

**CHAPTER 237**

AN ACT

HB 2262

Relating to commercial driving privileges; creating new provisions; amending ORS 153.090, 801.208, 801.250, 801.303, 801.522, 802.179, 802.200, 807.035, 807.040, 807.045, 807.050, 807.070, 807.100, 807.120, 807.200, 807.280, 807.370, 809.240, 809.360, 809.406, 809.407, 809.412, 809.415, 809.430, 809.440, 809.460, 810.375, 810.530, 811.182, 813.130, 813.215 and 813.410 and section 2, chapter 14, Oregon Laws 2012; repealing ORS 801.307, 801.477, 809.404, 809.413, 813.403 and 813.404; and declaring an emergency.

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

**COMMERCIAL DRIVING PRIVILEGES  
(Definition of “Commercial Driving Privileges”)**

**SECTION 1.** Sections 2 to 11 of this 2013 Act are added to and made a part of the Oregon Vehicle Code.

**SECTION 2. Definition.** “Commercial driving privileges” means the driving privileges granted by a commercial driver license or a commercial learner driver permit issued by this state or any other jurisdiction, either of which authorizes the individual to operate a class of commercial motor vehicle as permitted by the commercial driver license or commercial learner driver permit, subject to any endorsements or restrictions.

**(Persons Considered To Hold  
Commercial Driving Privileges)**

**SECTION 3. Persons considered to hold commercial driving privileges.** (1) Except as provided in subsections (2) and (3) of this section, a person holds commercial driving privileges for the purposes of the Oregon Vehicle Code if the person’s most recently issued driver license or driver permit is or was a commercial driver license or commercial learner driver permit issued by the Department of Transportation or the licensing agency of another jurisdiction, without regard to whether:

(a) The person’s commercial driver license has expired; or

(b) The person’s commercial driving privileges are suspended, canceled or revoked.

(2) Except as provided in subsection (3) of this section, a person does not hold commercial driving privileges for the purposes of the Oregon Vehicle Code if:

(a) The person has voluntarily surrendered commercial driving privileges and has been issued a noncommercial driver license or driver

permit by the department or the licensing agency of another jurisdiction; or

(b) The person’s commercial learner driver permit has expired and the person’s most recently issued driver license was not a commercial driver license.

(3) A person holds commercial driving privileges for the purposes of the Oregon Vehicle Code if:

(a) The person’s commercial driving privileges have been suspended, canceled or revoked by the department or the licensing agency of another jurisdiction; and

(b) The person has been issued a hardship permit under ORS 807.240 or a comparable law of another jurisdiction that authorizes the person to drive noncommercial motor vehicles.

**(Suspension of Commercial Driving Privileges)**

**SECTION 4. Conviction of crime; refusal or failure of blood alcohol test; suspension in another jurisdiction.** (1) Except as otherwise provided by sections 4 to 11 of this 2013 Act, the Department of Transportation shall suspend the commercial driving privileges of a person for a period of one year when the department receives:

(a) A record of conviction under ORS 811.700 or 811.705 of failure to perform the duties of a driver.

(b) A record of conviction of a crime punishable as a felony involving the operation of a motor vehicle.

(c) A record of conviction for driving a commercial motor vehicle while, as a result of prior violations committed while operating a commercial motor vehicle, the commercial driving privileges of the driver were suspended.

(d) A record of conviction of assault in the first degree, or any degree of criminally negligent homicide, manslaughter or murder, if the conviction results from the operation of a commercial motor vehicle.

(e) A record of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked.

(f) A record of conviction for driving while under the influence of intoxicants under ORS 813.010.

(2) The department shall suspend the commercial driving privileges of a person for a period of three years if the department receives a record of a conviction under subsection (1) of this section and the person was driving a commercial motor vehicle containing a hazardous material at the time of the offense.

(3) The department shall suspend the commercial driving privileges of a person for a period of one year if the department receives a report from a police officer pursuant to ORS 813.120 that the person was driving a commer-

cial motor vehicle and submitted to a breath or blood test and the person's blood, as shown by the test, had 0.04 percent or more by weight of alcohol. The department shall suspend the commercial driving privileges of the person for a period of three years if the person was driving a commercial motor vehicle containing a hazardous material at the time of the offense.

(4) The department shall suspend the commercial driving privileges of a person for a period of three years if the department receives a report from a police officer pursuant to ORS 813.120 that the person was driving a motor vehicle and refused to submit to a test under ORS 813.100. The department shall suspend the commercial driving privileges of the person for a period of five years if the person was driving a commercial motor vehicle containing a hazardous material at the time of the offense.

(5) The department shall suspend the commercial driving privileges of a person if the department receives a notice of a conviction in another jurisdiction of an offense that, if committed in this state, would be grounds for the suspension of the person's commercial driving privileges. The period of suspension under this subsection shall be the same as would be imposed on the person if the conviction were for an offense committed in this state. For the purposes of this subsection, "conviction" means an unvacated adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or in an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost or the violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(6) The department shall suspend the commercial driving privileges of a person in this state if the department receives a notice from another jurisdiction that the person has had commercial driving privileges suspended or revoked in another jurisdiction for reasons that would be grounds for suspension of the person's commercial driving privileges in this state. The period of suspension under this subsection is the same as would be imposed on the person if the violation were committed in this state.

(7) If the department receives a record, report or notice under this section for a person who does not hold commercial driving privileges in this state, the department shall suspend the person's right to apply for commercial driving privileges as provided in section 10 (1) of this 2013 Act.

(8) A suspension imposed under this section is consecutive to any other suspension imposed under section 7 or 8 of this 2013 Act or ORS

809.407 if the suspensions do not arise out of the same incident.

**SECTION 5. Failure to appear, pay fine or obey court order in another jurisdiction; disqualification by Federal Motor Carrier Safety Administration.** (1)(a) The Department of Transportation shall suspend the commercial driving privileges of a person if the department receives a notice from another jurisdiction that the person failed to appear, pay a fine or comply with an order of the court in a prosecution on a citation for a traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds for suspension under ORS 809.210 or 809.220, and the person held commercial driving privileges or was operating a commercial motor vehicle at the time of the offense. The period of a suspension under this subsection is the shorter of:

(A) Ten years; or

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

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

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

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

**SECTION 6. Lifetime suspension of commercial driving privileges.** (1) Notwithstanding section 4 of this 2013 Act, the Department of Transportation shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime punishable as

a felony in which a motor vehicle was used and that involved the manufacturing, distributing or dispensing of a controlled substance, as defined in ORS 475.005. The department may not reinstate commercial driving privileges of a person whose commercial driving privileges are suspended under this subsection.

(2) Notwithstanding section 4 of this 2013 Act, the department shall suspend a person's commercial driving privileges for the lifetime of the person if the department receives a second or subsequent record, report or notice described in section 4 of this 2013 Act that does not arise out of the same incident and that would be grounds for suspension of the person's commercial driving privileges under section 4 of this 2013 Act.

(3) Except as provided in subsections (1) and (4) of this section, a person whose commercial driving privileges were suspended under subsection (2) of this section may apply to the department for reinstatement of the person's commercial driving privileges. An application for reinstatement may not be made under this subsection earlier than 10 years after the date that the person's commercial driving privileges were suspended under subsection (2) of this section. The department may reinstate the person's commercial driving privileges if:

(a) The person meets all other requirements for the granting of commercial driving privileges;

(b) The department, in its sole discretion, finds good cause exists for reinstatement; and

(c) The department finds that the person has successfully completed rehabilitation as approved by the department.

(4) The department shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record, report or notice described in subsection (2) of this section that relates to conduct that occurred after the person's commercial driving privileges were reinstated under subsection (3) of this section. The department may not reinstate the commercial driving privileges for the lifetime of a person whose commercial driving privileges are suspended under this subsection.

**SECTION 7. Serious traffic violations.** (1) Except as provided in this section, the Department of Transportation shall suspend the commercial driving privileges of a person for a period of 60 days if:

(a) The department receives a record of a conviction of a serious traffic violation;

(b) The violation was committed within three years of the commission of another serious traffic violation for which the department received a record of a conviction; and

(c) The violations did not arise out of the same incident.

(2) The department shall suspend the commercial driving privileges of a person for a period of 120 days if:

(a) The department receives a record of a conviction of a serious traffic violation;

(b) The violation was committed within three years of the commission of two or more other serious traffic violations for which the department received records of conviction; and

(c) The violations did not arise out of the same incident.

(3) The department by rule shall designate traffic violations that constitute serious traffic violations for the purposes of this section. To the extent practicable, rules adopted by the department under this section shall be uniform with any applicable federal regulations related to offenses that constitute serious traffic violations.

(4) A report of a conviction in another jurisdiction has the same effect as if the serious traffic violation conviction had occurred in this state.

(5) A suspension imposed under this section is consecutive to any other suspension imposed under this section or section 4 or 8 of this 2013 Act or ORS 809.407 if the suspensions do not arise out of the same incident.

**SECTION 8. Violation of out-of-service order.** (1) Except as provided in this section, the Department of Transportation shall suspend the commercial driving privileges of a person for a period of 180 days if the department receives a report that the person violated an out-of-service order issued under ORS 813.050 or has violated any other out-of-service order or notice. A report under this section may include, but need not be limited to, a record of conviction or a record of a determination by a state or federal agency with jurisdiction to make a determination that the person has violated an out-of-service order or notice.

