21 years of age at the time the person is found in default under ORS  
15 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of  
16 any other penalty, the court shall issue notice under ORS 809.220 to the de-  
17 partment for the department to suspend the person’s driving privileges under  
18 ORS 809.280 [(4)] (3).

19 “(7) In addition to and not in lieu of any penalty established by law, the  
20 court may order a person who violates this section to undergo assessment  
21 and treatment as provided in ORS 471.432. The court shall order a person to  
22 undergo assessment and treatment as provided in ORS 471.432 if the person  
23 has previously been found to have violated this section.

24 “(8) The prohibitions of this section do not apply to a person under 21  
25 years of age who is acting under the direction of the Oregon Liquor Control  
26 Commission or under the direction of state or local law enforcement agencies  
27 for the purpose of investigating possible violations of laws prohibiting sales  
28 of alcoholic beverages to persons who are under 21 years of age.

29 “(9) The prohibitions of this section do not apply to a person under 21  
30 years of age who is acting under the direction of a licensee for the purpose

1 of investigating possible violations by employees of the licensee of laws  
2 prohibiting sales of alcoholic beverages to persons who are under 21 years  
3 of age.

4 “(10)(a) A person under 21 years of age is not in violation of, and is im-  
5 mune from prosecution under, this section if:

6 “(A) The person contacted emergency medical services or a law enforce-  
7 ment agency in order to obtain medical assistance for another person who  
8 was in need of medical assistance due to alcohol consumption and the evi-  
9 dence of the violation of this section was obtained as a result of the person’s  
10 having contacted emergency medical services or a law enforcement agency;  
11 or

12 “(B) The person was in need of medical assistance due to alcohol con-  
13 sumption and the evidence of the violation of this section was obtained as  
14 a result of the person’s having sought or obtained the medical assistance.

15 “(b) Paragraph (a) of this subsection does not exclude the use of evidence  
16 obtained as a result of a person’s having sought medical assistance in pro-  
17 ceedings for crimes or offenses other than a violation of this section.

18 **“SECTION 21b.** ORS 475B.260 is amended to read:

19 “475B.260. (1)(a) A person under 21 years of age may not attempt to pur-  
20 chase, purchase or acquire a marijuana item.

21 “(b) For purposes of this subsection, purchasing a marijuana item includes  
22 accepting a marijuana item, and acquiring a marijuana item includes con-  
23 suming a marijuana item, provided that the consumption of the marijuana  
24 item occurred no more than 24 hours before the determination that the per-  
25 son consumed the marijuana item.

26 “(2) Except as authorized by the Oregon Liquor Control Commission by  
27 rule, or as necessary in an emergency, a person under 21 years of age may  
28 not enter or attempt to enter any portion of a licensed premises that is  
29 posted or otherwise identified as being prohibited to the use of persons under  
30 21 years of age.

1       “(3) A person who violates subsection (1) or (2) of this section commits  
2 a Class B violation.

3       “(4) In addition to and not in lieu of any other penalty established by law,  
4 a court may require a person under 21 years of age who violates subsection  
5 (1) of this section through misrepresentation of age to perform community  
6 service, and the court may order that the person’s driving privileges and  
7 right to apply for driving privileges be suspended for a period not to exceed  
8 one year. If a court has issued an order suspending driving privileges under  
9 this section, the court, upon petition of the person, may withdraw the order  
10 at any time the court deems appropriate. The court notification to the De-  
11 partment of Transportation under this subsection may include a recommen-  
12 dation that the person be granted a hardship permit under ORS 807.240 if the  
13 person is otherwise eligible for the permit.

14       “(5) If a person cited under this section is at least 13 years of age but less  
15 than 21 years of age at the time the person is found in default under ORS  
16 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of  
17 any other penalty, the court shall issue notice under ORS 809.220 to the de-  
18 partment for the department to suspend the person’s driving privileges under  
19 ORS 809.280 [(4)] (3).

20       “(6) In addition to and not in lieu of any penalty established by law, the  
21 court may order a person to undergo assessment and treatment if the person  
22 has previously been found to have violated this section.

23       “(7) The prohibitions of this section do not apply to a person under 21  
24 years of age who is acting under the direction of the commission or under  
25 the direction of state or local law enforcement agencies for the purpose of  
26 investigating possible violations of laws prohibiting sales of marijuana items  
27 to persons who are under 21 years of age.

28       “(8) The prohibitions of this section do not apply to a person under 21  
29 years of age who is acting under the direction of a licensee for the purpose  
30 of investigating possible violations by employees of the licensee of laws

1 prohibiting sales of marijuana items to persons who are under 21 years of  
2 age.

3 “(9)(a) A person under 21 years of age is not in violation of, and is im-  
4 mune from prosecution under, this section if:

5 “(A) The person contacted emergency medical services or a law enforce-  
6 ment agency in order to obtain medical assistance for another person who  
7 was in need of medical assistance because that person consumed a marijuana  
8 item and the evidence of the violation of this section was obtained as a re-  
9 sult of the person’s having contacted emergency medical services or a law  
10 enforcement agency; or

11 “(B) The person was in need of medical assistance because the person  
12 consumed a marijuana item and the evidence of the violation of this section  
13 was obtained as a result of the person’s having sought or obtained the med-  
14 ical assistance.

15 “(b) Paragraph (a) of this subsection does not exclude the use of evidence  
16 obtained as a result of a person’s having sought medical assistance in pro-  
17 ceedings for crimes or offenses other than a violation of this section.

