

HB 3055-2  
(LC 2448)  
4/19/21 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Transportation)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3055**

1 On page 1 of the printed bill, delete lines 3 through 8 and insert  
2 “279C.307, 279C.335, 315.591, 319.020, 319.330, 319.665, 319.671, 319.890, 319.950,  
3 320.400, 346.510, 366.505, 367.010, 367.105, 367.555, 367.560, 367.615, 367.806,  
4 367.816, 381.312, 383.003, 383.004, 383.009, 383.014, 383.015, 383.017, 383.035,  
5 383.045, 383.075, 383.150, 757.357, 803.102, 803.210, 806.040, 806.070, 806.200,  
6 806.240, 807.072, 807.173, 807.175, 809.120, 809.130, 809.310, 809.440, 809.510,  
7 809.515, 809.520, 809.545, 809.700, 810.180, 810.530, 811.182, 811.260, 811.602,  
8 811.604, 811.605, 811.613, 811.616, 813.055, 813.130, 813.410, 813.460, 815.045,  
9 815.140, 815.145, 819.010, 819.016, 824.022, 824.026, 824.060, 824.068, 824.088,  
10 824.990, 824.992, 825.400, 825.402, 825.410, 825.415, 825.490, 825.496 and 825.960  
11 and section 7, chapter 700, Oregon Laws 2015; repealing ORS 184.631, 383.006,  
12 383.013, 383.023, 383.065, 383.155, 809.010, 809.020, 809.030, 809.040, 809.050,  
13 809.080, 824.104, 825.404, 825.412 and 825.418”.

14 In line 9, delete “383.155 and 824.104”.

15 On page 2, line 8, after the second “for” insert “up to”.

16 In line 37, after “(1)” insert “The department receives information that”.

17 In line 45, after “(4)” insert “The department determines that”.

18 On page 3, line 23, after the period delete the rest of the line and delete  
19 lines 24 and 25.

20 On page 7, line 3, delete “agreement” insert “intergovernmental agree-  
21 ment under ORS 190.010”.

1 In line 7, before “agreements” insert “intergovernmental”.

2 On page 11, delete lines 40 through 45.

3 On page 12, delete lines 1 through 7 and insert:

4 **“SECTION 19.** ORS 825.400 is amended to read:

5 “825.400. (1) The Department of Transportation shall [*adopt rules to*] es-  
6 tablish a program for the education of motor carriers that covers, at a min-  
7 imum, safety, weight mile tax and [*insurance*] **registration** and size and  
8 weight regulations administered by the department.

9 **“(2) The department may appoint agents to carry out the program**  
10 **established under this section.**

11 **“(3) The department shall prescribe fees sufficient to defray the**  
12 **costs of the program. Agents appointed by the department may assess**  
13 **the fees.**

14 **“(4) The department shall adopt rules to carry out the provisions**  
15 **of this section.**

16 **“SECTION 20. ORS 825.404 is repealed.”.**

17 On page 20, delete lines 27 through 29.

18 On page 26, delete lines 27 through 45 and delete page 27 and insert:

19 **“NOTE:** Section 47 was deleted by amendment. Subsequent sections were  
20 not renumbered.

21 **“SECTION 48.** ORS 279C.307 is amended to read:

22 “279C.307. (1) Except as provided in [*subsection (2)*] **subsections (2) and**  
23 **(3)** of this section, a contracting agency that procures personal services for  
24 the purpose of administering, managing, monitoring, inspecting, evaluating  
25 compliance with or otherwise overseeing a public contract that is subject to  
26 this chapter may not:

27 “(a) Procure the personal services from a contractor or an affiliate of a  
28 contractor who is a party to the public contract that is subject to adminis-  
29 tration, management, monitoring, inspection, evaluation or oversight by  
30 means of the personal services; or

1       “(b) Procure the personal services through the public contract that is  
2 subject to administration, management, monitoring, inspection, evaluation  
3 or oversight by means of the personal services.

4       “(2) Subsection (1) of this section does not apply to a **combination of**  
5 **preconstruction services and construction services in a** procurement for  
6 construction manager/general contractor services or to a **combination of**  
7 **design services and construction services in** a design-build procurement,  
8 as defined in rules the Attorney General or a contracting agency adopts  
9 under ORS 279A.065.

