

CHAPTER 76

AN ACT

SB 1538

Relating to driving privileges; creating new provisions; amending ORS 163.196, 164.775, 165.805, 430.165, 430.197, 801.250, 802.170, 802.550, 807.020, 807.200, 807.240, 807.370, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.390, 809.409, 809.411, 809.415, 809.416, 809.600, 811.175, 811.182, 813.040 and 813.520; and repealing ORS 339.254, 339.257, 807.250, 807.252, 807.260, 807.270, 809.265, 809.423, 809.650, 809.660, 813.500 and 813.510.

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

**PROBATIONARY PERMITS AND
HARDSHIP PERMITS**

SECTION 1. ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and 813.510 are repealed.

SECTION 1a. Notwithstanding section 7, chapter 22, Oregon Laws 2018 (Enrolled House Bill 4055) (amending ORS 807.252), if House Bill 4055 becomes law, ORS 807.252 is repealed by section 1 of this 2018 Act.

SECTION 2. ORS 807.240 is amended to read:

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

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

(2) Except as provided in **this section and** ORS 813.520, the department may reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended, **or revoked under ORS 809.600 as a habitual offender,** by issuing the person a hardship permit. *[described under this section if such person qualifies under this section, ORS 807.250, 807.252 and 813.500. However, the department may not issue a hardship permit authorizing a person to drive a commercial motor vehicle.]*

(3) To qualify for a hardship permit, a person must do all of the following *[in addition to any applicable provisions under ORS 807.250, 807.252 and 813.500]:*

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

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

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

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

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

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

[(E) That the person's driving privileges are suspended for driving uninsured in violation of ORS 806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and that the person must operate a motor vehicle in order to provide necessary services to the person or to a member of the person's family. The department shall determine by rule what constitutes necessary services for purposes of this subparagraph. The rule shall include as necessary services, but need not be limited to, grocery shopping, driving the person or the person's children to school, driving to medical appointments and caring for elderly family members; or]

[(F)] (E) That the person must operate a motor vehicle to get to or from a gambling addiction treatment program.

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

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

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

(f) The person must submit any other information the department may require for purposes of determining whether the person qualifies under this section[, ORS 807.250, 807.252, 813.500] and **ORS 813.520.**

(4) If the department finds that the person meets the requirements of this section and any applicable requirements under ORS [807.250, 807.252, 813.500 and] 813.520, the department may issue the person a hardship permit, valid for the duration of the suspension **or revocation** or for a shorter period of time established by the department unless sooner suspended or revoked under this section. If the department issues the permit for a period shorter than

the suspension **or revocation** period, renewal of the permit shall be on such terms and conditions as the department may require. The permit:

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

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

(5) The department, upon receiving satisfactory evidence of any violation of the limitations of a permit issued under this section [*or limitations placed on a hardship permit under ORS 807.252 or 813.510*], may suspend or revoke the hardship permit.

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

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

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

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

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

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

(d) Whose suspension of driving privileges is based on a second or subsequent conviction 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 and the suspension period is determined by ORS 809.428 (2)(b) or (c);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2a. If House Bill 4055 becomes law, ORS 807.240, as amended by section 2 of this 2018 Act, is amended to read:

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

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

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

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

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

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

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

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

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

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

(E) That the person must operate a motor vehicle to get to or from a gambling addiction treatment program.

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

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

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

(f) The person must submit any other information the department may require for purposes of de-

termining whether the person qualifies under this section and ORS 813.520.

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

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

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

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

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

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

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

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

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

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

(d) Whose suspension of driving privileges is based on a second or subsequent conviction 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 and the suspension period is determined by ORS 809.428 (2)(b) or (c);

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

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

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

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

(D) Failure to perform the duties of a driver involved in [an accident or] a collision, as described in ORS 811.700 or 811.705;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. ORS 163.196 is amended to read:

163.196. (1) A person commits the crime of aggravated driving while suspended or revoked if the

person operates a motor vehicle that causes serious physical injury to, or the death of, another person while knowingly violating ORS 811.175 or 811.182, if the suspension or revocation resulted from, or if the hardship [or probationary] permit violated is based upon a suspension or revocation that resulted from, a conviction for a criminal offense involving the use of a motor vehicle.

(2) Aggravated driving while suspended or revoked is a Class C felony.