18 **“SECTION 22.** ORS 742.449 is amended to read:

19 “742.449. An insurer issuing motor vehicle liability insurance policies in  
20 this state may not assign an insured or applicant for insurance to a higher  
21 risk category than the person would otherwise be assigned to solely because  
22 the person has:

23 “(1) Let a prior motor vehicle liability policy lapse, unless the person was  
24 in violation of ORS 806.010 at any time after the prior policy lapsed; or

25 “(2) Had driving privileges suspended pursuant to ORS 809.280 [(6) or  
26 (8)] **(5) or (7)** if the suspension is based on a nondriving offense.

27 **“SECTION 23.** ORS 742.562 is amended to read:

28 “742.562. (1) A notice of cancellation of a policy shall be effective only if  
29 it is based on one or more of the following reasons:

30 “(a) Nonpayment of premium.

1       “(b) Fraud or material misrepresentation affecting the policy or in the  
2 presentation of a claim thereunder, or violation of any of the terms or con-  
3 ditions of the policy.

4       “(c) The named insured or any operator either resident in the same  
5 household or who customarily operates an automobile insured under the  
6 policy has had driving privileges suspended or revoked pursuant to law dur-  
7 ing the policy period, or, if the policy is a renewal, during its policy period  
8 or the 180 days immediately preceding its effective date. An insurer may not  
9 cancel a policy for the reason that the driving privileges of the named in-  
10 sured or operator were suspended pursuant to ORS 809.280 [(6) or (8)] **(5) or**  
11 **(7)** if the suspension was based on a nondriving offense.

12       “(2) This section shall not apply to any policy or coverage which has been  
13 in effect less than 60 days at the time notice of cancellation is mailed or  
14 delivered by the insurer unless it is a renewal policy.

15       “(3) This section shall not apply to nonrenewal.

16       “**SECTION 24.** ORS 742.566 is amended to read:

17       “742.566. (1) An insurer shall offer renewal of a policy, contingent upon  
18 payment of premium as stated in the offer, to an insured unless the insurer  
19 mails or delivers to the named insured, at the address shown in the policy,  
20 at least 30 days’ advance notice of nonrenewal. Such notice shall contain or  
21 be accompanied by a statement of the reason or reasons for nonrenewal.

22       “(2) The insurer shall not be required to notify the named insured or any  
23 other insured of nonrenewal of the policy if the insurer has mailed or de-  
24 livered a notice of expiration or cancellation on or prior to the 30th day  
25 preceding expiration of the policy period.

26       “(3) Notwithstanding the failure of an insurer to comply with this section,  
27 the policy shall terminate on the effective date of any replacement or suc-  
28 ceeding automobile insurance policy, with respect to any automobile desig-  
29 nated in both policies.

30       “(4) An insurer may not refuse to renew a policy for the reason that the



1 driving privileges of the named insured or any operator either resident in the  
2 same household or who customarily operates an automobile insured under  
3 the policy were suspended pursuant to ORS 809.280 [(6) or (8)] **(5) or (7)** if  
4 the suspension was based on a nondriving offense.”.

5 **“SECTION 25.** ORS 746.265 is amended to read:

6 “746.265. (1) Subject to subsection (2) of this section, an insurer may  
7 consider the abstract of an individual’s nonemployment driving record under  
8 ORS 802.220 when evaluating the individual’s application to obtain or renew  
9 personal insurance, as defined in ORS 746.600, that provides automobile li-  
10 ability coverage, uninsured motorist coverage, automobile medical payments  
11 coverage or automobile physical damage coverage on an individually owned  
12 passenger vehicle, including pickup and panel trucks and station wagons:

13 “(a) For the purpose of determining whether to issue or renew the  
14 individual’s policy.

15 “(b) For the purpose of determining the rates of the individual’s policy.

16 “(2) For the purposes specified in subsection (1) of this section, an insurer  
17 that issues or renews a policy described in subsection (1) of this section may  
18 not consider any:

19 “(a) Accident or conviction for violation of motor vehicle laws that oc-  
20 curred more than three years immediately preceding the application for the  
21 policy or for renewal of the policy;

22 “(b) Diversion agreements under ORS 813.220 that were entered into more  
23 than three years immediately preceding the application for the policy or for  
24 renewal of the policy; or

25 “(c) Suspension of driving privileges pursuant to ORS 809.280 [(6) or (8)]  
26 **(5) or (7)** if the suspension is based on a nondriving offense.

27 “(3) Subsection (2) of this section does not apply if an insurer considers  
28 an individual’s nonemployment driving record under ORS 802.220 for the  
29 purpose of providing a discount to the individual.

30 **“SECTION 26.** ORS 802.170 is amended to read:

1 “802.170. If any person pays the Department of Transportation any fee or  
2 tax with a bank check and the check is returned to the department as un-  
3 collectible, or if a person pays the department with a credit or debit card  
4 and for any reason the department does not get payment from the issuer of  
5 the card, the department may charge the person the fee for dishonored  
6 checks or other orders for the payment of money under ORS 30.701 (5). If the  
7 person does not pay the fee charged under this section, the department may  
8 do all of the following:

9 “(1) Suspend or cancel, or refuse to issue or renew, any vehicle registra-  
10 tion or title[,] **or** vehicle permit[, *driver license or driver permit*] in payment  
11 of which the check or other order for the payment of money was presented.