10       “(3)(a) **If a contracting agency anticipates that the contracting**  
11 **agency must procure personal services of the type described in sub-**  
12 **section (1) of this section and the contracting agency intends to accept**  
13 **a bid or proposal from a contractor that would be subject to the pro-**  
14 **hibition set forth in subsection (1) of this section, the contracting**  
15 **agency shall apply to an appropriate authority for an exception to the**  
16 **prohibition before awarding a public contract for the personal services**  
17 **or amending an existing public contract to include the personal ser-**  
18 **vices.**

19       “(b) **For a state contracting agency, the appropriate authority is the**  
20 **Director of the Oregon Department of Administrative Services. For a**  
21 **local contracting agency, the appropriate authority is the local con-**  
22 **tracting agency’s local contract review board. For the Department of**  
23 **Transportation, with respect to a procurement described in ORS**  
24 **279A.050 (3)(b), the appropriate authority is the Director of Transpor-**  
25 **tation.**

26       “(c) **In preparing an application under paragraph (a) of this sub-**  
27 **section, a contracting agency shall consult with legal counsel to en-**  
28 **sure compliance with the provisions of this section and this chapter.**  
29 **The requirements of this paragraph are in addition to any require-**  
30 **ments for legal sufficiency approval under ORS 291.047.**

1       “(d) An application under paragraph (a) of this subsection must  
2 include findings and justifications, along with sufficient facts to sup-  
3 port the findings and justifications, that enable the authority to make  
4 an independent judgment as to whether:

5       “(A) The contracting agency requires the personal services de-  
6 scribed in subsection (1) of this section;

7       “(B) Accepting a bid or proposal from a contractor that would be  
8 subject to the prohibition described in subsection (1) of this section is  
9 in the best interest of the contracting agency; and

10       “(C) Approving an exception:

11       “(i) Is unlikely to encourage favoritism in awarding public contracts  
12 or to substantially diminish competition for public contracts; and

13       “(ii)(I) Is reasonably expected to result in substantial cost savings  
14 to the contracting agency or the public; or

15       “(II) Otherwise substantially promotes the public interest in a  
16 manner that could not be practicably realized by complying with the  
17 prohibition described in subsection (1) of this section.

18       “(e)(A) If the appropriate authority approves the contracting  
19 agency’s application under paragraph (a) of this subsection, the ap-  
20 propriate authority shall prepare written findings and justifications for  
21 the approval. The contracting agency’s findings, justifications and  
22 facts and the appropriate authority’s findings, justifications and ap-  
23 proval are public records that are subject to disclosure as provided in  
24 ORS 192.311 to 192.478.

25       “(B) If the appropriate authority disapproves the contracting  
26 agency’s application, the appropriate authority shall state the reasons  
27 for the disapproval in a written notice to the contracting agency and  
28 shall indicate whether the disapproval extends only to the contracting  
29 agency’s acceptance of a bid or proposal from a contractor that would  
30 be subject to the prohibition described in subsection (1) of this section

1 or whether the appropriate authority also disagrees with the con-  
2 tracting agency's stated need for the personal services.

3 “(C) The director's approval or disapproval is final.

4 “(f) In approving an exception under this subsection, the appropri-  
5 ate authority may direct a contracting agency to consult with legal  
6 counsel to ensure compliance with applicable law in conducting a  
7 procurement for personal services of the type described in subsection  
8 (1) of this section.”.

9 On page 28, delete lines 1 through 27.

10 On page 51, delete lines 28 through 45 and delete page 52 and insert:

11

## 12 “SHORT-TERM BORROWING

13

14 “**SECTION 82.** ORS 367.105 is amended to read:

15 “367.105. (1) In addition to the authority for short-term borrowing granted  
16 in ORS 286A.025 (2)(d) and 286A.045, the Department of Transportation, act-  
17 ing through the State Treasurer, may borrow money by entering into a credit  
18 agreement, a line of credit or a revolving line of credit, or by issuing a note,  
19 a warrant, a short-term promissory note, commercial paper or another simi-  
20 lar obligation, for the following purposes:

21 “(a) Providing matching funds as set forth in ORS 366.564.

22 “(b) Providing funds with which to pay when due the principal or interest  
23 of bonded indebtedness created for highway purposes, the payment of which  
24 is necessary to preserve the financial credit of the state.

25 “(c) Meeting emergencies.

26 “(d) Providing funds for use by the department during times when ex-  
27 penditures exceed revenues, whether or not the department anticipated that  
28 expenditures would exceed revenues.

29 “(e) Providing funds for the payment of current expenses in anticipation  
30 of revenue, grants or other moneys intended for payment of the current ex-

1 penses.

2 “(f) Providing funds for interim financing of a capital asset or project to  
3 be undertaken by the department.

4 “(g) Refunding an outstanding obligation.

5 “(2) Short-term borrowing under this section may be in such denomi-  
6 nations or for such sums as the department fixes and may draw interest at  
7 a negotiated rate.