(3) The Oregon Criminal Justice Commission shall classify aggravated driving while suspended or revoked as crime category 7 of the sentencing guidelines grid of the commission.

SECTION 4. ORS 430.165 is amended to read:

430.165. The Oregon Health Authority may prescribe fee schedules for any of the programs that it establishes and operates under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] and 430.850 to 430.880[, 813.500 and 813.510]. The fees shall be charged and collected by the authority in the same manner as charges are collected under ORS 179.610 to 179.770. When the authority acts under this section, "person in a state institution" or "person at a state institution" or any similar phrase, as defined in ORS 179.610, includes a person who receives services from a program for which fee schedules are established under this section.

SECTION 5. ORS 430.197 is amended to read:

430.197. The Mental Health Services Fund is established in the State Treasury, separate and distinct from the General Fund. The Mental Health Services Fund comprises moneys collected or received by the Oregon Health Authority, the Department of Human Services and the Department of Corrections under ORS 179.640, 426.241 and 430.165. The moneys in the fund are continuously appropriated to the Oregon Health Authority, the Department of Human Services and the Department of Corrections for the purposes of paying the costs of:

(1) Services provided to a person in a state institution, as defined in ORS 179.610;

(2) Emergency psychiatric care, custody and treatment paid under ORS 426.241;

(3) Emergency care, custody or treatment provided to a person admitted to or detained in a state mental hospital or nonhospital facility under ORS 426.070, 426.140, 426.180 to 426.210, 426.228, 426.232 or 426.233; and

(4) Programs operating under ORS 430.265, 430.306 to 430.375, 430.405, 430.415[,] and 430.850 to 430.880[, 813.500 and 813.510].

SECTION 6. 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)] (7) Special student driver permit described under ORS 807.230.

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

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

[(11)] (10) Temporary driver permit described under ORS 813.110.

[(12)] (11) Commercial learner driver permit described under ORS 807.285.

SECTION 7. 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 a Class C license.

(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 ORS 807.285 may be issued for Class A, Class B or Class C commercial driving privileges.

SECTION 8. 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 ORS 807.285, \$23.50.

(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.

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

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

(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.

(9) Notwithstanding subsection (7) of this section, for issuance of a commercial driver license 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 (7) of this section.

(10) Notwithstanding subsection (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.

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

(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.

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

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

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

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

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

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

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

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

(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.

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

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

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

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

[(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.*]

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

[(28)(a)] **(26)(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.

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

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

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

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

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

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

[(35)] **(33)** Limited term commercial learner driver permit issuance fee under ORS 807.730, \$23.50.

SECTION 8a. If House Bill 4062 becomes law, section 8 of this 2018 Act (amending ORS 807.370) is repealed and ORS 807.370, as amended by section 1, chapter 114, Oregon Laws 2018 (Enrolled House Bill 4062), is amended to read:

807.370. (1) Fees for issuance of or application for a driving privilege are as follows:

(a) Class C driver license or restricted Class C driver license, \$54.

(b) Class C limited term driver license or restricted Class C limited term driver license, \$23.

(c) Commercial driver license, whether or not the driver license contains endorsements, \$75.

(d) Limited term commercial driver license, whether or not the driver license contains endorsements, \$45.

(e) Instruction driver permit, \$23.

(f) Commercial learner driver permit, \$23.

(g) Limited term commercial learner driver permit, \$23.

(h) Special student driver permit, \$23.

(i) Emergency driver permit, \$23.

(j) Special limited vision condition learner's permit, \$13.

(k) Disability golf cart driver permit, \$44.

[(L) *Probationary driver permit application, \$50.*]

[(m)] **(L)** Hardship driver permit application, \$50.

(2) In addition to paying a fee under this section for issuance of a commercial driver license of any class, when the Department of Transportation accepts skills test results from a driver competency tester certified under ORS 807.080, the person shall pay a fee of \$40.

(3) Fees for a motorcycle endorsement are as follows:

(a) In addition to any fee for the endorsed driver license, for an original motorcycle endorsement added at the time of an original issuance of a driving privilege or with a renewal or replacement of an existing driving privilege, \$46.

(b) For an original motorcycle endorsement added without an original issuance of a driving privilege or without a renewal or replacement of an existing driving privilege, \$49.