12 “(2) **Cancel, or refuse to issue or renew, any driver license or driver**  
13 **permit in payment of which the check or other order for the payment**  
14 **of money was presented.**

15 “[2)] (3) Authorize any department employee or police officer to seize and  
16 recover any evidence of the registration, title, license or permit suspended  
17 or canceled.

18 “[3)] (4) If evidence of the suspended or canceled registration, title, li-  
19 cense or permit is not recovered, refuse to conduct any further transactions  
20 with the person until the fee charged under this section is paid.

21 “**SECTION 27.** ORS 802.550 is amended to read:

22 “802.550. The following relate to the Driver License Compact under ORS  
23 802.540:

24 “(1) The Director of Transportation or the director’s deputy shall act as  
25 the compact administrator. The compact administrator shall not be entitled  
26 to any additional compensation on account of service as compact adminis-  
27 trator, but shall be entitled to expenses incurred in connection with such  
28 service, payable the same as expenses in connection with services as the  
29 normal duties of the person.

30 “(2) When reference in the compact is made to the executive head in this

1 state, the reference applies to the Governor of this state.

2 “(3) When reference in the compact is made to the licensing authority in  
3 this state, the reference applies to the Department of Transportation.

4 “(4) In accordance with subdivision (c) of Article IV of the compact, the  
5 following offenses or violations provided by Oregon law hereby are desig-  
6 nated as offenses or violations of a substantially similar nature as the re-  
7 spective denominations and descriptions of conduct appearing in subdivision  
8 (a) of Article IV of the compact.

9 “(a) ORS 809.409 (1) and (2) - Article IV (a) (1).

10 “(b) ORS 813.400 - Article IV (a) (2).

11 “(c) ORS 809.409 [(5)] (4) - Article IV (a) (3).

12 “(d) ORS 809.409 (3) - Article IV (a) (4).

13 “(5) Offenses or violations other than those referred to in subsection (4)  
14 of this section reported to the department pursuant to Article III of the  
15 compact shall be given effect within the purpose of Article IV (b) of the  
16 compact as the other laws of this state provide.

17 **“SECTION 28.** ORS 807.060 is amended to read:

18 “807.060. The Department of Transportation may not grant driving privi-  
19 leges to a person under a license if the person is not eligible under this  
20 section. The following are not eligible for a license:

21 “(1) A person under 16 years of age.

22 “(2)(a) A person under 18 years of age who is not an emancipated minor  
23 unless the application of the person is signed by the person’s mother, father  
24 or legal guardian. [*A person who signs an application under this paragraph*  
25 *may have the driving privileges canceled as provided under ORS 809.320.*]

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

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

30 “(4) A person that the department determines has a problem condition

1 involving alcohol, inhalants or controlled substances as described under ORS  
2 813.040.

3 “(5) A person the department reasonably believes has a mental or physical  
4 condition or impairment that affects the person’s ability to safely operate a  
5 motor vehicle upon the highways.

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

8 “(7) A person who is required to make future responsibility filings but  
9 has not made filings as required.

10 “(8) A person who cannot be issued a license under the Driver License  
11 Compact under ORS 802.540.

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

17 “(10) A person who has been declared a habitual offender under ORS  
18 809.640. A person declared not eligible to be licensed under this subsection  
19 may become eligible by having eligibility restored under ORS 809.640.

20 “(11) A person whose driving privileges are canceled in this state under  
21 ORS 809.310 until the person is eligible under ORS 809.310.

22 “(12) A person while the person’s driving privileges are revoked in this  
23 state.

24 “(13) A person during a period when the person’s driving privileges are  
25 suspended in this state.

26 “(14) A person who holds a current out-of-state license or driver permit  
27 or a valid Oregon license or driver permit. A person who is not eligible un-  
28 der this subsection may become eligible by surrendering the license, driver  
29 permit or out-of-state license or driver permit to the department before is-  
30 suance of the license. Nothing in this subsection authorizes a person to

1 continue to operate a motor vehicle on the basis of an out-of-state license  
2 or permit if the person is required by ORS 807.062 to obtain an Oregon li-  
3 cense or permit.

4 “(15) A person who has not complied with the requirements and respon-  
5 sibilities created by citation for or conviction of a traffic offense in another  
6 jurisdiction if an agreement under ORS 802.530 authorizes the department to  
7 withhold issuance of a license.

8 “(16) A person who has not complied with the requirement of ORS 813.022  
9 (1).

10 **“SECTION 29.** ORS 807.065 is amended to read:

11 “807.065. (1) The Department of Transportation may not issue a driver li-  
12 cense to a person who is under 18 years of age unless the person:

13 “(a) Complies with the requirements of ORS 807.040 [*and 807.066*];

14 “(b) Passes an examination designed to test the person’s knowledge and  
15 understanding of safe driving practices, in addition to any examination re-  
16 quired under ORS 807.070;

17 “(c) Has had, for at least six months prior to application for the license,  
18 an instruction driver permit issued under ORS 807.280 or the equivalent of  
19 an instruction driver permit issued by another state of the United States or  
20 by the District of Columbia;

21 “(d) Certifies to the department that the person has had at least 50 hours  
22 of driving experience during which the person was supervised by a person  
23 at least 21 years of age who has had a valid driver license for at least three  
24 years; and

25 “(e) Completes a traffic safety education course that meets standards de-  
26 veloped by the department under ORS 336.802. In lieu of completion of a  
27 traffic safety education course, a person may certify to the department that  
28 the person has had at least 50 hours of driving experience during which the  
29 person was supervised by a person at least 21 years of age who has had a  
30 valid driver license for at least three years, in addition to the 50 hours re-

1 quired by paragraph (d) of this subsection.

