

Senate Bill 528

Sponsored by Senator BOQUIST (at the request of Brad Craig) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that person who has been convicted of driving while under influence of intoxicants shall provide proof to Department of Transportation that person completed treatment program before department may reinstate person's driving privileges.

Extends period of time that must elapse before temporary driver permit issued to person is valid proof of driving privileges.

A BILL FOR AN ACT

1
2 Relating to the offense of driving while under the influence of intoxicants; creating new provisions;
3 and amending ORS 813.022 and 813.110.

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

5 **SECTION 1.** ORS 813.022 is amended to read:

6 813.022. (1) A person who has been convicted of driving while under the influence of intoxicants
7 under ORS 813.010 shall provide proof to the Department of Transportation that the person com-
8 pleted a treatment program to which the person was referred under ORS 813.021.

9 (2) The department may not reinstate a person's driving privileges unless:

10 (a) The person has provided proof of completing a treatment program as required under sub-
11 section (1) of this section; **or**

12 (b) The person has an order from the circuit court of the county in which the person was con-
13 victed that the person has taken sufficient steps to satisfy the requirement under ORS 813.021 to
14 complete a treatment program.]; *or*]

15 [(c) *Fifteen years have elapsed since the date of the person's conviction for driving while under the*
16 *influence of intoxicants.*]

17 (3)(a) If the person is unable to provide proof of completing a treatment program as required
18 under subsection (1) of this section, the person may file a motion with the circuit court of the county
19 in which the person was convicted to show proof that the person has taken sufficient steps to satisfy
20 the requirement under ORS 813.021 to complete a treatment program. The person shall provide a
21 copy of the motion and any supporting documentation to the district attorney of the county. The
22 district attorney may file, within 45 days from the date the person files the motion with the court,
23 an objection to the motion.

24 (b) If the district attorney does not file an objection to the motion, the court shall, without
25 hearing, enter an order that the person has taken sufficient steps to satisfy the requirement under
26 ORS 813.021 to complete a treatment program or, on its own motion, conduct a hearing as described
27 in subsection (4) of this section.

28 (c) Upon timely receipt of an objection from the district attorney, the court shall conduct a
29 hearing.

30 (4) At a hearing under subsection (3) of this section, the court shall determine whether, consid-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ering the totality of the circumstances, the person has taken sufficient steps such that in the court's
 2 view the person has satisfied the requirement under ORS 813.021 to complete a treatment program.

3 (5) If the court determines that the person has taken sufficient steps to satisfy the requirement
 4 under ORS 813.021 to complete a treatment program, the court shall enter an order that the person
 5 has taken sufficient steps to satisfy the requirement under ORS 813.021 to complete a treatment
 6 program.

7 (6) When the court enters an order under this section, the court shall provide a copy of the
 8 order to the district attorney.

9 (7) A court may not enter an order that the person has taken sufficient steps to satisfy the re-
 10 quirement under ORS 813.021 to complete a treatment program if the person has not started a
 11 treatment program.

12 **SECTION 2.** ORS 813.110 is amended to read:

13 813.110. (1) Except as otherwise provided by this section, police officers, on behalf of the De-
 14 partment of Transportation, shall issue temporary driving permits described under this section to
 15 persons when required under ORS 813.100.

16 (2) The department shall provide police departments and agencies with permits for issuance as
 17 required by this section. The department shall establish the form and content of permits described
 18 in this section as the department determines appropriate, but in a manner consistent with this sec-
 19 tion.

20 (3) A permit described in this section is subject to all the following:

21 (a) Except as provided in paragraph (b) of this subsection, the permit is valid until the 30th day
 22 after the date of arrest.

23 (b) During the [12-hour] **24-hour** period following issuance of the permit, the person is subject
 24 to ORS 807.570, and the permit is not a defense to a charge under ORS 807.570.

25 (c) The permit shall be issued without payment of any fee.

26 (d) The permit grants the same driving privileges as those granted by the person's license taken
 27 into possession under ORS 813.100.

28 (4) A police officer shall not issue a permit under this section if:

29 (a) Driving privileges of the person were suspended, revoked or canceled at the time the person
 30 was arrested;

31 (b) The person whose license was taken into custody was operating on an invalid license;

32 (c) The person was not entitled to driving privileges at the time of the arrest for any other
 33 reason; or

34 (d) The person holds a license or permit granting driving privileges that was issued by another
 35 state or jurisdiction and that is not taken into custody under ORS 813.100.

36 **SECTION 3. The amendments to ORS 813.022 and 813.110 by sections 1 and 2 of this 2017**
 37 **Act apply to conduct occurring on or after the effective date of this 2017 Act.**