(c) A Motorcycle Safety Subaccount fee:

(A) Upon original issuance of a motorcycle endorsement, \$38.

(B) Upon renewal of a driver license with a motorcycle endorsement, \$28.

(4) Fees for a farm endorsement are as follows:

(a) In addition to any fee for the endorsed driver license, for an original farm endorsement added at the time of an original issuance of a driving privilege or with a renewal or replacement of an existing driving privilege, \$26.

(b) For an original farm endorsement added without an original issuance of a driving privilege or without a renewal or replacement of an existing driving privilege, \$29.

(5) Fees for renewal of a driving privilege are as follows:

(a) Class C driver license, \$34.

(b) Class C limited term driver license, \$8.

(c) Commercial driver license, \$55.

(d) Limited term commercial driver license, \$14.

(e) Instruction driver permit, \$23.

(f) Disability golf cart driver permit, \$32.

(6) Fee to replace a driver license or driver permit, \$26.

(7) Fees to take tests required for driving privileges or to remove restrictions are as follows:

(a) The knowledge test for a Class C driver license or Class C limited term driver license, \$5.

(b) The knowledge test for a motorcycle endorsement, \$5.

(c) The knowledge test for any commercial driver license or commercial learner driver permit, to remove a commercial driving privilege restriction or to add a commercial driving privilege endorsement, \$10.

(d) The skills test for a Class C driver license or Class C limited term driver license, \$9.

(e) The skills test for any commercial driver license, to remove a restriction or to add any commercial driver license endorsement, \$70.

(8) Student Driver Training Fund eligibility fee, \$6.

(9) Limited term Student Driver Training Fund eligibility fee, \$2.

(10) Fee for reinstatement of revoked driving privileges under ORS 809.390[,] **or** reinstatement of suspended driving privileges under ORS 809.380 [*or reinstatement of right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition)*], \$75.

(11) The department may adopt rules to provide for the assessment or retention of the skills test fee when a test is scheduled but the applicant fails to appear at the scheduled time.

SECTION 9. ORS 809.312 is amended to read:

809.312. (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 privi-

leges 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 [(25)] (24).

(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.

SECTION 9a. If House Bill 4062 becomes law, section 9 of this 2018 Act (amending ORS 809.312) is repealed.

SECTION 10. ORS 809.390 is amended to read:

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

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

(2) During the period of revocation, the person is not entitled to exercise any driving privileges in this state or to apply for or receive any driving privileges in this state except when a person who has been determined to be a habitual offender is permitted to obtain driving privileges under **ORS 807.240** [*a probationary driving permit as described under ORS 807.270 and 809.650. This subsection prohibits the issuance of any driver permit, including a hardship permit described under ORS 807.240, to a person whose driving privileges or right to apply for driving privileges are revoked except as provided for the probationary driving permit under ORS 807.270*].

(3) Upon expiration of the revocation period, the person must reapply for driving privileges in the manner established by law and must reestablish the

person's eligibility for issuance of driving privileges. *[If driving privileges are revoked because the person is a habitual offender, the person must meet the additional eligibility requirements for reinstatement of driving privileges under ORS 809.650 and 809.660.]*

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

(5) The department shall not issue any driving privileges in contradiction to this section.

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

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

SECTION 11. ORS 809.600 is amended to read:

809.600. This section establishes the kinds of offenses and the number of convictions necessary to revoke the driving privileges of a person as a habitual offender under ORS 809.640. The kinds of offenses and the number of convictions necessary to revoke driving privileges as a habitual offender are as follows:

(1) A person's driving privileges shall be revoked as a habitual offender if the person, within a five-year period, has been convicted of three or more of any one or more of the following offenses as evidenced by the records maintained by the Department of Transportation or by the records of a similar agency of another state:

(a) Any degree of murder, manslaughter, criminally negligent homicide, assault, recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle.

(b) Driving while under the influence of intoxicants under ORS 813.010.

(c) Criminally driving a motor vehicle while suspended or revoked, under ORS 811.182.

(d) Reckless driving under ORS 811.140.

(e) Failure to perform the duties of a driver under ORS 811.700 or 811.705.

(f) Fleeing or attempting to elude a police officer under ORS 811.540.

(g) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended or revoked under ORS 163.196.