8 “[~~(3)~~ *The total outstanding indebtedness created by the short-term borrow-*  
9 *ing under this section may not exceed \$100 million in outstanding principal*  
10 *amount.*]

11 “[~~(4)~~] **(3) All short-term borrowing issued pursuant to this section shall**  
12 **mature within three years from the date of issuance. This subsection does**  
13 **not apply to refunding revenue bonds issued under this subsection (4)**  
14 **of this section.**

15 **“(4) The State Treasurer may issue refunding revenue bonds to re-**  
16 **fund outstanding short-term borrowings issued under this section.**

17 “[~~(5)~~ *The department shall pay for and secure short-term borrowing under*  
18 *this section with funds from the State Highway Fund or other funds that are*  
19 *legally available to the department for the purposes for which the moneys were*  
20 *borrowed, including moneys received by the department from the United States*  
21 *government.*]

22 **“(5) Using funds from the State Highway Fund or other funds that**  
23 **are legally available to the department or State Treasurer for the**  
24 **purposes for which the moneys were borrowed, including moneys re-**  
25 **ceived by the department or State Treasurer from the United States**  
26 **government:**

27 **“(a) The department shall pay for and secure short-term borrowing**  
28 **under this section; and**

29 **“(b) The State Treasurer shall pay for any refunding revenue bonds**  
30 **issued under this section.**

1       “(6) ORS 286A.035 does not apply to borrowings under this section.

2  
3                               **“DRIVER SUSPENSION HEARINGS**

4  
5       **“SECTION 83.** ORS 809.440 is amended to read:

6       “809.440. (1) When other procedures described under this section are not  
7 applicable to a suspension or revocation under ORS 809.409 to 809.421, the  
8 procedures described in this subsection shall be applicable. All of the fol-  
9 lowing apply to this subsection:

10       “(a) The hearing shall be given before the department imposes the sus-  
11 pension or revocation of driving privileges.

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

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

16       “(d) The hearing shall be conducted by an administrative law judge as-  
17 signed from the Office of Administrative Hearings established under ORS  
18 183.605.

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

21       “(a) An administrative review shall consist of an informal administrative  
22 process to assure prompt and careful review by the department of the docu-  
23 ments upon which an action is based.

24       “(b) It shall be a defense to the department’s action if a petitioner can  
25 establish that:

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

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

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

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

5 “(d) Actions subject to administrative review shall be exempt from the  
6 provisions of ORS chapter 183 applicable to contested cases, and from the  
7 provisions of subsection [(4)] (5) of this section applicable to post-imposition  
8 hearings. A suspension, revocation or cancellation may not be stayed during  
9 the administrative review process or by the filing of a petition for judicial  
10 review. A court having jurisdiction may order the suspension, revocation or  
11 cancellation stayed pending judicial review.

12 “(e) Judicial review of a department order affirming a suspension or re-  
13 vocation after an administrative review shall be available as for review of  
14 orders other than contested cases, and the department may not be subject to  
15 default for failure to appear in such proceedings. The department shall cer-  
16 tify its record to the court within 20 days after service upon the department  
17 of the petition for judicial review.

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

23 “(g) The department shall adopt any rules governing administrative re-  
24 view that are considered necessary or convenient by the department.

25 “(3) **At a hearing for failure to make a future responsibility filing**  
26 **or false certification of financial responsibility requirements under**  
27 **ORS 809.415, it is a defense to the department’s action if the petitioner**  
28 **can establish that:**

29 “(a) **An error was committed by the department;**

30 “(b) **The person in fact was in compliance with financial responsi-**



1 **bility requirements on the date specified by the department by rule**  
2 **under ORS 806.150;**

3 **“(c) An error was committed by an insurance company in notifying**  
4 **the department regarding the correctness of proof of compliance with**  
5 **financial responsibility requirements provided under ORS 806.150;**

6 **“(d) The person was not in compliance with financial responsibility**  
7 **requirements on the date specified by the department by rule under**  
8 **ORS 806.150, and the department also determines that the person rea-**  
9 **sonably and in good faith believed that the person was in compliance**  
10 **with financial responsibility requirements on the date the department**  
11 **sent the notice of verification and that the person currently is in**  
12 **compliance with financial responsibility requirements; or**

13 **“(e) At the time of the accident the person reasonably and in good**  
14 **faith believed that the person was in compliance with financial re-**  
15 **sponsibility requirements, and the person is currently in compliance**  
16 **with financial responsibility requirements.**

17 **“[(3)] (4) When permitted under this section or under any other statute,**  
18 **a hearing may be expedited under procedures adopted by the department by**  
19 **rule. The procedures may include a limited time in which the person may**  
20 **request a hearing, requirements for telephone hearings, expedited procedures**  
21 **for issuing orders and expedited notice procedures.**

22 **“[(4)] (5) When permitted under ORS 809.417, 809.419, 809.421 or 809.510**  
23 **to 809.545, a hearing may be a post-imposition hearing under this subsection.**  
24 **A post-imposition hearing is a hearing that occurs after the department im-**  
25 **poses the suspension or revocation of driving privileges. All of the following**  
26 **apply to this subsection:**

27 **“(a) The department must provide notice in the manner described in ORS**  
28 **809.430 before the suspension or revocation may take effect.**

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

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

5 “[5] (6) The department has complied with a requirement for a hearing  
6 or administrative review if the department has provided an opportunity for  
7 hearing or review and the person with the right to the hearing or review has  
8 not requested it. Any request for hearing or review must be made in writing.