(2) The department shall suspend the commercial driving privileges of a person for a period of one year if the department receives a report as described in subsection (1) of this section and:

(a) The person committed the violation while transporting hazardous materials; or

(b) The person committed the violation while operating a motor vehicle designed to transport 16 or more persons, including the driver.

(3) The department shall suspend the commercial driving privileges of a person for a period of three years if:

(a) The department receives a report as described in subsection (1) of this section; and

(b) The violation was committed within 10 years of the commission of one or more other violations of out-of-service orders for which the department received reports as described in subsection (1) of this section.

(4) The department shall suspend the commercial driving privileges of a person for a period of five years if the department receives a report that meets the requirements of subsection (3) of this section and:

(a) The violation that is the subject of the report occurred while the person was transporting hazardous materials; or

(b) The person committed the violation while operating a motor vehicle designed to transport 16 or more persons, including the driver.

(5) A suspension imposed under this section is consecutive to any other suspension imposed under this section or section 4 or 7 of this 2013 Act or ORS 809.407 if the suspensions do not arise out of the same incident.

**NOTE:** Section 9 was deleted. Subsequent sections were not renumbered.

(Suspension of Right To Apply  
for Commercial Driving Privileges)

**SECTION 10. Suspension of right to apply for commercial driving privileges.** (1) If the Department of Transportation receives a record, report or notice described in sections 4 to 11 of this 2013 Act, and the person who is the subject of the record, report or notice was driving a commercial motor vehicle at the time of the incident giving rise to the record, report or notice but did not hold commercial driving privileges at the time of the incident, the department shall suspend the person's right to apply for commercial driving privileges for the period specified in sections 4 to 11 of this 2013 Act.

(2) If the department receives a record, report or notice described in sections 4 to 11 of this 2013 Act, and the commercial driving privileges of the person who is the subject of the record, report or notice are due to expire during the suspension period, the department shall suspend the person's right to apply for commercial driving privileges for the suspension period specified in sections 4 to 11 of this 2013 Act.

(Administrative Review)

**SECTION 11. Administrative review of suspension.** (1) Except as provided in subsections (2) and (3) of this section, a person is entitled to administrative review under ORS 809.440 for a suspension of commercial driving privileges under sections 4 to 11 of this 2013 Act, or a suspension of the right to apply for commercial driving privileges under section 10 of this 2013 Act.

(2) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving privileges under section 4 (3) or (4) of this 2013 Act, or a suspension of the right to apply for commercial driving privileges under

section 10 of this 2013 Act based on section 4 (3) or (4) of this 2013 Act.

(3) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving privileges under section 6 (2) or (4) of this 2013 Act when the suspension is based on conduct described in section 4 (3) or (4) of this 2013 Act, or a suspension of the right to apply for commercial driving privileges under section 10 of this 2013 Act when the suspension is based on conduct described in section 4 (3) or (4) of this 2013 Act.

(Repeals)

**SECTION 12. ORS 801.307, 801.477, 809.404, 809.413, 813.403 and 813.404 are repealed.**

(Applicability)

**SECTION 13. Sections 4 to 11 of this 2013 Act and the repeal of ORS 809.404, 809.413, 813.403 and 813.404 by section 12 of this 2013 Act apply only to conduct occurring on or after July 8, 2015, for which a record, report or notice as described in sections 4 to 11 of this 2013 Act is received by the Department of Transportation. Records, reports and notices as described in sections 4 to 11 of this 2013 Act for conduct that occurred before July 8, 2015, shall continue to be governed by ORS 809.404, 809.413, 813.403 and 813.404 as those statutes were in effect immediately before July 8, 2015.**

(Conforming Amendments)

**SECTION 14. ORS 809.407 is added to and made a part of sections 4 to 11 of this 2013 Act.**

**SECTION 15. ORS 809.240 is amended to read:**  
809.240. (1) If a person is convicted of an offense that will result in mandatory suspension or revocation under sections 4 to 11 of this 2013 Act or ORS 809.409, 809.411[, 809.413,] or 813.400 [or 813.403] or any other law requiring suspension or revocation of driving privileges upon conviction of an offense, the trial judge shall:

(a) Order the revocation or suspension at the time of conviction for the required period; and

(b) Comply with the requirements under ORS 809.275 to take possession of the license or driver permit of the person.

(2) When necessary to give full effect to this section, a court shall issue a temporary driver permit under ORS 807.320.

**SECTION 16. ORS 809.360 is amended to read:**  
809.360. (1) For purposes of determining whether grounds exist for revoking or suspending driving privileges, an unvacated forfeiture of bail in another state equals a conviction.

(2) A suspension or revocation of driving privileges ordered by a court shall run concurrently with any mandatory suspension or revocation ordered by the Department of Transportation and arising out of the same conviction.

(3) Judicial review of orders denying, suspending or revoking a license, except where such suspension or revocation is mandatory, shall be as provided in ORS chapter 183.

(4) Whenever the department or a court has reason under any laws of this state to suspend or revoke the driving privileges of any person who does not hold current driving privileges to operate motor vehicles or whose driving privileges are due to expire during a suspension period, the department or court shall suspend or revoke the right of such person to apply for driving privileges to operate motor vehicles in this state. A suspension or revocation of a right to apply for driving privileges under this subsection shall be for the period provided by law.

*(5) Whenever the department or a court has reason under any laws of this state to suspend the commercial driver license of any person who does not hold a current commercial driver license or whose commercial driver license is due to expire during a suspension period, the department or court shall suspend the right of such person to apply for a commercial driver license in this state. A suspension of a right to apply for a commercial driver license under this subsection shall be for the period provided by law.]*

**SECTION 17.** ORS 809.406 is amended to read:

809.406. (1) The Department of Transportation shall cancel a driver license with a Class A or Class B farm endorsement or deny a person the right to apply for a Class A or Class B farm endorsement if the *[person is disqualified from holding a commercial driver license]* **person's commercial driving privileges are suspended** under *[ORS 809.404]* **section 6 of this 2013 Act.**

(2) If the department cancels a driver license with a Class A or Class B farm endorsement under this section, the person whose license is canceled is entitled to an administrative review under ORS 809.440.

**SECTION 18.** ORS 809.407 is amended to read:

809.407. (1) The driver of a commercial motor vehicle is subject to suspension of the driver's commercial *[driver license]* **driving privileges** upon conviction of any of the following offenses:

(a) Failure to stop for a railroad signal in violation of ORS 811.455.

(b) Failure to follow rail crossing procedures for high-risk vehicles in violation of ORS 811.460.

(c) Obstructing a rail crossing in violation of ORS 811.475.

(d) Failure of the operator of a commercial motor vehicle to slow down and check that tracks are clear of an approaching train in violation of ORS 811.462.

(2) Upon receipt of a record of conviction for an offense described in subsection (1) of this section,

the Department of Transportation shall suspend the convicted person's commercial *[driver license]* **driving privileges** for the following periods of time:

(a) Sixty days if:

(A) The conviction is the person's first conviction of an offense described in subsection (1) of this section; or

(B) The date the person committed an offense described in subsection (1) of this section is not within three years of the date the person committed another offense, as described in subsection (1) of this section and for which there was a conviction.

(b) One hundred and twenty days if:

(A) The conviction is the person's second conviction of an offense described in subsection (1) of this section;

(B) The date the person committed the second offense is within three years of the date the person committed another offense, as described in subsection (1) of this section and for which there was a conviction; and

(C) The convictions arose out of separate incidents.

(c) One year if:

(A) The conviction is the person's third or subsequent conviction for an offense described in subsection (1) of this section;

(B) The date the person committed the latest offense is within three years of the dates the person committed two or more other offenses, as described in subsection (1) of this section and for which there were convictions; and

(C) The convictions arose out of separate incidents.

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

**(4) A report of a conviction in another jurisdiction of an offense described in subsection (1) of this section has the same effect as if the conviction had occurred in this state.**

**(5) A suspension imposed under this section is consecutive to any other suspension imposed under this section or section 4, 7 or 8 of this 2013 Act if the suspensions do not arise out of the same incident.**

**SECTION 19.** ORS 809.412 is amended to read:

809.412. If a juvenile court finds a youth to be within the jurisdiction of the juvenile court under ORS 419C.005 for committing an offense that is a ground for suspension or revocation upon conviction under **sections 4 to 11 of this 2013 Act** or ORS 809.409, 809.411~~], 809.413,~~ or 813.400 ~~[or 813.403]~~ or any other law requiring suspension or revocation of driving privileges upon conviction of an offense, the juvenile court shall order the suspension or revocation of driving privileges that is required upon conviction of the offense.

**SECTION 20.** ORS 809.415 is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who

has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

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

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

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

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

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

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

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

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

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

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

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

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

filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

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

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

(B) Ten years from the date the suspension is imposed if the suspension is imposed for a reason described in ORS 809.416 (1) or (2) or five years from the date the suspension is imposed if the suspension is imposed for the reason described in ORS 809.416 (3).

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

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

(6) Upon determination by the department that a person has submitted false information to the department for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle or hold [a] commercial [*driver license*] **driving privileges**, the department [*may*] **shall** suspend the commercial [*driver license*] **driving privileges** or the person's right to apply for [a] commercial [*driver license*] **driving privileges** [A suspension under this subsection shall continue] for a period of one year.