(2) A person's driving privileges shall be revoked as a habitual offender if the person, within a five-year period, has been convicted of 20 or more of any one or more of the following offenses as evidenced

by the records maintained by the department or by a similar agency of another state:

(a) Any offenses enumerated in subsection (1) of this section.

(b) Any offense specified in the rules of the department adopted under ORS 809.605.

(3) A person's driving privileges shall not be revoked under subsection (2) of this section until the person's 21st conviction within a five-year period when the 20th conviction occurs after a lapse of two years or more from the last preceding conviction.

(4) The offenses described under this section include any of the following:

(a) Any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation that substantially conforms to offenses described under this section.

(b) Any violation of offenses under any federal law or any law of another state, including subdivisions thereof, that substantially conform to offenses described in this section.

(5) A revocation under this section shall continue for a period of five years from the date of revocation.

SECTION 12. ORS 811.175 is amended to read:

811.175. (1) A person commits the offense of violation driving while suspended or revoked if the person does any of the following:

(a) Drives a motor vehicle upon a highway during a period when the person's driving privileges or right to apply for driving privileges have been suspended or revoked in this state by a court or by the Department of Transportation.

(b) Drives a motor vehicle outside the limitations of [a probationary permit issued under ORS 807.270 or] a hardship driver permit issued under ORS 807.240, including any limitations placed on the permit under ORS 813.510].

(c) Drives a commercial motor vehicle upon a highway during a period when the person's driving privileges or commercial driving privileges have been suspended or revoked in this state or any other jurisdiction.

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

(3) The offense described in this section is applicable upon any premises open to the public.

(4) The offense described in this section, violation driving while suspended or revoked, is a Class A traffic violation except as otherwise provided in ORS 811.182.

SECTION 13. 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) (b) 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) (c) A suspension of commercial driving privileges under ORS 809.510 resulting from failure to perform the duties of a driver under ORS 811.700.]

[(e) (d) A suspension of commercial driving privileges under ORS 809.510 (6) 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) (e) A suspension of commercial driving privileges under ORS 809.520.]

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

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

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

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

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

[(m) (L) A suspension for use of a 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)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is a felony as crime category 4 of the rules of the commission.

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

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

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

SECTION 14. ORS 813.040 is amended to read:

813.040. This section establishes, for purposes of ORS 471.432[,] **and** 807.060 [*and 813.500*], when a person has a problem condition involving alcohol, cannabis, controlled substances or inhalants. For purposes of ORS 471.432[,] **and** 807.060 [*and 813.500*], a person has a problem condition involving alcohol, cannabis, controlled substances or inhalants if it is determined that the person has a problem condition in which the person's health or that of others is substantially impaired or endangered or the person's social or economic function is substantially disrupted because of the person's:

(1) Habitual or periodic use of:

(a) Alcoholic beverages; or

(b) Cannabis, unless the person holds a registry identification card as defined in ORS 475B.791; or

(2) Use of or loss of the ability to control the use of controlled substances, inhalants or other substances with abuse potential, including a condition that may have developed:

(a) A physical dependence in which the body requires a continuing supply of a controlled substance, an inhalant or a drug to avoid characteristic withdrawal symptoms; or

(b) A psychological dependence characterized by an overwhelming mental desire for continued use of a controlled substance, an inhalant or a drug.

SECTION 15. ORS 813.520 is amended to read:

813.520. [*In addition to any provisions of ORS 807.240 and 813.510 or 807.250, this section establishes limitations on the authority of the Department of Transportation to issue driving privileges under ORS 807.240.*] The Department of **Transportation** may not reinstate any driving privileges or issue any hardship permit under ORS 807.240 as provided under any of the following:

(1) For a period of 90 days after the beginning of the suspension if the suspension is for refusal of a test under ORS 813.100 and the person is not subject to an increase in the time before a permit may be issued for reasons described in ORS 813.430. *[This period of 90 days shall be reduced by the time the department refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving privileges were suspended based on the same occurrence.]*

(2) For a period of 30 days after the beginning of the suspension if the suspension is because a breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300 and the person is not subject to an increase in the time before a hardship permit may be issued for reasons described in ORS 813.430. *[This period of 30 days shall be reduced by the time the department refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving privileges were suspended based on the same occurrence.]*