2 “(2) A person under 18 years of age need not comply with the require-  
3 ments of subsection (1)(c), (d) and (e) of this section if the person has been  
4 issued a driver license by another state and surrenders that license in order  
5 to get an Oregon license.

6 “(3) If the person takes but does not pass a test that consists of an actual  
7 demonstration of driving ability under ORS 807.070, the department may not  
8 allow the person to perform the demonstration again until the person has  
9 had an instruction permit issued pursuant to ORS 807.280 for a period of not  
10 less than one month.

11 “(4) A driver license issued pursuant to this section shall be a provisional  
12 driver license.

13 “(5) The department shall prominently identify each driver license issued  
14 pursuant to this section as a provisional driver license.

15 **“SECTION 30.** ORS 809.135 is amended to read:

16 “809.135. The Department of Transportation may refuse to issue, may re-  
17 voke or may suspend any [*license, permit,*] identification card, title or regis-  
18 tration issued by the department or for which application is made to the  
19 department if the department determines that the person issued or applying  
20 for the [*license, permit,*] identification card, title or registration has used one  
21 name in one application and another name in any other application.

22 **“SECTION 31.** ORS 809.260 is amended to read:

23 “809.260. (1) Whenever a person who is 17 years of age or younger, but  
24 not younger than 13 years of age, is [*convicted of any offense described in this*  
25 *subsection or*] determined by a juvenile court to have committed one of the  
26 [*described*] offenses **described in this subsection**, the court [*in which the*  
27 *person is convicted*] shall order suspension of the person’s driving privileges.  
28 This subsection applies to [*ORS 166.370 and*] to any offense involving the  
29 delivery, manufacture or possession of controlled substances **resulting from**  
30 **the operation of a motor vehicle.**

1 “(2) Whenever a person who is 20 years of age or younger, but not  
2 younger than 13 years of age, at the time of committing any offense described  
3 in this subsection, is [*convicted or*] determined by a juvenile court to have  
4 committed one of the [*described*] offenses **described in this subsection**, the  
5 court [*in which the person is convicted*] shall order suspension of the person’s  
6 driving privileges. This subsection applies to any offense involving the pos-  
7 session, use or abuse of alcohol **resulting from the operation of a motor**  
8 **vehicle**.

9 “(3) If a court has issued an order suspending driving privileges under  
10 this section, the court, upon petition of the person, may review the order and  
11 may withdraw the order at any time the court deems appropriate except as  
12 provided in the following:

13 “(a) A court may not withdraw an order for a period of 90 days following  
14 the issuance of the order if it is the first such order issued with respect to  
15 the person.

16 “(b) A court may not withdraw an order for a period of one year following  
17 the issuance of the order if it is the second or subsequent such order issued  
18 with respect to the person.

19 “(c) Notwithstanding paragraph (a) of this subsection, a court may not  
20 withdraw an order for a period of six months if the order is based on a de-  
21 termination or conviction involving controlled substances.

22 “(4) Upon receipt of an order under this section, the department shall  
23 take action as directed under ORS 809.280.”

24 “**SECTION 32.** ORS 809.275 is amended to read:

25 “809.275. (1) A court shall take immediate possession of any license or  
26 driver permit held by a defendant that is issued by any jurisdiction if the  
27 court orders a suspension or revocation under ORS [*165.805,*] 471.430, 809.120,  
28 809.235, 809.240, 809.260, 809.265, [*809.270,*] 811.109 or 811.135.

29 “(2) Upon taking possession of a license or permit under this section, a  
30 court shall immediately forward to the Department of Transportation the li-

1 cense or permit and a copy of the suspension or revocation order or other  
2 information satisfactory to the department and to the State Court Adminis-  
3 trator.

4 “(3) A suspension or revocation of driving privileges becomes effective on  
5 the date a court takes possession of a license or permit under this section  
6 or orders the suspension or revocation.

7 “(4) The department is not required to provide further notice of a sus-  
8 pension or revocation ordered by the court.

9 “(5) Nothing in this section requires a court to take additional action,  
10 after the conclusion of the sentencing hearing, to secure the driver license  
11 or driver permit.

12 **“SECTION 33.** ORS 809.280 is amended to read:

13 “809.280. *[(1) Upon receipt of a court order under ORS 809.270, the De-*  
14 *partment of Transportation shall suspend the person’s driving privileges. The*  
15 *suspension shall remain in effect until the department is notified by the court*  
16 *that the suspension is ended, except that, if the department is ordered to au-*  
17 *tomatically reinstate the driving privileges upon the successful completion of*  
18 *a program, the department shall do so and shall notify the judge that the*  
19 *person has complied with the order of the judge.]*

20 “[2)] (1) Upon receipt of a court order under ORS 809.120, the Depart-  
21 ment **of Transportation** shall suspend the person’s driving privileges. The  
22 suspension shall be for the period ordered by the court. The court may only  
23 order suspension for a period not to exceed 90 days.