9 “[6] (7) For any hearing described under this section, and for adminis-  
10 trative review described under this section, no further notice need be given  
11 by the department if the suspension or revocation is based upon a conviction  
12 and the court gives notice, in a form established by the department, of the  
13 rights to a hearing or review and of the suspension or revocation.

14 **“SECTION 84.** ORS 809.515, as amended by section 9, chapter 10, Oregon  
15 Laws 2020 (first special session), is amended to read:

16 “809.515. (1)(a) The Department of Transportation shall suspend the com-  
17 mercial driving privileges of a person if the department receives a notice  
18 from another jurisdiction that the person failed to appear in a prosecution  
19 on a citation for a traffic offense or for a violation in the other jurisdiction  
20 that, if committed in this state, would be grounds for suspension under ORS  
21 809.220, and the person held commercial driving privileges or was operating  
22 a commercial motor vehicle at the time of the offense. The period of a sus-  
23 pension under this subsection is the shorter of:

24 “(A) Ten years; or

25 “(B) Until the department receives notice from the other jurisdiction that  
26 the person appeared.

27 “(b) The department shall suspend a person’s commercial driving privi-  
28 leges under this subsection without regard to whether the other jurisdiction  
29 suspends any driving privileges of the person by reason of the person’s fail-  
30 ure to appear.

1       “(c) This subsection does not apply to failure to appear in a proceeding  
2 relating to a parking, pedestrian, vehicle defect or bicycling offense.

3       “(2) The department shall suspend the commercial driving privileges of a  
4 person if the department receives a notice from the Federal Motor Carrier  
5 Safety Administration that the person has been disqualified from operating  
6 a commercial motor vehicle and that the disqualification is due to a deter-  
7 mination that the driving of that person constitutes an imminent hazard. The  
8 department shall immediately suspend commercial driving privileges under  
9 this subsection without hearing, but the person may request a post-  
10 imposition hearing under ORS 809.440 [(4)] (5), without regard to any  
11 hearings conducted by the Federal Motor Carrier Safety Administration. The  
12 period of a suspension under this section is the period of suspension pre-  
13 scribed by the Federal Motor Carrier Safety Administration, or one year,  
14 whichever is shorter.

15

16                   **“REPEAL OF VEHICLE REGISTRATION SUSPENSIONS**

17

18       **“SECTION 85. ORS 809.010, 809.020, 809.030, 809.040, 809.050 and**  
19 **809.080 are repealed.**

20       **“SECTION 86.** ORS 806.040 is amended to read:

21       “806.040. Financial responsibility requirements are designed to provide for  
22 minimum payment of judgments of the type described in this section. For the  
23 purposes of ORS 806.130, 806.140, [809.020,] 809.130 and 809.470, judgments of  
24 the type described in this section must:

25       “(1) Have become final by expiration, without appeal, of the time within  
26 which an appeal might have been perfected or by final affirmation on appeal;

27       “(2) Be rendered by a court of competent jurisdiction of any state or of  
28 the United States;

29       “(3) Be upon a cause of action for damages of the type described under  
30 subsection (4) of this section or upon a cause of action on an agreement of

1 settlement for such damages; and

2 “(4) Be for one or more of the following kinds of damage arising out of  
3 a motor vehicle accident on public or private property:

4 “(a) Damages, including damages for care and loss of services, because  
5 of bodily injury to or death of any person.

6 “(b) Damages because of injury to or destruction of property, including  
7 the loss of use thereof.

8 **“SECTION 87.** ORS 806.070 is amended to read:

9 “806.070. (1) This section establishes a schedule of payments for the fol-  
10 lowing purposes:

11 “(a) An insurance policy described under ORS 806.080 must provide for  
12 payment of at least amounts necessary to cover the minimum required pay-  
13 ments under this section to qualify for use for financial responsibility under  
14 ORS 806.060.

15 “(b) A person who is self-insured under ORS 806.130 must agree to pay  
16 according to the payment schedule established by this section.

17 “(c) The payment schedule is the minimum required payment of a judg-  
18 ment for purposes of ORS [809.020,] 809.130 and 809.415.

19 “(2) The schedule of payments is as follows:

20 “(a) \$25,000 because of bodily injury to or death of one person in any one  
21 accident;

22 “(b) Subject to that limit for one person, \$50,000 because of bodily injury  
23 to or death of two or more persons in any one accident; and

24 “(c) \$20,000 because of injury to or destruction of the property of others  
25 in any one accident.