(3) For a period of one year after the beginning of the suspension if the suspension is because a breath or blood test under ORS 813.100 disclosed that the person had a level of alcohol in the person's blood that constituted being under the influence of intoxicating liquor under ORS 813.300 and the person is subject to an increase in the time before a hardship permit may be issued for reasons described under ORS 813.430. *[This period of one year shall be reduced by the time the department refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving privileges were suspended based on the same occurrence.]*

(4) For a period of three years after the beginning of the suspension if the suspension is for refusal of a test under ORS 813.100 and the person is subject to an increase in the time before a hardship permit may be issued for reasons described in ORS 813.430. *[This period of three years shall be reduced by the time the department refused to issue a hardship permit under subsection (5) or (6) of this section if the person's driving privileges were suspended based on the same occurrence.]*

[(5) For a period of 90 days after the beginning of the suspension under ORS 813.400 if it is the person's second conviction for driving while under the influence of intoxicants if the suspension period is determined by ORS 809.428 (2)(b). This period of 90 days shall be reduced by the time the department refused to issue a hardship permit under subsection (1), (2), (3) or (4) of this section if the person's driving privileges were suspended based on the same occurrence.]

[(6) For a period of one year after the beginning of the suspension under ORS 813.400 for driving while under the influence of intoxicants if the suspension period is determined by ORS 809.428 (2)(c). This period of one year shall be reduced by the time the department refused to issue a hardship permit

under subsection (1), (2), (3) or (4) of this section if the person's driving privileges were suspended based on the same occurrence.]

[(7)] (5) To any person who has a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.

[(8)] (6) If the suspension is based upon a conviction for a violation of ORS 813.010 or is imposed under ORS 813.410 based upon ORS 813.100 to a person who has available public or private transportation sufficient to fulfill the person's transportation needs while the person is suspended.

[(9)] (7) For a period of 30 days following imposition of suspension, if the person, within the previous year, has been convicted of a traffic crime and the suspension is based upon a conviction for violation of ORS 813.010 or is imposed under ORS 813.410 based upon ORS 813.100.

APPLICABILITY OF PROBATIONARY PERMIT AND HARDSHIP PERMIT PROVISIONS

SECTION 16. The amendments to ORS 163.196, 430.165, 430.197, 801.250, 807.200, 807.240, 807.370, 809.312, 809.390, 809.600, 811.175, 811.182, 813.040 and 813.520 by sections 2 to 15 of this 2018 Act and the repeal of ORS 807.250, 807.252, 807.260, 807.270, 809.650, 809.660, 813.500 and 813.510 by section 1 of this 2018 Act apply to hardship permits issued on or after the effective date of this 2018 Act. Hardship permits and probationary permits issued before the effective date of this 2018 Act shall be governed by law applicable to those permits in effect immediately before the effective date of this 2018 Act.

DRIVING PRIVILEGE SUSPENSIONS

SECTION 17. ORS 339.254, 339.257, 809.265 and 809.423 are repealed.

SECTION 18. ORS 164.775 is amended to read: 164.775. (1) It is unlawful for any person to discard any glass, cans or other trash, rubbish, debris or litter on land within 100 yards of any of the waters of the state, as defined in ORS 468B.005, other than in receptacles provided for the purpose of holding such trash, rubbish, debris or litter.

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

(3) In addition to or in lieu of the penalties provided for violation of any provision of this section, the court in which any individual is convicted of a violation of this section may order suspension of certain permits or licenses for a period not to exceed 90 days if the court finds that the violation occurred during or in connection with the exercise of the privilege granted by the permit or license. The permits and licenses to which this section applies are

[*motor vehicle operator's permits or licenses,*] hunting licenses, fishing licenses or boat registrations.

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

(b) In any case, upon conviction, if punishment by imprisonment is imposed upon the defendant, the form of the sentence shall include that the defendant shall be punished by confinement at labor clearing rubbish, trash and debris from the lands and waters described by subsections (1) and (2) of this section, for not less than one day nor more than five days.