24 “[3)] (2) Upon receipt of a court notice under ORS 809.130 of an unsettled  
25 judgment, the department shall suspend the person’s driving privileges and,  
26 subject to any other requirements of law, reinstate the driving privileges  
27 upon appropriate notification from the court under ORS 809.130, except that  
28 the department shall only impose the suspension after the department has  
29 determined that:

30 “(a) The judgment was rendered against the person;



1 “(b) The judgment has remained unsettled as described in ORS 809.470 for  
2 60 days; and

3 “(c) The judgment continues to be unsettled as described in ORS 809.470.

4 “[4] (3) Upon receipt of a court notice under ORS 419C.472 or 809.220,  
5 the department shall suspend the person’s driving privileges for an indefinite  
6 period. The department shall reinstate driving privileges that have been  
7 suspended under this subsection upon notification by the court or upon the  
8 elapse of 10 years from the date the traffic offense or violation of ORS  
9 471.430 occurred, whichever comes first. The department may not suspend  
10 any driving privileges under this subsection for a person’s failure to appear  
11 on a parking, pedestrian or bicyclist offense.

12 “[5] (4) Upon receipt of a court notice under ORS 810.310, the depart-  
13 ment shall suspend the person’s driving privileges for an indefinite period.  
14 The department shall reinstate driving privileges that have been suspended  
15 under this subsection upon notification by the court or upon the lapse of 10  
16 years from the date of suspension, whichever comes first.

17 “[6] (5) Upon receipt of a court order under ORS 809.260, the department  
18 shall suspend the person’s driving privileges as follows:

19 “(a) Upon receipt of the first order suspending driving privileges, the de-  
20 partment shall suspend the person’s driving privileges for one year, or until  
21 the person reaches 17 years of age, whichever is longer.

22 “(b) Upon receipt of a second or subsequent order suspending driving  
23 privileges, the department shall suspend the person’s driving privileges for  
24 one year or until the person reaches 18 years of age, whichever is longer.

25 “[7] (6) If the department receives notice from a court that it has with-  
26 drawn an order issued under ORS 809.260, the department shall immediately  
27 reinstate any driving privileges that have been suspended under subsection  
28 [(6)] (5) of this section because of the issuance of the order.

29 “[8] (7) Upon receipt of a court order under ORS [165.805 or] 471.430, the  
30 department shall suspend the person’s driving privileges. The suspension

1 shall be for the period ordered by the court. The court may only order sus-  
2 pension for a period not to exceed one year.

3 “[9] (8) Upon receipt of a court order under ORS 809.265, the department  
4 shall suspend the person’s driving privileges for six months.

5 “[10] (9) Upon receipt of a court order under ORS 809.235, the depart-  
6 ment shall permanently revoke the person’s driving privileges. The revoca-  
7 tion shall remain in effect until the department is notified by a court that  
8 the person’s driving privileges have been ordered restored.

9 “[11] (10) When a court orders suspension of driving privileges under  
10 ORS 811.109 (4), the department shall suspend the person’s driving privileges.  
11 The suspension shall be for the period ordered by the court. The court may  
12 only order suspension for a period not to exceed 30 days.

13 “[12] (11) When a court orders suspension of driving privileges under  
14 ORS 811.109 (5), the department shall suspend the person’s driving privileges.  
15 The suspension shall be for the period ordered by the court. The court may  
16 only order suspension for not less than 30 days and not more than 90 days.

17 “[13] (12) Upon receipt of a court order under ORS 811.135, the depart-  
18 ment shall suspend the person’s driving privileges for one year.

19 **“SECTION 34.** ORS 809.310 is amended to read:

20 “809.310. (1) The Department of Transportation may cancel any driving  
21 privileges upon determining that the person is not entitled to the driving  
22 privileges under the vehicle code. The department may reissue driving priv-  
23 ileges canceled under this subsection when the applicant has satisfied all  
24 requirements for the driving privileges sought.

25 “(2) The department may cancel any driver license or permit that contains  
26 any error or defect or that is found to have been issued on the basis of false  
27 information given to the department. Cancellation under this subsection is  
28 in addition to any suspension of driving privileges authorized for the same  
29 conduct.

30 “(3) The department may suspend any driving privileges or right to apply

1 for privileges or any identification card or right to apply for a card upon  
2 determining that the person issued or applying for the driving privileges or  
3 identification card has committed any of the following acts:

4 “(a) Failed to give the required or correct information in the application  
5 for the driving privileges or for an identification card, in violation of ORS  
6 807.430 or 807.530.

7 “(b) Committed false swearing in making application for the driving  
8 privileges in violation of ORS 807.520.

9 “(c) Used an invalid license or identification card in violation of ORS  
10 807.430 or 807.580.

11 “(d) Permitted misuse of license, permit or identification card in violation  
12 of ORS 807.430 or 807.590.

13 “(e) Used the license, permit or identification card of another in violation  
14 of ORS 807.430 or 807.600.

15 “(f) Produced identification cards, licenses, permits, forms or camera  
16 cards in violation of ORS 807.500.

17 “[*g*] *Transferred documents for the purpose of misrepresentation in vio-*  
18 *lation of ORS 807.510.*]

19 “[*h*] *Given false information to a police officer in violation of ORS*  
20 *807.620.*]

21 “(4) Upon suspension or cancellation of driving privileges under this sec-  
22 tion, a person whose privileges are suspended or canceled shall surrender to  
23 the department any license or driver permit issued for the driving privileges.  
24 Failure to comply with this subsection is subject to penalty as provided un-  
25 der ORS 809.500.