**SECTION 21.** ORS 809.430 is amended to read:

809.430. (1) When the Department of Transportation, as authorized or required, suspends, revokes or cancels driving privileges, [a] commercial [*driver license*] **driving privileges** or the right to apply for driving privileges or [a] commercial [*driver license, it*] **driving privileges**, the department shall give notice under this section of such action to the person whose driving privileges, commercial [*driver license*] **driving privileges** or right to apply is affected.

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

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

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

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

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

(a) Mailing the notice by first class mail to the person's address as shown by driver licensing records of the department; or

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

**SECTION 22.** ORS 809.440 is amended to read:

809.440. (1) When other procedures described under this section are not applicable to a suspension or revocation under ORS 809.409 to 809.423, the procedures described in this subsection shall be applicable. All of the following apply to this subsection:

(a) The hearing shall be given before the department imposes the suspension or revocation of driving privileges.

(b) Before the hearing, the department shall notify the person in the manner described in ORS 809.430.

(c) The hearing shall be in the county where the person resides unless the person and the department agree otherwise.

(d) The hearing shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(2) The following apply when administrative review is provided under any statute or rule of the department:

(a) An administrative review shall consist of an informal administrative process to assure prompt and careful review by the department of the documents upon which an action is based.

(b) It shall be a defense to the department's action if a petitioner can establish that:

(A) A conviction on which the department's action is based was for an offense that did not involve a motor vehicle and the department's action is permitted only if the offense involves a motor vehicle.

(B) An out-of-state conviction on which the department's action is based was for an offense that is not comparable to an offense under Oregon law.

(C) The records relied on by the department identify the wrong person.

(c) A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the action.

(d) Actions subject to administrative review shall be exempt from the provisions of ORS chapter 183 applicable to contested cases, and from the provisions of subsection (4) of this section applicable to post-imposition hearings. A suspension, revocation or cancellation [shall] **may** not be stayed during the administrative review process or by the filing of a petition for judicial review. A court having jurisdiction may order the suspension, revocation or cancellation stayed pending judicial review.

(e) Judicial review of a department order affirming a suspension or revocation after an administrative review shall be available as for review of orders

other than contested cases, and the department may not be subject to default for failure to appear in such proceedings. The department shall certify its record to the court within 20 days after service upon the department of the petition for judicial review.

(f) If the suspension or revocation is upheld on review by a court, the suspension or revocation shall be ordered for the length of time appropriate under the appropriate statute except that the time shall be reduced by any time prior to the determination by the court that the suspension or revocation was in effect and was not stayed.

(g) The department shall adopt any rules governing administrative review that are considered necessary or convenient by the department.

(3) When permitted under this section or under any other statute, a hearing may be expedited under procedures adopted by the department by rule. The procedures may include a limited time in which the person may request a hearing, requirements for telephone hearings, expedited procedures for issuing orders and expedited notice procedures.

(4) When permitted under **sections 4 to 11 of this 2013 Act or ORS [809.413,] 809.417, 809.419 or 809.421**, a hearing may be a post-imposition hearing under this subsection. A post-imposition hearing is a hearing that occurs after the department imposes the suspension or revocation of driving privileges. All of the following apply to this subsection:

(a) The department must provide notice in the manner described in ORS 809.430 before the suspension or revocation may take effect.

(b) Except as provided in this subsection, the hearing shall be conducted as a contested case in accordance with ORS chapter 183.

(c) Unless there is an agreement between the person and the department that the hearing be conducted elsewhere, the hearing shall be held either in the county where the person resides or at any place within 100 miles, as established by the department by rule.

(5) The department has complied with a requirement for a hearing or administrative review if the department has provided an opportunity for hearing or review and the person with the right to the hearing or review has not requested it. Any request for hearing or review must be made in writing.

(6) For any hearing described under this section, and for administrative review described under this section, no further notice need be given by the department if the suspension or revocation is based upon a conviction and the court gives notice, in a form established by the department, of the rights to a hearing or review and of the suspension or revocation.

**SECTION 23.** ORS 809.460 is amended to read:

809.460. (1) Except as provided in subsection (4) of this section, if a suspension or revocation of driving privileges is based upon a conviction, the court that entered the judgment of conviction may direct the Department of Transportation to rescind the suspension or revocation if:

(a) The person has appealed the conviction; and  
 (b) The person requests in writing that the court direct the department to rescind the suspension or revocation pending the outcome of the appeal.

(2) If directed by a court pursuant to subsection (1) of this section to do so, the department shall immediately rescind a suspension or revocation of driving privileges.

(3) The court shall notify the department immediately if the conviction is affirmed on appeal, the appeal is dismissed or the appeal is not perfected within the statutory period. Upon receipt of notice under this subsection, the department shall reimpose any suspension or revocation that has been rescinded under this section.

(4) If a person's commercial [*driver license was*] **driving privileges are** suspended under [ORS 809.404, 809.413 or 813.403] **sections 4 to 11 of this 2013 Act**, the department [*shall*] **may** not rescind suspension of the person's commercial [*driver license*] **driving privileges** because the person has taken an appeal, unless the conviction is reversed on appeal.

**SECTION 24.** ORS 810.375 is amended to read:

810.375. (1) The judge or clerk of every court of this state having jurisdiction of any traffic offense, including all local and municipal judicial officers in this state:

(a) Shall keep a full record of every case in which a person is charged with any such offense.

(b) Shall send the Department of Transportation an abstract of conviction for any person who is convicted.

(c) Shall send the department a copy of any final judgment of conviction of any person [*which*] **that** results in mandatory suspension or revocation of driving privileges or commercial [*driver license*] **driving privileges** under **sections 4 to 11 of this 2013 Act** or ORS [809.404, 809.407,] 809.409, 809.411[ 809.413,] or 813.400 [or 813.403].

(d) Shall send the department a copy of any final judgment finding a person charged with a traffic offense guilty except for insanity and committed to the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority under ORS 161.315 to 161.351.

(2) The department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

(3) To comply with this section, a judge or clerk must comply with the following:

(a) Any information required by this section to be sent to the department must be sent within the time provided under ORS 810.370 and must include information required by ORS 810.370.

(b) Information [*shall*] **may** not be sent to the department under this section concerning convictions excluded from ORS 810.370.

**SECTION 25.** ORS 810.530 is amended to read:

810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense de-

scribed in this subsection is committed may arrest or issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer. This subsection applies to the following offenses:

(a) Violation of maximum weight limits under ORS 818.020.

(b) Violation of posted weight limits under ORS 818.040.

(c) Violation of administratively imposed weight or size limits under ORS 818.060.

(d) Violation of maximum size limits under ORS 818.090.

(e) Exceeding maximum number of vehicles in combination under ORS 818.110.

(f) Violation of posted limits on use of road under ORS 818.130.

(g) Violation of towing safety requirements under ORS 818.160.

(h) Operating with sifting or leaking load under ORS 818.300.

(i) Dragging objects on highway under ORS 818.320.

(j) Unlawful use of devices without wheels under ORS 815.155.

(k) Unlawful use of metal objects on tires under ORS 815.160.

(L) Operation without pneumatic tires under ORS 815.170.

(m) Operation in violation of vehicle variance permit under ORS 818.340.

(n) Failure to carry and display permit under ORS 818.350.

(o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

(p) Violation of any provision of ORS chapter 825.

(q) Operation without proper fenders or mudguards under ORS 815.185.

(r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is operating a commercial motor vehicle and the person does not have [*a*] commercial [*driver license or does not have an appropriate permit*] **driving privileges**.

(s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is operating a commercial motor vehicle while the person's commercial [*driver license is*] **driving privileges are** suspended or revoked.

(t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is operating a motor vehicle subject to ORS chapter 825 or 826.

(2) A weighmaster or motor carrier enforcement officer in whose presence an offense described in this subsection is committed by a person operating a commercial motor vehicle may issue a citation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that an offense described in this subsection has been committed by a person operating a commercial motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation for the offense. A weighmaster or motor carrier enforcement officer

issuing a citation under this subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation issued under this subsection to the operator of a commercial motor vehicle shall be considered to have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not the owner. This subsection applies to the following offenses, all of which are Class A traffic violations under ORS 825.990 (1):

(a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.

(b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service authorized by certificate.

(c) Refusing or failing to file the annual report as required by ORS 825.320.

(d) Refusing or failing to maintain records required by the department or to produce such records for examination as required by the department.

(e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under investigation.

(f) Filing with the department an application that is false with regard to the ownership, possession or control of the equipment being used or the operation being conducted.

(g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS chapter 825 or 826.

(h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

(i) Failing to comply with the applicable requirements for attendance at a motor carrier education program as required by ORS 825.402.

(3) A weighmaster or motor carrier enforcement officer who finds evidence that a person operating a commercial motor vehicle has committed the offense of failure to pay the appropriate registration fee under ORS 803.315 may issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

(4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or arrest under this section is subject to ORS chapter 153.

(5)(a) A person is a weighmaster for purposes of this section if the person is a county weighmaster or a police officer.

(b) A person is a motor carrier enforcement officer under this section if the person is duly authorized as a motor carrier enforcement officer by the Department of Transportation.