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

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

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

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

SECTION 19. ORS 165.805 is amended to read:

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

(a) Being less than a certain, specified age, the person knowingly purports to be of any age other than the true age of the person with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age; or

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

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

(3)(a) In addition to and not in lieu of any other penalty established by law, **if** a person [*who*], using a driver permit or license or other identification issued by the Department of Transportation of this state or its equivalent in another state, commits the crime of misrepresentation of age by a minor in order to purchase or consume alcoholic liquor **or cannabis**:

(A) **The person** may be required to perform community service; and

(B) The court [*shall*] **may** order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year[.] **upon:**

(i) **The person's second or subsequent conviction or adjudication for an offense described in this paragraph;**

(ii) **The person's first conviction or adjudication if the person has previously entered into a formal accountability agreement under ORS 419C.230 for an offense described in this paragraph; or**

(iii) **The person's first conviction or adjudication if the offense involved the operation of a motor vehicle.**

(b) If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the department under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

(4) The prohibitions of this section do not apply to any person acting under the direction of the Oregon Liquor Control Commission or a regulatory specialist or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of alcoholic beverages **or marijuana items, as defined in ORS 475B.015**, to persons who are under a certain, specified age.

(5) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages **or marijuana items, as defined in ORS 475B.015**, to persons who are under the age of 21 years.

NOTE: Section 20 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 21. ORS 802.170 is amended to read:

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

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

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

[2] (3) Authorize any department employee or police officer to seize and recover any evidence of

the registration, title, license or permit suspended or canceled.

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

SECTION 22. ORS 802.550 is amended to read: 802.550. The following relate to the Driver License Compact under ORS 802.540:

(1) The Director of Transportation or the director's deputy shall act as the compact administrator. The compact administrator shall not be entitled to any additional compensation on account of service as compact administrator, but shall be entitled to expenses incurred in connection with such service, payable the same as expenses in connection with services as the normal duties of the person.

(2) When reference in the compact is made to the executive head in this state, the reference applies to the Governor of this state.

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

(4) In accordance with subdivision (c) of Article IV of the compact, the following offenses or violations provided by Oregon law hereby are designated as offenses or violations of a substantially similar nature as the respective denominations and descriptions of conduct appearing in subdivision (a) of Article IV of the compact[.]:

- (a) ORS 809.409 (1) and (2) - Article IV (a) (1).
- (b) ORS 813.400 - Article IV (a) (2).
- (c) ORS 809.409 [(5)] (4) - Article IV (a) (3).
- (d) ORS 809.409 (3) - Article IV (a) (4).

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

NOTE: Sections 23 and 24 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 25. ORS 809.135 is amended to read: 809.135. The Department of Transportation may refuse to issue, may revoke or may suspend any [*license, permit,*] identification card, title or registration issued by the department or for which application is made to the department if the department determines that the person issued or applying for the [*license, permit,*] identification card, title or registration has used one name in one application and another name in any other application.

SECTION 26. ORS 809.260 is amended to read: 809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, **at the time of committing any offense described in subsection (2) of this section**, is [*convicted of any offense described in this subsection or*

determined by a juvenile court to have committed one of the [*described*] offenses **described in subsection (2) of this section**, the court [*shall*] **may** order suspension of the person's driving privileges[.] **upon:**

(a) **The person's second or subsequent adjudication for an offense described in subsection (2) of this section;**

(b) **The person's first adjudication if the person has previously entered into a formal accountability agreement under ORS 419C.230 for an offense described in subsection (2) of this section; or**

(c) **The person's first adjudication if the offense involved the operation of a motor vehicle.**

(2) [*This*] Subsection (1) of this section applies [*to ORS 166.370, 475B.341, 475B.346 and 475B.349 and*] to any offense involving the delivery, manufacture or possession of controlled substances, **or any offense described in ORS 475B.341, 475B.346 or 475B.349.**

[(2)] (3) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age, at the time of committing any offense described in [*this*] subsection (4) of this section, is convicted or determined by a juvenile court to have committed one of the [*described*] offenses **described in subsection (4) of this section**, the court [*shall*] **may** order suspension of the person's driving privileges **upon:**

(a) **The person's second or subsequent conviction or adjudication for an offense described in subsection (4) of this section;**

(b) **The person's first conviction or adjudication if the person has previously entered into a formal accountability agreement under ORS 419C.230 for an offense described in subsection (4) of this section; or**

(c) **The person's first conviction or adjudication if the offense involved the operation of a motor vehicle.**

(4) [*This*] Subsection (3) of this section applies to any offense involving the possession, use or abuse of alcohol or cannabis.