26 **“SECTION 88.** ORS 806.200 is amended to read:

27 “806.200. (1) A person commits the offense of failure to make a future re-  
28 sponsibility filing after an accident if:

29 “(a) The person is the owner or driver of a motor vehicle involved in an  
30 accident;

1 “(b) At the time of the accident the vehicle was operated in violation of  
2 ORS 806.010;

3 “(c) The person does not make a future responsibility filing within 30 days  
4 after the accident; and

5 “(d) The person is not exempt under ORS 806.210 from making a future  
6 responsibility filing.

7 “(2) The employer of a driver is subject to the requirements and penalties  
8 under this section if the driver is an employee exempted from this section  
9 under ORS 806.210. *[If an employer is subject to this section, the registration*  
10 *of the employer’s vehicles may be suspended as provided under ORS 809.050.]*

11 “(3) In addition to any other penalties under this section, violation of this  
12 section subjects the violator to suspension of driving privileges as provided  
13 under ORS 809.415.

14 “(4) The offense described in this section, failure to make a future re-  
15 sponsibility filing after an accident, is a Class B traffic violation.

16 **“SECTION 89.** ORS 806.240 is amended to read:

17 “806.240. Future responsibility filings required by ORS 806.200, 806.220 or  
18 806.230 or by any other law of this state are subject to all of the following:

19 “(1) Except as provided in subsection (3) of this section, the person re-  
20 quired to make the filing must file with the Department of Transportation,  
21 or have filed with the department for the benefit of the person, proof of  
22 compliance that meets the requirements of this section and must maintain  
23 the proof of compliance as required under ORS 806.245. The filing is made  
24 on the date it is received by the department if it is received during regular  
25 business hours.

26 “(2) The proof of compliance filed under subsection (1) of this section  
27 must be:

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

30 “(b) A valid certificate of self-insurance issued by the department under

1 ORS 806.130.

2 “(3) The owner of a motor vehicle may make a future responsibility filing  
3 under this section on behalf of the owner’s employee or a member of the  
4 owner’s immediate family or household in lieu of the filing being made by  
5 the person. Filing under this subsection permits the person on whose behalf  
6 the filing is made to operate only a motor vehicle covered by the proof of  
7 compliance given in the filing. The department shall endorse restrictions, as  
8 appropriate, on any license or driver permit the person holds as the depart-  
9 ment determines necessary to limit the person’s ability to operate vehicles  
10 consistent with this subsection.

11 “(4) Whenever proof of compliance filed under this section no longer  
12 meets the requirements of this section, the department shall require the  
13 furnishing of other proof of compliance for the future responsibility filing.  
14 If other proof of compliance is not furnished, the department shall suspend  
15 the driving privileges of the person as provided under ORS 809.415 [*or, if*  
16 *applicable, any registration as provided under ORS 809.050*].

17 **“SECTION 90.** ORS 809.120 is amended to read:

18 “809.120. (1) In addition to any other punishment imposed under ORS  
19 818.040, a convicting court has authority to order the suspension of the  
20 driving privileges of the operator of the vehicle used to violate ORS 818.040  
21 or the registration of the vehicle if the vehicle is required to be registered  
22 by the Department of Transportation. The authority of a court to order the  
23 suspension of driving privileges or registration under this section is subject  
24 to the following:

25 “(a) Subject to paragraph (b) of this subsection, the court may only order  
26 suspension for a period of up to 90 days.

27 “(b) For a second or subsequent violation of ORS 818.040, within one year  
28 after the first conviction, the court shall order the suspension for not less  
29 than 30 days nor more than 90 days.

30 “(2) Upon ordering a suspension under this section, a court shall secure

1 the license, driver permit or registration plates ordered suspended and shall  
2 immediately forward them to the department with the order of suspension  
3 as provided under ORS 809.275.

4 “(3) Upon receipt of an order under this section, the department shall  
5 proceed as provided under ORS [809.020 or] 809.280.

6 **“SECTION 91.** ORS 809.130 is amended to read:

7 “809.130. (1) If a court notifies the Department of Transportation under  
8 this section that a judgment remains unsettled as described by ORS 809.470,  
9 the department must initiate action to determine whether to suspend or re-  
10 voke driving privileges under ORS 809.415 [*or vehicle registration of the em-*  
11 *ployer under ORS 809.020*]. A court shall immediately give the department  
12 notice of an unsettled judgment under this section if:

13 “(a) A judgment of the type described under ORS 806.040 is rendered  
14 against a person by a court of this state;

15 “(b) The person fails within 60 days to settle the judgment in the manner  
16 required under ORS 809.470; and

17 “(c) The judgment creditor or the judgment creditor’s attorney makes a  
18 written request for forwarding to the department a certificate stating the  
19 judgment has not been settled as described in ORS 809.470.