(6) A weighmaster or motor carrier enforcement officer may accept security in the same manner as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in addition to other security permitted under this section, the sum fixed as the presumptive fine for the offense.

(7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a citation for

any offense described in subsection (1) or (3) of this section except those described in subsection (1)(p) of this section.

(8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this subsection is subject to penalty under ORS 818.400.

**SECTION 26.** ORS 811.182 is amended to read:

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

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

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

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

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

(b) A revocation under ORS 809.409 (4) resulting from perjury or the making of a false affidavit to the Department of Transportation.

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

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

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

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

(d) A suspension of [a] commercial [driver license under ORS 809.413 (1)] **driving privileges under section 4 of this 2013 Act** resulting from failure to perform the duties of a driver under ORS 811.700 [while driving a commercial motor vehicle].

(e) A suspension of [a] commercial [driver license under ORS 809.413 (12)] **driving privileges under section 4 (6) of this 2013 Act** where the person's commercial driving privileges have been suspended

or revoked by the other jurisdiction for failure of or refusal to take a chemical test to determine the alcoholic content of the person's blood under a statute that is substantially similar to ORS 813.100.

(f) A suspension of [a] commercial [driver license under ORS 809.404] **driving privileges under section 6 of this 2013 Act.**

(g) A revocation resulting from habitual offender status under ORS 809.640.

(h) A suspension resulting from any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, other than a crime described in subsection (3) of this section.

(i) A suspension for failure to perform the duties of a driver under ORS 811.705.

(j) A suspension for reckless driving under ORS 811.140.

(k) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

(L) A suspension or revocation resulting from misdemeanor driving while under the influence of intoxicants under ORS 813.010.

(m) A suspension for use of a [commercial] motor vehicle in the commission of a crime punishable as a felony.

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

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

**SECTION 27.** ORS 813.130 is amended to read: 813.130. This section establishes the requirements for information about rights and consequences for purposes of ORS 813.100 and 813.410. The following apply to the information about rights and consequences:

(1) The information about rights and consequences shall be substantially in the form prepared by the Department of Transportation. The department may establish any form it determines appropriate and convenient.

(2) The information about rights and consequences shall be substantially as follows:

(a) Driving under the influence of intoxicants is a crime in Oregon, and the person is subject to criminal penalties if a test under ORS 813.100 shows that the person is under the influence of intoxicants. If the person refuses a test or fails, evidence of the refusal or failure may also be offered against the person.

(b) The person will fail a test under ORS 813.100 for purposes of criminal penalties if the test discloses a blood alcohol content of 0.08 percent or

more by weight. The person will fail a test for purposes of the Motorist Implied Consent Law if the test discloses a blood alcohol content of:

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

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

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

(c) If the person refuses or fails a test under ORS 813.100, the person's driving privileges will be suspended. The outcome of a criminal charge for driving under the influence of intoxicants will not affect the suspension. The suspension will be substantially longer if the person refuses a test.

(d) If the person refuses a test or fails a breath test under ORS 813.100 and has an Oregon driver license or permit, the license or permit will be taken immediately and, unless the person does not currently have full valid driving privileges, a temporary driving permit will be issued to the person.

(e) If the person refuses a test under ORS 813.100, the person is not eligible for a hardship permit for at least 90 days, and possibly for three years, depending on the following factors set forth in ORS 813.430:

(A) Whether the person is presently participating in a driving while under the influence of intoxicants diversion program in this state or in any similar alcohol or drug rehabilitation program in this or another jurisdiction; or

(B) Whether within the five years preceding the date of arrest any of the following occurred:

(i) A suspension of the person's driving privileges under ORS 813.410 or 482.540 (1981 Replacement Part) became effective;

(ii) The person was convicted of driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory counterpart to ORS 813.010 in another jurisdiction, as described in ORS 813.430;

(iii) The person was convicted of driving while under the influence of intoxicants in violation of a municipal ordinance in this state or another jurisdiction, as described in ORS 813.430; or

(iv) The person commenced participating in a driving while under the influence of intoxicants diversion program in this state or in any similar alcohol or drug rehabilitation program in this or another jurisdiction, as described in ORS 813.430.

(f) If the person refuses a breath test under ORS 813.100, or refuses a urine test under ORS 813.131 and 813.132, the person is subject to a fine of at least \$500 and not more than \$1,000.

(g) After taking a test under ORS 813.100, the person will have a reasonable opportunity, upon request, for an additional chemical test for blood alcohol content to be performed at the person's own expense by a qualified individual of the person's choosing.

(h) The person has a right to a hearing to challenge the validity of the suspension before the suspension becomes effective. The person must make a

written request to the department for such a hearing. If the person wins at the hearing, the person's driving privileges will not be suspended. If the person loses at the hearing, the suspension will remain in effect during any court review of the hearing.

(i) If the person is issued a temporary driving permit under ORS 813.100, the information provided to the person shall include the number of hours before the driving permit will be effective and the number of days the permit will be effective.

(j) The information provided to the person shall include the number of days within which a person must request a hearing under ORS 813.410.

(k) The information provided to the person shall include the number of days within which a hearing under ORS 813.410 will be held.

(L) The person may possibly qualify for a hardship permit in 30 days if the person fails a test, depending on the person's driving record.

(3) If the person is driving a commercial motor vehicle, the information about rights and consequences shall include, in addition to the provisions of subsection (2) of this section, substantially the following:

(a) If the person refuses a test under ORS 813.100 or submits to a breath or blood test and the level of alcohol in the person's blood is 0.04 percent or more by weight, the person's commercial [*driver license*] **driving privileges** or right to apply for [*a commercial driver license*] **commercial driving privileges** will be suspended and no hardship permit authorizing the person to drive a commercial motor vehicle will be issued. The suspension will be substantially longer if the person refuses a test.

(b) The suspension of the person's commercial [*driver license*] **driving privileges** or right to apply for [*a commercial driver license*] **commercial driving privileges** will be for the person's lifetime if the person refuses a test under ORS 813.100 or submits to a breath or blood test and the level of alcohol in the person's blood is 0.04 percent or more by weight and:

(A) The person previously has been convicted of failure to perform the duties of a driver;

(B) The person previously has been convicted of a crime punishable as a felony and the person was driving a motor vehicle at the time the offense was committed;

[(C) *The person previously has been convicted of driving a commercial motor vehicle while the person's commercial driver license or right to apply for a commercial driver license was suspended or revoked;*]

**(C) The person previously has been convicted of driving a commercial motor vehicle while the person's commercial driving privileges or right to apply for commercial driving privileges was suspended or revoked for offenses committed while operating a commercial motor vehicle;**

(D) The person previously has been convicted of any degree of murder, manslaughter or criminally negligent homicide resulting from the operation of a commercial motor vehicle or assault in the first de-

gree resulting from the operation of a commercial motor vehicle;

(E) The person previously has been convicted of driving while under the influence of intoxicants;

(F) The person's commercial [*driver license*] **driving privileges** previously [*has*] **have** been suspended or revoked for refusal to submit to, or failure of, a breath or blood test under ORS 813.100; or

(G) The person's right to apply for [*a commercial driver license*] **commercial driving privileges** previously has been suspended or revoked for refusal to submit to, or failure of, a breath or blood test under ORS 813.100 resulting from the operation of a commercial motor vehicle.

(4) Nothing in this section prohibits the department from providing additional information concerning rights and consequences that the department considers convenient or appropriate.

**SECTION 28.** ORS 813.215 is amended to read:

813.215. (1) A defendant is eligible for diversion if the defendant meets all of the following conditions:

(a) On the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement, the defendant had no charge, other than the charge for the present offense, pending for:

(A) An offense of driving while under the influence of intoxicants in violation of:

(i) ORS 813.010; or

(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

(B) A driving under the influence of intoxicants offense in another jurisdiction that involved the impaired driving of a vehicle due to the use of intoxicating liquor, a controlled substance, an inhalant or any combination thereof; or

(C) A driving offense in another jurisdiction that involved operating a vehicle while having a blood alcohol content above that jurisdiction's permissible blood alcohol content.

(b) The defendant has not been convicted of an offense described in paragraph (a) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.

(c) The defendant has not been convicted of a felony offense described in ORS 813.010 (5)(a).

(d) The defendant was not participating in a driving while under the influence of intoxicants diversion program or in any similar alcohol or drug rehabilitation program, other than a program entered into as a result of the charge for the present offense, in this state or in another jurisdiction on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.

(e) The defendant did not participate in a diversion or rehabilitation program described in paragraph (d) of this subsection, other than a program

entered into as a result of the charge for the present offense, within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.

(f) The defendant had no charge of an offense of aggravated vehicular homicide or of murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.

(g) The defendant has not been convicted of an offense described in paragraph (f) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.

(h) The defendant did not hold *[a commercial driver license]* **commercial driving privileges** on the date of the commission of the offense.

(i) The defendant was not operating a commercial motor vehicle at the time of the offense.

(j) The present driving while under the influence of intoxicants offense did not involve an accident resulting in:

(A) Death of any person; or

(B) Physical injury as defined in ORS 161.015 to any person other than the defendant.

(2) For the purposes of subsection (1)(a) of this section, a conviction for a driving offense in another jurisdiction based solely on a person under 21 years of age having a blood alcohol content that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years of age or older does not constitute a prior conviction.