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

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

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

(c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for a period of six months if the order is based on a determination or conviction involving controlled substances.

[(4)] (6) Upon receipt of an order under this section, the department shall take action as directed under ORS 809.280.

SECTION 27. ORS 809.275 is amended to read:

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

(2) Upon taking possession of a license or permit under this section, a court shall immediately forward to the Department of Transportation the license or permit and a copy of the suspension or revocation order or other information satisfactory to the department and to the State Court Administrator.

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

(4) The department is not required to provide further notice of a suspension or revocation ordered by the court.

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

SECTION 28. ORS 809.280 is amended to read:

809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation shall suspend the person's driving privileges. The suspension shall remain in effect until the department is notified by the court that the suspension is ended, except that, if the department is ordered to automatically reinstate the driving privileges upon the successful completion of a program, the department shall do so and shall notify the judge that the person has complied with the order of the judge.

(2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed 90 days.

(3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate the driving privileges upon appropriate notification from the court under ORS 809.130, except that the department shall only impose the suspension after the department has determined that:

(a) The judgment was rendered against the person;

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

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

(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, which-

ever comes first. The department may not suspend any driving privileges under this subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.

(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the lapse of 10 years from the date of suspension, whichever comes first.

(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's driving privileges as follows:

(a) Upon receipt of the first order suspending driving privileges, the department shall suspend the person's driving privileges for one year, or until the person reaches 17 years of age, whichever is longer.

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

(7) If the department receives notice from a court that it has withdrawn an order issued under ORS 809.260, the department shall immediately reinstate any driving privileges that have been suspended under subsection (6) of this section because of the issuance of the order.

(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed one year.

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

[(10)] (9) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke the person's driving privileges. The revocation shall remain in effect until the department is notified by a court that the person's driving privileges have been ordered restored.

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

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

[(13)] (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's driving privileges for one year.

SECTION 29. ORS 809.310 is amended to read:

809.310. (1) The Department of Transportation may cancel any driving privileges upon determining

that the person is not entitled to the driving privileges under the vehicle code. The department may reissue driving privileges canceled under this subsection when the applicant has satisfied all requirements for the driving privileges sought.

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

(3) The department may suspend any driving privileges or right to apply for privileges or any identification card or right to apply for a card upon determining that the person issued or applying for the driving privileges or identification card has committed any of the following acts:

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

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

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

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

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

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

[(g) Transferred documents for the purpose of misrepresentation in violation of ORS 807.510.]

[(h) Given false information to a police officer in violation of ORS 807.620.]

(4) Upon suspension or cancellation of driving privileges under this section, a person whose privileges are suspended or canceled shall surrender to the department any license or driver permit issued for the driving privileges. Failure to comply with this subsection is subject to penalty as provided under ORS 809.500.

(5) To obtain driving privileges after the period of suspension or cancellation under this section, a person must reapply for driving privileges in the manner established by law.

SECTION 30. ORS 809.380 is amended to read: 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The department issued the suspension without error because the person was not in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS

806.150 or at the time of an accident described in ORS 806.200, but the department later determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date of the department's letter of verification or at the time of the accident.

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

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

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

[(7) The department shall waive the reinstatement fee for a person whose driving privileges were suspended under ORS 809.423 (2) if the person:]

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

[(b) Has received a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test from a community college and provides the department with proof of the certificate satisfactory to the department.]

SECTION 31. ORS 809.409 is amended to read:

809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the Department of Transportation shall revoke the driving privileges of the person convicted.

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

(c) Except as otherwise provided in subsections (2) and (3) of this section, the revocation shall be for a period of one year from the date of revocation, except that the department may not reinstate driving privileges of any person whose privileges are revoked under this section until the person complies with future responsibility filings.

(2) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle, except that

the provisions of this subsection do not apply to a person whose driving privileges are ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this subsection may apply for reinstatement of driving privileges:

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

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

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

(b) The department shall revoke driving privileges under this subsection for a period of three years if the court indicates on the record of conviction that a person sustained serious physical injury, as defined in ORS 161.015, as a result of the accident. The person may apply for reinstatement of privileges three years after the date the person was released from incarceration, if the sentence includes incarceration. If the sentence does not include incarceration, the person may apply for reinstatement three years from the date the revocation was imposed under this subsection.