20 “(2) A court that has given the department notice of an unsettled judg-  
21 ment under this section shall immediately forward to the department a cer-  
22 tificate stating that the judgment is appropriately settled and describing the  
23 judgment and parties sufficiently for identification if:

24 “(a) The judgment is settled in the manner required under ORS 809.470;  
25 and

26 “(b) The judgment debtor or the judgment debtor’s attorney makes a  
27 written request for forwarding to the department a certificate stating the  
28 judgment has been settled as described in ORS 809.470.

29 “(3) The notice made to the department under this section shall be given  
30 by the clerk of the court or, if the court has no clerk, by the judge.

1       **“SECTION 92.** ORS 809.700 is amended to read:

2       “809.700. A court may order a motor vehicle impounded or immobilized  
3 upon conviction for the traffic offenses described in this section. The au-  
4 thority to impound or immobilize a vehicle under this section is subject to  
5 all of the following:

6       “(1) The court may order a vehicle impounded or immobilized under this  
7 section when a person is convicted:

8       “(a) For driving a motor vehicle while the person’s license is suspended  
9 or revoked in violation of ORS 811.175 or 811.182; or

10       “(b) On a second or subsequent charge of driving while under the influ-  
11 ence of intoxicants in violation of ORS 813.010.

12       “(2) A vehicle may be impounded or immobilized under this section for  
13 not more than one year from judgment.

14       “(3) The following vehicles may be impounded under this section:

15       “(a) Any motor vehicle of which the convicted person is the owner.

16       “(b) Any motor vehicle which the convicted person is operating at the  
17 time of arrest.

18       “(4) A vehicle may be immobilized under this section if the vehicle is  
19 registered in this state and is a vehicle that may be impounded under sub-  
20 section (3) of this section.

21       “(5)(a) If a vehicle is ordered to be immobilized under this section and if  
22 the convicted person resides in the jurisdiction of the law enforcement  
23 agency that arrested the person for the offense described in subsection (1)  
24 of this section, the arresting law enforcement agency shall install a vehicle  
25 immobilization device on the vehicle. If the convicted person does not reside  
26 in the jurisdiction of the law enforcement agency that arrested the person,  
27 the sheriff of the county in which the person resides shall install the device.

28       “(b) A vehicle ordered immobilized under this section shall be immobilized  
29 at the residence of the owner of the vehicle or at the location where the  
30 owner regularly parks the vehicle.



1       “(c) A vehicle ordered immobilized under this section may be immobilized  
2 only in a location at which the vehicle may be legally stored for the period  
3 of the immobilization order. If no location is available at which the vehicle  
4 may be legally stored, the vehicle may be impounded for the period of the  
5 immobilization order.

6       “(d) A vehicle owner who fails to allow installation of a vehicle  
7 immobilization device ordered under this section shall be subject to contempt  
8 of court proceedings under ORS 33.015 to 33.155.

9       “(6)(a) If a vehicle is impounded under this section, the person convicted  
10 shall be liable for the expenses incurred in the towing and storage of the  
11 vehicle under this section, whether or not the vehicle is returned to the  
12 person convicted.

13       “(b) If a vehicle is immobilized under this section, the person convicted  
14 shall be liable for the expenses incurred in installation and removal of the  
15 vehicle immobilization device and for rental of the device during the period  
16 the device is installed on the vehicle, whether or not the vehicle is released  
17 to the person convicted.

18       “(7) A vehicle shall be released or returned to the person convicted or the  
19 owner only upon payment of the expenses incurred in the immobilization or  
20 towing and storage of the vehicle under this section.

21       “(8) If a vehicle is not reclaimed within 30 days after the time set for the  
22 return of the vehicle in an impounding order or release of the vehicle in an  
23 immobilization order, the vehicle may be disposed of in accordance with  
24 procedures under ORS 819.110 to 819.215.

25       “(9) The court may order that a motor vehicle of which the convicted  
26 person is not the owner be impounded or immobilized under this section only  
27 if the court is satisfied by a preponderance of the evidence that the owner  
28 knew or had good reason to know that the convicted person:

29       “(a) Did not have a valid license and knowingly consented to the opera-  
30 tion of the vehicle by the convicted person; or

1 “(b) Was operating the vehicle while under the influence of intoxicants.

2 “(10) The authority to impound or immobilize a vehicle under this section  
3 is subject to the rights of a security interest holder under a security agree-  
4 ment executed before an arrest for violation of an offense for which the ve-  
5 hicle may be impounded or immobilized under this section. A vehicle shall  
6 be released for the purpose of satisfying a security interest if:

7 “(a) **A** request in writing is made to the court; **and**

8 “(b) [*If the vehicle has been impounded or immobilized,*] The security in-  
9 terest holder pays the expenses in towing and storage or in immobilization  
10 of the vehicle[; *and*]

11 “[*(c) If the registration of the vehicle has been suspended under ORS*  
12 *809.010, the security interest holder takes possession of the vehicle subject to*  
13 *the suspension of the registration remaining in effect against the registered*  
14 *owner*].