(3) A defendant is eligible for a second or subsequent diversion if the defendant meets all of the conditions of subsection (1) of this section and the defendant has not been convicted of any other criminal offense involving a motor vehicle within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for the second or subsequent driving while under the influence of intoxicants diversion agreement.

**SECTION 29.** ORS 813.410 is amended to read:

813.410. (1) If the Department of Transportation receives from a police officer a report that is in substantial compliance with ORS 813.120, the department shall suspend the driving privileges of the person in this state on the 30th day after the date of arrest or, if the report indicates that the person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described under this section, the department determines that the suspension would not be valid as described in this section. A suspension of driving privileges imposed under

this subsection shall be for a period of time established under ORS 813.420.

(2) If the department receives from a police officer a report pursuant to ORS 813.120 *[that discloses that]* **and** the person holds *[a commercial driver license]* **commercial driving privileges** and *[that]* the person was driving a motor vehicle or commercial motor vehicle and refused to submit to a test under ORS 813.100 or *[that]* the person was driving a commercial motor vehicle and submitted to a breath or blood test and the person's blood, as shown by the test, had 0.04 percent or more by weight of alcohol, the department shall suspend the person's commercial *[driver license]* **driving privileges** on the 30th day after the date of arrest or, if the report indicates that the person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described under this section, the department determines that the suspension would not be valid as described in this section. A commercial *[driver license]* **driving privileges** suspension imposed under this subsection shall be for a period of time established under *[ORS 813.404]* **sections 4 or 6 of this 2013 Act.**

(3) If within 10 days from the date of arrest, or, if the person fails a blood test, within 10 days from the date the department sends notice of suspension, the department receives a written request for a hearing from a person whose driving privileges or commercial *[driver license]* **driving privileges** the department proposes to suspend under this section, the department shall provide a hearing in accordance with this section. Except as otherwise provided under this section, a hearing held by the department under this section shall be subject to the provisions for contested cases, other than appeal provisions, under ORS chapter 183. The applicable appeal provisions are as provided under ORS 813.450 and section 24, chapter 672, Oregon Laws 1985. Notwithstanding ORS 809.430, the department is not required to give any notice of intent to suspend or suspension in addition to that provided under ORS 813.100.

(4) Except as provided in subsection (5) of this section, a hearing required by this section is subject to all of the following:

(a) The hearing shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(b) The administrative law judge shall conduct the hearing by telephone or other two-way electronic communication device.

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

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

(e) Except as provided in ORS 813.440 or upon remand under ORS 813.450, the department shall

hold the hearing and issue a final order within 30 days of the date of the arrest or, if the person fails a blood test, within 60 days from the date the department received the report of the failure.

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

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

(5)(a) A person or a police officer may request that a hearing required by this section be conducted in person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 30.** ORS 153.090, as amended by section 5, chapter 89, Oregon Laws 2012, is amended to read:

153.090. (1) Judgments entered under this chapter may include:

(a) Imposition of a sentence to pay a fine;

(b) Costs and restitution authorized by law;

(c) A requirement that the fine, costs and restitution, if any, be paid out of the presumptive fine;

(d) Remission of any balance of a presumptive fine to the defendant; and

(e) Any other provision authorized by law.

(2) Notwithstanding ORS 137.106, if the court orders restitution in a default judgment entered under ORS 153.102, a defendant may allege an inability to pay the full amount of monetary sanctions imposed, including restitution, and request a hearing to determine whether the defendant is unable to pay or to establish a payment schedule by filing a written request with the court within one year after the entry of the judgment. The court shall set a hearing

on the issue of the defendant's ability to pay upon receipt of the request and shall give notice to the district attorney. The district attorney shall give notice to the victim of the date, time and place of the hearing. The court may determine a payment schedule for monetary sanctions imposed, including restitution ordered under this subsection, if the defendant establishes at the hearing that the defendant is unable to pay the ordered restitution in full.

(3) If a trial is held in a violation proceeding, or a default judgment is entered against the defendant under ORS 153.102, the court may impose any fine within the statutory limits for the violation. If a defendant pleads no contest under ORS 153.061 (3) and the court accepts the plea and enters judgment against the defendant, the amount of the fine imposed against the defendant by the court may not exceed the presumptive fine established for the violation under ORS 153.019 and 153.020.

(4) A judge may suspend operation of any part of a judgment entered under this chapter upon condition that the defendant pay the nonsuspended portion of a fine within a specified period of time. If the defendant fails to pay the nonsuspended portion of the fine within the specified period of time, the suspended portion of the judgment becomes operative without further proceedings by the court and the suspended portion of the fine becomes immediately due and payable.

(5) The court may not issue notice to the Department of Transportation to suspend the defendant's driving privileges unless a trial has been required. The failure of the defendant to appear at the trial does not prevent the court from issuing notice to the department to suspend the defendant's driving privileges.

(6) Entry of a default judgment under ORS 153.102 does not preclude the arrest and prosecution of the defendant for the crime of failure to appear in a violation proceeding under ORS 153.992.

(7) If a person [*holds a*] **held** commercial [*driver license*] **driving privileges as described in section 3 of this 2013 Act at the time the offense was committed**, a court may not defer entry of a judgment or allow an individual to enter into a diversion program that would prevent a conviction for a traffic offense from appearing on the driving record of the holder. This subsection applies to all traffic offenses, whether committed while driving a motor vehicle or a commercial motor vehicle, but does not apply to parking violations. [*For purposes of this subsection, a person holds a commercial driver license if on the date of the commission of the offense the person holds a commercial driver license issued by the department or the licensing agency of another jurisdiction that is:*]

[*(a) Not expired or if expired, expired less than one year; or*]

[*(b) Suspended, but not canceled or revoked.*]

## COMMERCIAL LEARNER DRIVER PERMIT

**SECTION 31.** Section 32 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 32. Commercial learner driver permit; fees.** (1) The Department of Transportation shall issue commercial learner driver permits in the manner provided by this section. Except as provided in this section, a person who is issued a commercial learner driver permit may exercise the same driving privileges as those under the class of commercial driver license or endorsement for which the permit is issued. Except as provided in this section, a commercial learner driver permit is subject to the provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges.

(2) The department may issue commercial learner driver permits under this section that grant the driving privileges of a Class A commercial, Class B commercial, or Class C commercial driver license, subject to the requirements and restrictions of subsections (6) and (7) of this section.

(3) An applicant for a commercial learner driver permit must be 18 years of age or older.

(4) In addition to meeting the requirement of providing proof of legal presence under ORS 807.021 and 807.040, an applicant for a commercial learner driver permit must submit valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States.

(5) A commercial learner driver permit is valid for a period of one year from the date of issuance and is not renewable.

(6) The holder of the commercial learner driver permit may not operate a commercial motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person who is at least 21 years of age and who holds a class of commercial driver license and endorsements that grant the driving privileges required to operate the vehicle. The accompanying person must have the permit holder under observation and direct supervision and must be occupying a seat beside the holder of the permit or, in the case of a commercial passenger vehicle, directly behind or in the first row behind the driver.

(7) The holder of a commercial learner permit may not operate:

(a) Any vehicle transporting hazardous materials.

(b) A tank vehicle, unless the tank is empty.

(c) A commercial passenger vehicle while transporting passengers, unless the passengers are federal or state auditors or inspectors, test examiners or other trainees and there is a com-

mercial driver license holder accompanying the permit holder as required by subsection (6) of this section.

(d) A school bus while transporting passengers, unless the other passengers are federal or state auditors or inspectors, test examiners or other trainees and there is a commercial driver license holder accompanying the permit holder as required by subsection (6) of this section.

(e) A commercial motor vehicle combination consisting of more than one towed vehicle.

(8) A commercial learner driver permit must contain all of the applicable information described in ORS 807.110 (1) and a prominent statement that the permit is a commercial learner permit or CLP.

(9) An applicant for a commercial learner driver permit must pay the commercial learner driver permit fee established under ORS 807.370.

**SECTION 33.** ORS 807.370 is amended to read: 807.370. The following are the fees relating to the issuance and renewal of licenses, driver permits and endorsements:

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

(a) For issuance, \$44.

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

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

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

(a) For issuance, \$23.50.

(b) For renewal, \$23.50.

(4) **Commercial learner driver permit issuance fee under section 32 of this 2013 Act, \$23.50.**

[(4)(a)] (5)(a) License issuance fee for a Class C license, \$54.

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

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

[(5)] (6) License issuance fee for a restricted Class C license, \$54.

[(6)] (7) License issuance fee for a commercial driver license, whether or not the license contains endorsements, \$75.50.

[(7)] (8) Test fees for a commercial driver license or permit:

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

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

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

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

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

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

[(8)] (9) Notwithstanding subsection [(6)] (7) of this section, for issuance of a commercial driver li-

cense of any class when the Department of Transportation accepts a certificate of competency issued under ORS 807.080, \$40 in addition to the fee under subsection [(6)] (7) of this section.

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

(a) \$21; or

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

[(10)] (11) For a farm endorsement, \$26.

[(11)] (12) Test fees for the knowledge test for endorsements other than motorcycle and farm endorsements:

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

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

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

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

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

[(12)] (13) Fee to take an airbrake knowledge test, \$10.