26 “(5) To obtain driving privileges after the period of suspension or can-  
27 cellation under this section, a person must reapply for driving privileges in  
28 the manner established by law.

29 **“SECTION 35.** ORS 809.380 is amended to read:

30 “809.380. All of the following apply to a person whose driving privileges

1 have been suspended:

2 “(1) The period of suspension shall last as long as provided for that par-  
3 ticular suspension by law.

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

10 “(3) Upon expiration of the suspension, the Department of Transportation  
11 shall reissue, upon request of the person, the suspended driving privileges  
12 and any license or driver permit that evidences the driving privileges. The  
13 reissuance shall be without requalification by the person except that the  
14 department may require the person to furnish evidence satisfactory to the  
15 department that the person is qualified to continue to exercise driving priv-  
16 ileges in this state before the department reissues the driving privileges.

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

19 “(5) If the person fails to surrender to the department any license or  
20 driver permit issued as evidence of driving privileges that are suspended, the  
21 person is subject to the penalties under ORS 809.500.

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

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

28 “(b) The suspension occurred under ORS 809.419 for failure to obtain re-  
29 quired medical clearance upon request of the department under ORS 807.070  
30 or 807.090.

1       “(c) The suspension occurred under ORS 809.419 for incompetence to drive  
2 a motor vehicle or having a mental or physical condition or impairment that  
3 affects the person’s ability to safely operate a motor vehicle.

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

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

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

11       “(g) The suspension was the result of an error committed by an insurance  
12 company in issuing or failing to issue a certification of insurance or in  
13 canceling a certification of insurance filed with the department under ORS  
14 806.270.

15       “(h) The department issued the suspension without error because the  
16 person failed to respond as required under ORS 806.160 or to furnish proof  
17 of exemption under ORS 806.210 from the filing requirement of ORS 806.200,  
18 but the department later determines that the person in fact was in compli-  
19 ance with financial responsibility requirements as of the date of the  
20 department’s letter of verification under ORS 806.150 or at the time of an  
21 accident described in ORS 806.200.

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

29       “(j) The suspension was the result of an error committed by an insurance  
30 company in notifying the department regarding the correctness of a certi-

1 fication under ORS 806.150.

2 “(k) The suspension occurred because the person failed to make future  
3 responsibility filings but the department later determines that the reason for  
4 the failure was that the person was a military reservist or a member of a  
5 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  
7 be prior to the effective date of a suspension issued by the department for  
8 failure to make a future responsibility filing.

9 “(L) The department issued the suspension without error because the de-  
10 partment received a notice to suspend from a court under ORS 809.210 or  
11 809.220, but the department later determines that the person in fact was in  
12 compliance with the requirements of the court prior to the effective date of  
13 the suspension.

14 “[*(7) The department shall waive the reinstatement fee for a person whose*  
15 *driving privileges were suspended under ORS 809.423 (3) if the person.*]

16 “[*(a) Has graduated from high school and provides the department with*  
17 *proof of graduation satisfactory to the department; or*]

18 “[*(b) Has received a General Educational Development (GED) certificate*  
19 *from a community college and provides the department with proof of the cer-*  
20 *tificate satisfactory to the department.*]

21 **“SECTION 36.** ORS 809.409 is amended to read:

22 “809.409. (1)(a) Upon receipt of a record of conviction of an offense de-  
23 scribed in this section, the Department of Transportation shall revoke the  
24 driving privileges of the person convicted.

25 “(b) A person is entitled to administrative review under ORS 809.440 of  
26 a revocation under this section.

27 “(c) Except as otherwise provided in subsections (2) and (3) of this sec-  
28 tion, the revocation shall be for a period of one year from the date of revo-  
29 cation, except that the department may not reinstate driving privileges of  
30 any person whose privileges are revoked under this section until the person

1 complies with future responsibility filings.

2 “(2) The department shall take action under subsection (1) of this section  
3 upon receipt of a record of conviction of aggravated vehicular homicide or  
4 aggravated driving while suspended or revoked or any degree of murder,  
5 manslaughter or criminally negligent homicide resulting from the operation  
6 of a motor vehicle or assault in the first degree resulting from the operation  
7 of a motor vehicle, except that the provisions of this subsection do not apply  
8 to a person whose driving privileges are ordered revoked under ORS 809.235.  
9 A person whose driving privileges are revoked under this subsection may  
10 apply for reinstatement of driving privileges:

11 “(a) If the sentence for the crime for which the person’s driving privileges  
12 were revoked, or any other crimes arising from the same criminal episode,  
13 includes incarceration, no sooner than 10 years from the date the person is  
14 released from incarceration for all crimes arising out of the same criminal  
15 episode; or

16 “(b) If the sentence for the crime for which the person’s driving privileges  
17 were revoked and any other crimes arising from the same criminal episode  
18 does not include incarceration, no sooner than 10 years from the date the  
19 department revoked the privileges under this subsection.

20 “(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the  
21 department shall take action under subsection (1) of this section upon receipt  
22 of a record of conviction of failure to perform the duties of a driver to in-  
23 jured persons under ORS 811.705.