15 “(11) A security interest holder’s obligation to pay and right to recover  
16 towing and storage or immobilization expenses under subsection (10) of this  
17 section are limited to the recovery of those towing and storage or  
18 immobilization expenses incurred during the initial 20-day period when the  
19 vehicle was in public storage or immobilized, unless the authority taking the  
20 vehicle into custody or immobilizing the vehicle under this section has  
21 transmitted by certified mail a written notice to the holder concerning the  
22 accrual of storage or immobilization expenses. If the vehicle is in private  
23 storage, the lien claimant shall transmit the written notice.

24

25 “**OReGO**

26

27 “**SECTION 93.** ORS 319.890 is amended to read:

28 “319.890. (1) A person wishing to pay the per-mile road usage charge im-  
29 posed under ORS 319.885 must apply to the Department of Transportation  
30 on a form prescribed by the department.

1 “(2) The department shall approve a valid and complete application sub-  
2 mitted under this section if:

3 “(a) The applicant **has applied for registration or** is the registered  
4 owner or lessee of a motor vehicle;

5 “(b) The motor vehicle is equipped with a method selected pursuant to  
6 ORS 319.900 for collecting and reporting the metered use by the motor vehi-  
7 cle of the highways in Oregon;

8 “(c) The motor vehicle is classified as a passenger vehicle by the depart-  
9 ment; and

10 “(d) The vehicle has a rating of at least 20 miles per gallon, such rating  
11 to be established by the department.

12 “(3) An electric vehicle or a vehicle with a rating of 40 miles per gallon  
13 or greater for which an application [*is*] **has been submitted or** approved  
14 under this section is not subject to the additional amount of registration fees  
15 imposed under ORS 803.422.

16 “(4) Approval of an application under this section subjects the applicant  
17 to the requirements of ORS 319.920 until the person ends the person’s vol-  
18 untary participation in the road usage charge program in the manner re-  
19 quired under subsection (5) of this section.

20 “(5) A person may end the person’s voluntary participation in the road  
21 usage charge program at any time by notifying the department, returning any  
22 emblem issued under ORS 319.945 to the department and paying any out-  
23 standing amount of road usage charge for metered use by the person’s subject  
24 vehicle.

25 “(6)(a) This subsection applies to a person whose subject vehicle is de-  
26 scribed in subsection (3) of this section[.] **and:**

27 “[*(b)*] **(A)** [*If the person*] **Who** ends [*the person’s*] voluntary participation  
28 in the per-mile road usage charge program with respect to the subject  
29 vehicle[.];

30 **“(B) Whose application is not approved under this section; or**

1       **“(C) Whose subject vehicle has been removed from the per-mile**  
2 **road usage charge program.**

3       **“(b) In addition to any amount due under subsection (5) of this section,**  
4 **the department may collect an additional amount [of] equal to the regis-**  
5 **tration fees that would otherwise have been due with respect to the sub-**  
6 **ject vehicle for the current registration period under ORS 803.422 [becomes**  
7 **due and] or a portion of the fees.**

8       **“(c) The department shall establish by rule the circumstances in**  
9 **which a person described in paragraph (a)(C) of this subsection is re-**  
10 **quired to pay an additional amount under paragraph (b) of this sub-**  
11 **section.**

12       **“(d) The department may deny registration for the subject vehicle until**  
13 **the additional amount [of registration fees is] imposed under paragraph (b)**  
14 **of this subsection has been paid.**

15       **“(7) The Department of Transportation shall consult with vehicle dealers**  
16 **that sell passenger vehicles to determine the most effective methods, at the**  
17 **point of sale, to encourage participation in the per-mile road usage charge**  
18 **program.**

19

20                                   **“TRACTION TIRE OR CHAIN USE**

21

22       **“SECTION 94. Section 95 of this 2021 Act is added to and made a**  
23 **part of the Oregon Vehicle Code.**

24       **“SECTION 95. (1) A person commits the offense of failure to carry**  
25 **vehicle traction tires or chains if the person drives or moves or owns**  
26 **and causes or knowingly permits to be driven or moved any motor**  
27 **vehicle or trailer on any highway if the highway is posted showing**  
28 **conditions that require the person to carry vehicle traction tires or**  
29 **chains within the vehicle and the vehicle does not contain vehicle**  
30 **traction tires or chains.**

1       **“(2) Traction tires or chains that are referred to in this section are**  
2 **those established by rule under the authority granted under ORS**  
3 **815.045.**