[(13)] (14) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.

[(14)] (15) License renewal fee for a commercial driver license, \$55.50.

[(15)] (16) License renewal fee for a Class C license, \$34.

[(16)] (17) License or driver permit replacement fee under ORS 807.160, \$26.50.

[(17)] (18) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, \$46, in addition to any fees for the endorsed license.

[(18)] (19) Special student driver permit fee under ORS 807.230, \$23.50.

[(19)] (20) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.

[(20)] (21) Motorcycle Safety Subaccount fee as follows:

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

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

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

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

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

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

[(25)] (26) Fee for reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

[(26)] (27) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.

[(27)(a)] (28)(a) License issuance fee for a Class C limited term license, \$23.

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

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

[(28)] (29) License issuance fee for a restricted Class C limited term license, \$23.

[(29)] (30) License issuance fee for a limited term commercial driver license, whether or not the license contains endorsements, \$45.

[(30)] (31) License renewal fee for a limited term commercial driver license, \$14.

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

[(32)] (33) Limited term license or limited term driver permit replacement fee under ORS 807.160, \$26.50.

[(33)] (34) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$2.

**SECTION 34.** ORS 801.250 is amended to read:

801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction that is more limited than those available under a license or that is only available under special or limited circumstances. The term may also refer to a document issued as evidence of a grant of driving privileges under a driver permit. Driver permits issued by this state include the following:

(1) Applicant temporary driver permit described under ORS 807.310.

(2) Court issued temporary driver permit described under ORS 807.320.

(3) Disability golf cart driver permit described under ORS 807.210.

(4) Emergency driver permit described under ORS 807.220.

(5) Instruction driver permit described under ORS 807.280.

(6) Hardship driver permit described under ORS 807.240.

(7) Probationary driver permit described under ORS 807.270.

(8) Special student driver permit described under ORS 807.230.

(9) Special temporary instruction driver permit described under ORS 807.290.

(10) Court bail driver permit described under ORS 807.330.

(11) Temporary driver permit described under ORS 813.110.

(12) **Commercial learner driver permit described under section 32 of this 2013 Act.**

**SECTION 35.** ORS 802.179 is amended to read:

802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose personal information from a motor vehicle record to a government agency for use in carrying out its governmental functions.

(2) The department shall disclose personal information from a motor vehicle record for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, per-

formance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of any of the following federal Acts:

(a) The Automobile Information Disclosure Act.

(b) The Motor Vehicle Information and Cost Saving Act.

(c) The National Traffic and Motor Vehicle Safety Act of 1966.

(d) The Anti-Car Theft Act of 1992.

(e) The Clean Air Act.

(3)(a) If the department determines that a business is a legitimate business, the department shall disclose personal information to the business for use in the normal course of business in:

(A) Verifying the accuracy of personal information submitted to the business; or

(B) Correcting personal information submitted to the business, but only in order to:

(i) Prevent fraud;

(ii) Pursue legal remedies against the individual who submitted the personal information; or

(iii) Recover a debt from, or satisfy a security interest against, the individual.

(b) The department shall adopt rules specifying the kind of information that the department will accept as evidence that a business is a legitimate business.

(4) The department shall disclose personal information to:

(a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbitration proceeding in any court, government agency or self-regulatory body. Permissible uses of personal information under this paragraph include, but are not limited to, service of process, investigation in anticipation of litigation and the execution and enforcement of judgments and orders.

(b) A process server acting as an agent for an individual for use in serving documents in connection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities of a process server when acting as an agent for an attorney, collection agency or like person or for a government agency.

(5) The department shall disclose personal information other than names to a researcher for use in researching health and educational questions and providing statistical reports, as long as the personal information is not published, redisclosed or used to contact individuals. The department may disclose information under this subsection only for research sponsored by an educational institution or a health research institution.

(6) The department shall disclose personal information to an insurer, an insurance support organization or a self-insured entity in connection with

claims investigation activities, antifraud activities, underwriting or rating.

(7) The department shall disclose personal information regarding ownership or other financial interests in a vehicle to a person who is required by the state or federal Constitution, a statute or an ordinance to give notice to another person concerning the vehicle. Personal information disclosed under this subsection may be used only for giving the required notice. Persons authorized to receive personal information under this subsection include, but are not limited to:

- (a) Tow companies;
- (b) Persons who have or are entitled to have liens on the vehicle; and
- (c) Persons taking an action that could affect ownership rights to the vehicle.

(8) The department shall disclose personal information to any private security professional certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in a place over which the private security professional, acting within the scope of the professional's employment, exercises control.

(9) The department shall disclose personal information to the employer of an individual who holds *[a commercial driver license]* **commercial driving privileges**, or the insurer of the employer, to obtain or verify information about the *[holder of the commercial driver license]* **individual**.

(10) The department shall disclose personal information to the operator of a private toll facility for use in collecting tolls.

(11) The department may not disclose personal information for bulk distributors of surveys, marketing materials or solicitations except as provided in this subsection. The department shall implement methods and procedures to ensure:

- (a) That individuals are offered an opportunity to request that personal information about themselves be disclosed to bulk distributors; and
- (b) That the personal information provided by the department will be used, rented or sold solely for bulk distribution of surveys, marketing materials and solicitations.

(12) The department shall disclose personal information to a person who requests the information if the requester provides the department with written permission from the individual whose personal information is requested. The written permission from the individual must be notarized.

(13) The department shall disclose personal information to a person who is in the business of disseminating such information under the following conditions:

- (a) In addition to any other requirements under the contract executed pursuant to paragraph (b) of this subsection, the person requesting the information must file a performance bond with the department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and its form is subject to approval by the Attorney General.

(b) The disseminator shall enter into a contract with the department. A contract under this paragraph shall contain at least the following provisions:

(A) That the disseminator will not reproduce or distribute the personal information in bulk but only in response to an individual record inquiry.

(B) That the disseminator will provide the personal information only to a person or government agency authorized to receive the information under this section and only if the person or government agency has been authorized by the department to receive the information.

(C) That the disseminator will have a method of ensuring that the disseminator can delay for a period of up to two days the giving of personal information to a requester who is not a subscriber.

(14) The department shall disclose personal information to representatives of the news media for the gathering or dissemination of information related to the operation of a motor vehicle or to public safety.

(15) The department shall disclose personal information as provided in ORS 802.220 (5).

(16) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under this subsection may include, but need not be limited to, rules establishing procedures for the department to verify the financial interest of the person making the request for personal information.

(17) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns property that is damaged because of the unsafe operation of a vehicle.

(18) The department shall disclose personal information to a private investigator licensed by any licensing authority within the State of Oregon, to be used for any purpose permitted any person under this section. A licensed private investigator requesting information must prove to the department that the person has a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the Department of Public Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

(19) The department shall disclose personal information to a procurement organization as defined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the provisions of ORS 97.955.

**SECTION 36.** ORS 802.200 is amended to read:

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

- (1) The department shall maintain records concerning the titling of vehicles in this state. The re-

cords under this subsection shall include the following:

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

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

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

(C) The vehicle description; and

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

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

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

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

(e) All odometer readings for a vehicle that are reported to the department under provisions of the vehicle code.

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

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

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

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

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

(B) The name of the vehicle owner;

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

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

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

(4) The department shall maintain separate records for the regulation of vehicle dealers. The re-

cords required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

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

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

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

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

(a) An index by name and number.

(b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

(c) Every application for a driver license, driver permit or identification card.

(d) All driver licenses or driver permits that have been suspended or revoked.

(e) For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or proof that the person is not eligible for a Social Security number.

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

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

(a) The department shall maintain driving records on:

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

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

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

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

(b) In addition to other information required by this paragraph, the employment driving record shall include all reports of drug test results that are made to the department under ORS 825.410. Notwithstanding any other provision of law, release of the portion of the employment driving record that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS 802.202. The employment driving record shall also include all motor vehicle accidents that the person is required to report under ORS 811.720, all suspensions of driving privileges required to be placed on the record under ORS 809.280, all suspensions of the person's commercial [*driver license*] **driving privileges** that result from operation or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of driving privileges under **sections 4 to 11 of this 2013 Act** and ORS 809.409, 809.411[*, 809.413*] and 813.400, but shall include only such accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

(B) Carrying persons or property for compensation;

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

(D) That is an authorized emergency vehicle;

(E) That is a commercial motor vehicle; or

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

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

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

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

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

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

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement programs or other matters con-

cerning the status of the driving privileges of the person.

(e) When a person from another jurisdiction applies for a driver license or driver permit issued by this state, the department shall request a copy of the person's driving record from the other jurisdiction. At the time the person is issued a license in Oregon, the record from the other jurisdiction shall become part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance. The department by rule may specify methods for converting entries from out-of-state records for use in Oregon.

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

(g) The Department of Transportation, in consultation with the Department of State Police, shall devise and implement a method of noting suspensions and revocations of driving privileges on the record in such a way that police agencies can determine directly from the record what class of offense, as provided by law, is committed by a person who drives in violation of the suspension or revocation. If the Department of Transportation and the Department of State Police devise a mutually agreeable alternative method of informing police agencies of the nature of a suspension or revocation and the consequences of its violation, the implementation of that method shall satisfy the duty of the Department of Transportation under this paragraph.