24 “(b) The department shall revoke driving privileges under this subsection  
25 for a period of three years if the court indicates on the record of conviction  
26 that a person sustained serious physical injury, as defined in ORS 161.015,  
27 as a result of the accident. The person may apply for reinstatement of priv-  
28 ileges three years after the date the person was released from incarceration,  
29 if the sentence includes incarceration. If the sentence does not include in-  
30 carceration, the person may apply for reinstatement three years from the

1 date the revocation was imposed under this subsection.

2 “(c) The department shall revoke driving privileges under this subsection  
3 for a period of five years if the court indicates on the record of conviction  
4 that a person was killed as a result of the accident. The person may apply  
5 for reinstatement of privileges five years after the date the person was re-  
6 leased from incarceration, if the sentence includes incarceration. If the sen-  
7 tence does not include incarceration, the person may apply for reinstatement  
8 five years from the date the revocation was imposed under this subsection.

9 “[~~(4)~~ *The department shall take action under subsection (1) of this section*  
10 *upon receipt of a record of conviction of perjury or the making of a false affi-*  
11 *davit to the department under any law of this state requiring the registration*  
12 *of vehicles or regulating their operation on the highways.*]

13 “[~~(5)~~ **(4)** The department shall take action under subsection (1) of this  
14 section upon receipt of a record of conviction of any felony with a material  
15 element involving the operation of a motor vehicle.

16 **“SECTION 37.** ORS 809.411 is amended to read:

17 “809.411. (1)(a) Upon receipt of a record of conviction for an offense de-  
18 scribed in this section, the Department of Transportation shall suspend the  
19 driving privileges of the person convicted.

20 “(b) A person is entitled to administrative review under ORS 809.440 of  
21 a suspension under this section.

22 “(c) Except as otherwise provided in subsections (7), (8)[,] **and** (9) [*and*  
23 *(10)*] of this section, the suspension shall be for the period of time described  
24 in Schedule I of ORS 809.428. The department may not reinstate driving  
25 privileges of any person whose privileges are suspended under subsection (2),  
26 (3), (4), (5), (6)[, (7)] or [(10)] **(9)** of this section until the person complies with  
27 future responsibility filings. There is no requirement of compliance with fu-  
28 ture responsibility filings if the person was suspended under subsection [(8)  
29 *or (9)*] **(7) or (8)** of this section.

30 “(2) The department shall take action under subsection (1) of this section



1 upon receipt of a record of conviction of any degree of recklessly endanger-  
2 ing another person, menacing or criminal mischief resulting from the opera-  
3 tion of a motor vehicle.

4 “(3) The department shall take action under subsection (1) of this section  
5 upon receipt of a record of conviction of reckless driving under ORS 811.140.

6 “(4) The department shall take action under subsection (1) of this section  
7 upon receipt of a record of conviction of failure to perform duties of a driver  
8 when property is damaged under ORS 811.700.

9 “(5) The department shall take action under subsection (1) of this section  
10 upon receipt of a record of conviction of fleeing or attempting to elude a  
11 police officer under ORS 811.540.

12 “(6) The department shall take action under subsection (1) of this section  
13 upon receipt of a record of conviction of reckless endangerment of highway  
14 workers under ORS 811.231 (1).

15 “[~~(7)~~ *The department shall take action under subsection (1) of this section*  
16 *upon receipt of a record of conviction of theft under ORS 164.043, 164.045 or*  
17 *164.055 when the theft was of gasoline. A suspension under this subsection*  
18 *shall continue for a period of six months from the date of suspension.*]

19 “[~~(8)~~ **(7)** The department shall take action under subsection (1) of this  
20 section upon receipt of a record of conviction of criminal trespass under ORS  
21 164.245 that involves the operation of a motor vehicle. A suspension under  
22 this subsection shall continue for a period of six months from the date of  
23 suspension.

24 “[~~(9)~~ **(8)** The department shall take action under subsection (1) of this  
25 section upon receipt of a record of conviction of an offense described in ORS  
26 809.310. A suspension under this subsection shall continue for a period of one  
27 year from the date of the suspension.

28 “[~~(10)(a)~~ **(9)(a)** The department shall take action under subsection (1) of  
29 this section upon receipt of a record of conviction of assault in the second,  
30 third or fourth degree resulting from the operation of a motor vehicle.

1       “(b) A person who is convicted of assault in the second degree and whose  
2 driving privileges are suspended under this subsection may apply for rein-  
3 statement of driving privileges eight years from the date the person is re-  
4 leased from incarceration for the conviction, if the sentence includes  
5 incarceration. If the sentence for the conviction does not include incarcer-  
6 ation, the person may apply for reinstatement of driving privileges eight  
7 years from the date the department suspended the privileges under this sub-  
8 section.

9       “(c) A person who is convicted of assault in the third degree and whose  
10 driving privileges are suspended under this subsection may apply for rein-  
11 statement of driving privileges five years from the date the person is released  
12 from incarceration for the conviction, if the sentence includes incarceration.  
13 If the sentence for the conviction does not include incarceration, the person  
14 may apply for reinstatement of driving privileges five years from the date the  
15 department suspended the privileges under this subsection.

16       “(d) A person who is convicted of assault in the fourth degree and whose  
17 driving privileges are suspended under this subsection may apply for rein-  
18 statement of driving privileges one year from the date the person is released  
19 from incarceration for the conviction, if the sentence includes incarceration.  
20 If the sentence for the conviction does not include incarceration, the person  
21 may apply for reinstatement of driving privileges one year from the date the  
22 department suspended the privileges under this subsection.