(c) The department shall revoke driving privileges under this subsection for a period of five years if the court indicates on the record of conviction that a person was killed as a result of the accident. The person may apply for reinstatement of privileges five years after the date the person was released from incarceration, if the sentence includes incarceration. If the sentence does not include incarceration, the person may apply for reinstatement five years from the date the revocation was imposed under this subsection.

[(4) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of perjury or the making of a false affidavit to the department under any law of this state requiring the registration of vehicles or regulating their operation on the highways.]

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

SECTION 32. ORS 809.411 is amended to read:

809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the Department of Transportation shall suspend the driving privileges of the person convicted.

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

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

(2) The department shall take action under subsection (1) of this section upon receipt of a record of conviction of any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle.

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

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

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

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

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

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

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

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

(b) A person who is convicted of assault in the second degree and whose driving privileges are suspended under this subsection may apply for reinstatement of driving privileges eight years from the

date the person is released from incarceration for the conviction, if the sentence includes incarceration. If the sentence for the conviction does not include incarceration, the person may apply for reinstatement of driving privileges eight years from the date the department suspended the privileges under this subsection.

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

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

SECTION 33. 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 traffic offense or violation of ORS 471.430 occurred if the suspension is imposed for a reason described in ORS 809.416 (1),] or 20 years from the date the traffic offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2) [or five years from the date the suspension is imposed for a reason described in ORS 809.416 (4)].

(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 main-

taining qualification to operate a commercial motor vehicle or hold commercial driving privileges, the department shall suspend the commercial driving privileges or the person's right to apply for commercial driving privileges for a period of one year.

SECTION 34. ORS 809.416 is amended to read:

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

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

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

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

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

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

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

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

(4) *A person is subject to suspension under ORS 809.415 (4) if the person pays the department any fee or tax with a bank check and the check is returned to the department as uncollectible or the person tenders payment with a credit or debit card and the issuer of the card does not pay the department. A person who*

is subject under this subsection remains subject until the department receives the money for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have elapsed, whichever is earlier.]

APPLICABILITY OF DRIVING PRIVILEGE SUSPENSION PROVISIONS

SECTION 35. The amendments to ORS 163.196, 164.775, 165.805, 802.170, 802.550, 807.240, 809.135, 809.260, 809.275, 809.280, 809.310, 809.312, 809.380, 809.409, 809.411, 809.415, 809.416 and 811.182 by sections 2, 3, 9, 13 and 18 to 34 of this 2018 Act and the repeal of ORS 339.254, 339.257, 809.265 and 809.423 by section 17 of this 2018 Act apply to conduct giving rise to a driving privilege suspension or driving privilege revocation on or after the effective date of this 2018 Act. Driving privilege suspensions or driving privilege revocations imposed before the effective date of this 2018 Act shall be governed by law applicable to driving privilege suspensions and driving privilege revocations in effect at the time of the most recent suspension or revocation.

MEMBERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 36. ORS 807.020 is amended to read: 807.020. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state or who has been a resident of this state for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or

driver permit issued by this state or any other jurisdiction; or

(c) That exceed the driving privileges granted to the person by the out-of-state license or driver permit.

(2) A person *[in]* **who is a member of the Armed Forces of the United States or a member of the commissioned corps of the National Oceanic and Atmospheric Administration** may operate a motor vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the course of the person's duties in the Armed Forces **or the National Oceanic and Atmospheric Administration**.

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170, unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the commission as open to all-terrain vehicles.

(9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the commission as open to all-terrain vehicles.

(10) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

(11) The spouse of a member of the Armed Forces of the United States on active duty **or the spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Administration** who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

(12) A person who is a member of the Armed Forces of the United States on active duty **or a member of the commissioned corps of the Na-**

tional Oceanic and Atmospheric Administration may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab;

(b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour; or

(c) Operating an auticycle.

(14) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

(15) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

(16) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

(17) A person who is not a resident of this state or who has been a resident of this state for less than

30 days may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280.

(18) A person may operate an electric personal assistive mobility device without any grant of driving privileges if the person is 16 years of age or older.

CAPTIONS

SECTION 37. The unit captions used in this 2018 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 2018 Act.

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