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

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

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

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

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

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

(c) When the permit was issued.

(d) The type of permit issued.

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

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

**SECTION 37.** ORS 807.035 is amended to read:

807.035. This section describes the type of driving privileges granted by various endorsements issued by this state. **Except as provided in section 32 of this 2013 Act**, the following endorsements grant the driving privileges described:

(1) A motorcycle endorsement authorizes a person to operate any motorcycle.

(2) A hazardous materials endorsement authorizes a person to operate a vehicle transporting hazardous materials.

(3) A tank vehicle endorsement authorizes a person to operate tank vehicles.

(4) A passenger endorsement authorizes a person to operate a vehicle that is designed to transport 16 or more persons, including the driver, but that is not a school bus.

(5) A school bus endorsement authorizes a person to operate a school bus if the person also holds a valid passenger endorsement.

(6) A double and triple trailer endorsement authorizes a person to operate a commercial motor vehicle with double and triple trailer combinations.

(7) A combined endorsement authorizes a person to operate a tank vehicle, transport hazardous materials and transport hazardous materials in a tank vehicle.

(8) A Class A farm endorsement authorizes a person to:

(a) Operate or tow any vehicle that can be operated by the holder of a Class A commercial driver license if the vehicle is:

(A) Controlled or operated by a farmer;

(B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(C) Not used in the operation of a common or contract motor carrier; and

(D) Used within 150 miles of the farmer's farm.

(b) Operate any vehicle described in paragraph (a) of this subsection that is transporting hazardous materials if the vehicle is placarded in accordance with law.

(c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle or a double trailer combination without holding a tank vehicle endorsement or a double and triple trailer endorsement.

(9) A Class B farm endorsement authorizes a person to:

(a) Operate or tow any vehicle that can be operated or towed by the holder of a Class B commercial driver license if the vehicle is:

(A) Controlled or operated by a farmer;

(B) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(C) Not used in the operation of a common or contract motor carrier; and

(D) Used within 150 miles of the farmer's farm.

(b) Operate any vehicle described in paragraph (a) of this subsection that is transporting hazardous materials if the vehicle is placarded in accordance with law.

(c) Operate any vehicle described in paragraph (a) of this subsection that is a tank vehicle without holding a tank vehicle endorsement.

**SECTION 38.** ORS 807.040, as amended by section 30, chapter 43, Oregon Laws 2012, is amended to read:

807.040. (1) The Department of Transportation shall issue a driver license to any person who complies with all of the following requirements:

(a) The person must complete an application for a license under ORS 807.050.

(b) As required by ORS 807.021 and 807.730, the person must provide the Social Security number assigned to the person by the United States Social Security Administration and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

(c) The person must submit to collection of biometric data by the department that establish the identity of the person as described in ORS 807.024.

(d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for the license under ORS 807.062.

(e) The person must successfully pass all examination requirements under ORS 807.070 for the class of license sought.

(f) The person must pay the appropriate license fee under ORS 807.370 for the class of license sought.

(g) The person must pay the Student Driver Training Fund eligibility fee.

(h) If the application is for a commercial driver license, the person must be the holder of a Class C license or any higher class of license.

(i) If the application is for a commercial driver license, the person must submit to the department, in a form approved by the department, the report of a medical examination that establishes that the person meets the medical requirements for the particular class of license. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph may include any requirements the department determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established.

(j) If the application is for a commercial driver license, the person must:

(A) Have at least one year's driving experience, including relevant experience obtained in the military;

(B) Not be *[disqualified from holding a commercial driver license under ORS 809.404]* **subject to a lifetime suspension of commercial driving privileges under section 6 of this 2013 Act; [and]**

(C) Not be otherwise ineligible to hold a commercial driver license;

**(D) Hold a commercial learner driver permit if the person must complete a skills demonstration under ORS 807.070 (3); and**

**(E) In addition to meeting the requirement of providing proof of legal presence under ORS 807.021 and this section, the person must submit valid documentation, as defined by the department by rule, that the person is a citizen or permanent legal resident of the United States.**

(2) The department shall work with other agencies and organizations to attempt to improve the issuance system for driver licenses.

**SECTION 39.** ORS 807.045 is amended to read:

807.045. (1) In order to be authorized to drive a commercial motor vehicle in this state, a person who holds a commercial driver license issued by a jurisdiction other than Oregon must, within 30 days of becoming domiciled in Oregon:

(a) Apply to the Department of Transportation for an Oregon commercial driver license;

(b) Certify to the department that the person's current commercial driver license is not subject to any disqualification, suspension, revocation or cancellation and that the person does not have a commercial driver license from more than one jurisdiction; and

(c) Surrender any commercial driver license issued to the person by another jurisdiction.

(2) The department shall issue a commercial driver license to a person who complies with subsection (1) of this section if the department determines that the person is all of the following:

(a) Eligible for a commercial driver license. In order to determine eligibility under this paragraph, the department may require from the person any additional information that the department determines necessary and may require the person to pass any examinations, tests or demonstrations that the department determines necessary.

(b) Not **subject to a lifetime suspension of commercial driving privileges under section 6 of this 2013 Act** [*disqualified from holding a commercial driver license under ORS 809.404*].

(c) Not otherwise ineligible for a commercial driver license.

(3) For purposes of this section, a person is domiciled in this state if the person meets the criteria described in ORS 803.355.

**SECTION 40.** ORS 807.050 is amended to read:

807.050. An application for a license shall be in a form approved by the Oregon Department of Transportation. An application must contain all the following:

(1) The applicant's full legal name, age, sex, residence address, except as otherwise provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, and post-office address other than general delivery. The department may provide by rule for acceptance of something other than an actual residence or post-office address

if the department determines that the applicant does not have an actual address. The department shall require proof to verify the address in addition to anything else the department may require of the applicant.

(2) Whether or not the applicant has ever been issued any driver license or driver permit. If the applicant has been issued any license or driver permit:

(a) When the license or driver permit was granted;

(b) What jurisdiction granted the license or driver permit;

(c) Whether or not the driving privileges under the license or driver permit are currently suspended or revoked; and

(d) If the driving privileges are revoked or suspended, the date and reason for the suspension or revocation.

(3) The class of license sought.

(4) The Social Security number of the applicant or other number or identifying information determined appropriate by the Secretary of the United States Department of Transportation, if the application is for a commercial driver license **or a commercial learner driver permit** or if the Oregon Department of Transportation by rule requires the Social Security number on the application.

(5) Whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953.

(6) Any other information the department deems necessary to assist the department in determining whether the applicant is qualified or eligible to be licensed.

**SECTION 41.** ORS 807.070 is amended to read:

807.070. The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement must include all of the following as described:

(1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a limited vision condition as defined in ORS 807.355.

(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. The following all apply to the test under this subsection:

(a) The test may not cover any subject that is not presented in the publications of the department intended for the instruction of applicants for licenses and driver permits.

(b) The test for each class of license and endorsement must include, but is not limited to, a test of knowledge and understanding of traffic laws that relate specifically to the type of driving privileges granted under the specific class of license or endorsement sought.

(c) The test must include, but is not limited to, the following subjects:

(A) Rights of pedestrians who are blind.

(B) The meaning of official traffic signs and signals.

(C) Proper operating procedure in emergency situations.

(D) Vehicle safety equipment and its use.

(E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

(F) Practices necessary for safe operation of a vehicle around motorcyclists.

(d) The test must include at least two questions pertaining to the practices necessary for safe operation of a vehicle around motorcyclists.

(e) The test may include a question regarding fuel efficient driving techniques.

(f) The department may waive the test under circumstances described in ORS 807.072.

(3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property. The following apply to this subsection:

(a) The actual demonstration for each class of license shall be performed in a vehicle that may be operated under the class of license sought, but that may not be operated under lower classes of license.

(b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that is designed to transport 16 or more persons, including the driver.

(c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

**(d) An actual demonstration required for a commercial driver license may be performed by a person only if the person has held for at least 14 days a commercial learner driver permit that was issued by the department or by another jurisdiction that authorizes operation of the vehicle used for testing.**

*[(d)]* (e) The department may waive the demonstration under circumstances described in ORS 807.072.

(4) Any other examination or test, including demonstrations, that the department determines may be necessary to assist the department in establishing whether the applicant is eligible for a license under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the highways of this state. In any examination or test under this subsection, the department shall only conduct an investigation for facts relating directly to the ability of the applicant to operate a motor vehicle safely or other facts that are specifically required to show the fitness of the applicant for license.

**SECTION 42.** ORS 807.100 is amended to read:

807.100. (1) A vehicle that may be operated only by the holder of a commercial driver license or **commercial learner driver** permit may be operated only when proof of medical qualification, in a form approved by the Department of Transportation, is in the person's immediate possession. The holder of a commercial driver license or **commercial learner driver** permit who does not have proof of medical qualification as required by this section may exercise driving privileges granted by a Class C license.

(2) The department may not issue or renew *[a]* commercial *[driver license or permit]* **driving privileges** and may cancel *[a]* commercial *[driver license or permit]* **driving privileges** if the person does not submit to the department, in a form approved by rule, proof of medical qualification to operate a commercial motor vehicle by such a date as required by rule by the department.