23       “**SECTION 37a.** ORS 809.415 is amended to read:

24       “809.415. (1)(a) The Department of Transportation shall suspend the driv-  
25 ing privileges of a person who has a judgment of the type described under  
26 ORS 806.040 rendered against the person if the person does not settle the  
27 judgment in the manner described under ORS 809.470 within 60 days after its  
28 entry.

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

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

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

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

7       “(D) Receives from the court that rendered the judgment an order per-  
8 mitting the payment of the judgment in installments.

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

11       “(2)(a) The department shall suspend the driving privileges of a person  
12 who falsely certifies the existence of a motor vehicle liability insurance  
13 policy or the existence of some other means of satisfying financial responsi-  
14 bility requirements or of a person who, after certifying the existence of a  
15 motor vehicle liability insurance policy or other means of satisfying the re-  
16 quirements, allows the policy to lapse or be canceled or otherwise fails to  
17 remain in compliance with financial responsibility requirements.

18       “(b) Notwithstanding paragraph (a) of this subsection, the department  
19 may suspend under this subsection only if proof of compliance with financial  
20 responsibility requirements as of the date of the letter of verification from  
21 the department under ORS 806.150 is not submitted within 30 days after the  
22 date of the mailing of the department’s demand under ORS 806.160.

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

25       “(3)(a) The department shall suspend the driving privileges of a person  
26 who fails to comply with future responsibility filings whenever required un-  
27 der the vehicle code or fails to provide new proof for future responsibility  
28 filings when requested by the department.

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

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

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

12       “(A) The person establishes to the satisfaction of the department that the  
13 person has performed all acts necessary under ORS 809.416 to make the per-  
14 son not subject to suspension.

15       “(B) Ten years from the date the traffic offense or violation of ORS  
16 471.430 occurred if the suspension is imposed for a reason described in ORS  
17 809.416 (1)[,] **or** 20 years from the date the traffic offense occurred if the  
18 suspension is imposed for a reason described in ORS 809.416 (2) [*or five years*  
19 *from the date the suspension is imposed for a reason described in ORS 809.416*  
20 *(4)*].

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

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

28       “(6) Upon determination by the department that a person has submitted  
29 false information to the department for the purpose of establishing or main-  
30 taining qualification to operate a commercial motor vehicle or hold com-

1 commercial driving privileges, the department shall suspend the commercial  
2 driving privileges or the person's right to apply for commercial driving  
3 privileges for a period of one year.

4 **SECTION 38.** ORS 809.416 is amended to read:

5 "809.416. This section establishes circumstances that will make a person  
6 subject to suspension under ORS 809.415 (4) and what a person is required  
7 to do to make the person no longer subject to suspension. The following ap-  
8 ply as described:

9 "(1) A person is subject to suspension under ORS 809.415 (4) if the De-  
10 partment of Transportation receives notice from a court to apply this section  
11 under ORS 809.220. A person who is subject under this subsection remains  
12 subject until the person presents the department with notice issued by the  
13 court showing that the person is no longer subject to this section or until  
14 10 years have elapsed from the date the traffic offense or violation of ORS  
15 471.430 occurred, whichever is earlier. This subsection shall not subject a  
16 person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or  
17 parking offense. Upon receipt of notice from a court, the department shall  
18 send a letter by first class mail advising the person that the suspension will  
19 commence 60 days from the date of the letter unless the person presents the  
20 department with the notice required by this subsection.

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

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

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

30 "(B) Has enrolled in a preapprenticeship program, as defined in ORS

1 660.010, or is a registered apprentice under ORS 660.020; or

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

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

10 “[4) *A person is subject to suspension under ORS 809.415 (4) if the person*  
11 *pays the department any fee or tax with a bank check and the check is returned*  
12 *to the department as uncollectible or the person tenders payment with a credit*  
13 *or debit card and the issuer of the card does not pay the department. A person*  
14 *who is subject under this subsection remains subject until the department re-*  
15 *ceives the money for the fee or tax and any fee charged by the department*  
16 *under ORS 802.170 or until five years have elapsed, whichever is earlier.]*

17

18

## “APPLICABILITY

19

20 “**SECTION 39. The amendments to ORS 163.196, 164.775, 165.805,**  
21 **167.401, 305.385, 471.430, 475B.260, 742.449, 742.562, 742.566, 746.265, 802.170,**  
22 **802.550, 807.060, 807.065, 807.240, 809.135, 809.260, 809.275, 809.280, 809.310,**  
23 **809.312, 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182 by sections**  
24 **2, 3, 9, 13 and 18 to 38 of this 2017 Act and the repeal of ORS 339.254,**  
25 **339.257, 807.066, 809.265, 809.320 and 809.423 by section 17 of this 2017 Act**  
26 **apply to conduct giving rise to a driving privilege suspension or driving**  
27 **privilege revocation on or after the effective date of this 2017 Act.**  
28 **Driving privilege suspensions or driving privilege revocations imposed**  
29 **before the effective date of this 2017 Act shall be governed by law ap-**  
30 **plicable to driving privilege suspensions and driving privilege revoca-**

1 tions in effect at the time of the most recent suspension.

2

3

**“CAPTIONS**

4

5 **“SECTION 40. The unit captions used in this 2017 Act are provided**  
6 **only for the convenience of the reader and do not become part of the**  
7 **statutory law of this state or express any legislative intent in the**  
8 **enactment of this 2017 Act.”.**

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