(3) A person is entitled to administrative review under ORS 809.440 when the department does not issue or renew *[a]* commercial *[driver license or permit]* **driving privileges** under this section or cancels *[a]* commercial *[driver license or permit]* **driving privileges** under this section.

(4) To the extent possible, rules adopted by the department under this section should be uniform with any applicable federal regulations related to commercial driver license medical qualifications.

**SECTION 43.** ORS 807.120 is amended to read:

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

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

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

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

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

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

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

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

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

(d) **Uses any connection other than a fifth wheel hitch between the power unit and a vehi-**

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

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

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

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

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

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

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

**SECTION 44.** ORS 807.200 is amended to read: 807.200. (1) The following permits may be issued as restricted Class C licenses:

(a) Disability golf cart driver permits described under ORS 807.210.

(b) Emergency driver permits described under ORS 807.220.

(c) Special student driver permits described under ORS 807.230.

(2) Hardship driver permits described under ORS 807.240 and probationary driver permits described under ORS 807.270 may be issued as Class C licenses. Restrictions on the license are as provided under ORS 807.240 and 807.270.

(3) Instruction driver permits described under ORS 807.280 may be issued for *[any class of commercial driver license and for]* a Class C license. *[A person must have a Class C license before obtaining a Class A commercial, Class B commercial or Class C commercial instruction driver permit.]*

(4) Motorcycle instruction driver permits described under ORS 807.280 may be issued only to persons having a commercial driver license or a Class C license.

(5) Commercial learner driver permits described under section 32 of this 2013 Act may be issued for Class A, Class B or Class C commercial driving privileges.

**SECTION 45.** ORS 807.280 is amended to read: 807.280. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and endorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a *[Class A commercial, Class B commercial, Class C commercial or]* Class C driver license or as a motorcycle endorsement, but the **instruction driver** permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of endorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle endorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The fees required for issuance or renewal of an instruction driver permit are the instruction driver permit fees under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance.

(5) When *[a]* **an instruction driver** permit expires or is about to expire, the department shall renew the **instruction driver** permit if the holder of the **instruction driver** permit qualifies for renewal of the **instruction driver** permit under this section and applies for renewal:

(a) Within one year of the expiration of *[a]* **an instruction driver** permit issued under this section; or

(b) Within six months after the applicant is discharged from the Armed Forces of the United States

if the applicant held [a] **an instruction driver** permit issued by this state at the time of the applicant's entry into the Armed Forces.

(6) To qualify for renewal of [a] **an instruction driver** permit, a person must meet all of the requirements for the type of **instruction driver** permit sought to be renewed, except that the department may waive the examination unless the department has reason to believe that the applicant is not qualified for the **instruction driver** permit.

(7) [A] **An instruction driver** permit that is renewed under this section may be used on or after the date of issuance. If the department issues [a] **an instruction driver** permit renewal to a person under this section before the expiration of the **instruction driver** permit being renewed, the older permit is invalid. [A] **An instruction driver** permit that becomes invalid under this subsection shall be surrendered to the department.

(8) The holder of the **instruction driver** permit may not operate a motor vehicle unless the holder has the **instruction driver** permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an endorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the **instruction driver** permit unless the **instruction driver** permit is for motorcycle driving privileges. For [a] **an instruction driver** permit granting motorcycle driving privileges, the holder of the **instruction driver** permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle. *[If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper endorsements for the vehicle being operated by the holder of the permit. The holder of the permit may not operate any motor vehicle transporting hazardous materials.]*

(9) The holder of [a] **an instruction driver** permit granting motorcycle driving privileges is subject to the following in addition to any other requirements under this section:

(a) The holder may [only] operate a motorcycle **only** during daylight hours.

(b) The holder may not carry any passengers on the motorcycle.

(c) The holder of the **instruction driver** permit must wear an approved helmet while operating a motorcycle.

(10)(a) The department may issue an instruction driver permit to a person with a limited vision condition if a rehabilitation training specialist certifies to the department that the person has successfully completed a rehabilitation training program.

(b) As used in this subsection, "limited vision condition," "rehabilitation training specialist" and "rehabilitation training program" have the meanings given those terms in ORS 807.355.

(11) In addition to any other requirements under this section, the holder of [a] **an instruction driver** permit issued under subsection (10) of this section may operate a motor vehicle only when using a bioptic telescopic lens.

**SECTION 46.** Section 2, chapter 14, Oregon Laws 2012, is amended to read:

**Sec. 2.** (1) A person whose driving privileges or right to apply for driving privileges or whose identification card or right to apply for an identification card has been suspended for one of the reasons specified in subsection (2) of this section may request that the person's driving privileges or right to apply for driving privileges or identification card or right to apply for an identification card be reinstated after the Department of Transportation determines the criteria are met under subsection (4) of this section.

(2) This section applies to suspensions imposed under:

(a) ORS 809.310 (3)(a);

(b) ORS 809.310 (3)(b); and

(c) ORS 809.415 (5) for committing an act that constitutes an offense described in ORS 809.310 (3)(a) or (b).

(3) To make a request under subsection (1) of this section, the person must provide sufficient proof for the department to make the determinations required in subsection (4) of this section. The department shall provide an administrative review to determine if the person's driving privileges or right to apply for driving privileges or identification card or right to apply for an identification card should be reinstated and may reinstate the person's suspended driving privileges or right to apply for driving privileges or identification card or right to apply for an identification card only as provided in subsection (4) of this section.

(4) The granting of an administrative review under this section does not stay the suspension. However, the department shall reinstate the person's driving privileges or right to apply for driving privileges or identification card or right to apply for an identification card if under objective criteria adopted by the department by rule, the department determines the suspension resulted from:

(a) An act described in ORS 809.310 (3)(a) or (b) committed by the person when the person was under 21 years of age; and

(b) The person committed the act solely for the purpose of:

(A) Attempting to purchase, purchasing, consuming or acquiring alcoholic beverages as described in ORS 471.430; or

(B) Unlawfully entering or attempting to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors, as described in ORS 471.430.

(5) The administrative review required under this section shall be conducted in the manner provided in ORS 809.440 (2).

(6) To reinstate driving privileges or the right to apply for driving privileges after the department determines that the person meets the objective criteria under subsection (4) of this section, the person shall pay the fee for reinstatement of driving privileges as described in ORS 807.370 [(24)] (25).

(7) To reinstate an identification card or the right to apply for an identification card after the department determines that the person meets the objective criteria under subsection (4) of this section, the person shall pay the fee for reinstatement of an identification card as described in ORS 807.410 (4).

(8) The department's authority to reinstate a suspension of a person's driving privileges or right to apply for driving privileges under this section does not impinge on a court's authority to impose a suspension under ORS 165.805 or 471.430.

### HAZARDOUS MATERIALS

**SECTION 47.** ORS 801.303 is amended to read:

801.303. "Hazardous materials" has the meaning given that term in 49 C.F.R. 383.5, as in effect on [July 27, 2005] **January 1, 2013**.

### GROSS COMBINATION WEIGHT

**SECTION 48.** ORS 801.208 is amended to read:

801.208. (1) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles and **one or more** vehicles that:

(a) Has a gross combination weight rating or **gross combination weight** of 26,001 pounds or more, **whichever is greater**, inclusive of [a] **one or more** towed [unit or a combination of towed] units, with a gross vehicle weight rating or **gross vehicle weight** of more than 10,000 pounds, **whichever is greater**;

(b) Has a gross vehicle weight rating or **gross vehicle weight** of 26,001 pounds or more;

(c) Is designed to transport 16 or more persons, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials.

(2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not include the following:

(a) An emergency fire vehicle being operated by firefighters as defined in ORS 652.050;

(b) Emergency vehicles being operated by qualified emergency service volunteers as defined in ORS 401.358;

(c) A motor home used to transport or house, for nonbusiness purposes, the operator or the operator's family members or personal possessions; or

(d) A recreational vehicle that is operated solely for personal use.

### TANK VEHICLES

**SECTION 49.** ORS 801.522 is amended to read:

801.522. "Tank vehicle" means a commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank **or tanks having an individual rate capacity of more than 119 gallons and an aggregate rate capacity of 1,000 gallons or more** that is either permanently or temporarily attached to the vehicle or the chassis. "Tank vehicle" does not include a portable tank having a rated capacity under 1,000 gallons.

### OPERATIVE DATE

**SECTION 50.** (1) Except as otherwise provided in this section, sections 1 to 11, 13, 14, 31 and 32 of this 2013 Act, the amendments to statutes by sections 15 to 30, 33 to 46, 48 and 49 of this 2013 Act and the repeal of statutes by section 12 of this 2013 Act become operative on **July 8, 2015**.

(2) The amendments to ORS 801.303 by section 47 of this 2013 Act become operative on the effective date of this 2013 Act.

(3) The Department of Transportation may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after July 8, 2015, all the duties, functions and powers conferred on the department by sections 1 to 11, 13, 14, 31 and 32 of this 2013 Act, the amendments to statutes by sections 15 to 30, 33 to 46, 48 and 49 of this 2013 Act and the repeal of statutes by section 12 of this 2013 Act.

### CAPTIONS

**SECTION 51.** The unit and section captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

### EMERGENCY CLAUSE

**SECTION 52.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor May 28, 2013

Filed in the office of Secretary of State May 29, 2013

Effective date May 28, 2013