4       **“(3) This section does not apply to vehicles exempted from this**  
5 **section under ORS 815.145.**

6       **“(4) This section applies only to sections of highway on which a**  
7 **road authority requires a person to carry traction tires or chains**  
8 **within the vehicle and on which signs requiring the carrying of**  
9 **traction tires or chains have been posted as provided in ORS 815.045.**

10       **“(5) A court may not find a person to be in violation of the offense**  
11 **described under this section if the court determines that the condi-**  
12 **tions of the highway at the time the person was cited did not require**  
13 **posting under rules adopted under ORS 815.045. The defense under this**  
14 **subsection may be affirmatively asserted by any person cited for vio-**  
15 **lation of the offense described in this section.**

16       **“(6) The offense described in this section, failure to carry vehicle**  
17 **traction tires or chains, is a Class C traffic violation.**

18       **“SECTION 96.** ORS 810.530 is amended to read:

19       **“810.530. (1) A weighmaster or motor carrier enforcement officer in whose**  
20 **presence an offense described in this subsection is committed may arrest or**  
21 **issue a citation for the offense in the same manner as under ORS 810.410 as**  
22 **if the weighmaster or motor carrier enforcement officer were a police officer.**  
23 **This subsection applies to the following offenses:**

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

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

26       **“(c) Violation of administratively imposed weight or size limits under**  
27 **ORS 818.060.**

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

29       **“(e) Exceeding maximum number of vehicles in combination under ORS**  
30 **818.110.**

- 1 “(f) Violation of posted limits on use of road under ORS 818.130.
- 2 “(g) Violation of towing safety requirements under ORS 818.160.
- 3 “(h) Operating with sifting or leaking load under ORS 818.300.
- 4 “(i) Dragging objects on highway under ORS 818.320.
- 5 “(j) Unlawful use of devices without wheels under ORS 815.155.
- 6 “(k) Unlawful use of metal objects on tires under ORS 815.160.
- 7 “(L) Operation without pneumatic tires under ORS 815.170.
- 8 “(m) Operation in violation of vehicle variance permit under ORS 818.340.
- 9 “(n) Failure to carry and display permit under ORS 818.350.
- 10 “(o) Failure to comply with commercial vehicle enforcement requirements  
11 under ORS 818.400.
- 12 “(p) Violation of any provision of ORS chapter 825.
- 13 “(q) Operation without proper fenders or mudguards under ORS 815.185.
- 14 “(r) Operating a vehicle without driving privileges in violation of ORS  
15 807.010 if the person is operating a commercial motor vehicle and the person  
16 does not have commercial driving privileges.
- 17 “(s) Violation driving while suspended or revoked in violation of ORS  
18 811.175 if the person is operating a commercial motor vehicle while the  
19 person’s commercial driving privileges are suspended or revoked.
- 20 “(t) Failure to use vehicle traction tires or chains in violation of ORS  
21 815.140 if the person is operating a motor vehicle subject to ORS chapter 825  
22 or 826.
- 23 **“(u) Failure to carry vehicle traction tires or chains in violation of**  
24 **section 95 of this 2021 Act if the person is operating a motor vehicle**  
25 **subject to ORS chapter 825 or 826.**
- 26 “[u] (v) Illegally altering or displaying registration plate in violation  
27 of ORS 803.550.
- 28 “(2) A weighmaster or motor carrier enforcement officer in whose pres-  
29 ence an offense described in this subsection is committed by a person oper-  
30 ating a commercial motor vehicle may issue a citation for the offense. A

1 weighmaster or motor carrier enforcement officer who finds evidence that  
2 an offense described in this subsection has been committed by a person op-  
3 erating a commercial motor vehicle or by a motor carrier for which the  
4 person is acting as an agent may issue a citation for the offense. A  
5 weighmaster or motor carrier enforcement officer issuing a citation under  
6 this subsection has the authority granted a police officer issuing a citation  
7 under ORS 810.410. A citation issued under this subsection to the operator  
8 of a commercial motor vehicle shall be considered to have been issued to the  
9 motor carrier that owns the commercial motor vehicle if the operator is not  
10 the owner. This subsection applies to the following offenses, all of which are  
11 Class A traffic violations under ORS 825.990 (1):

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

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

16 “(c) Refusing or failing to file the annual report as required by ORS  
17 825.320.

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

20 “(e) Failing to appear for a hearing after notice that the carrier’s certifi-  
21 cate or permit is under investigation.

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

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

27 “(h) Refusing or failing to file a deposit or bond as required under ORS  
28 825.506.

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

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

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

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

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

14 “(6) A weighmaster or motor carrier enforcement officer may accept se-  
15 curity in the same manner as a police officer under ORS 810.440 and 810.450  
16 and may take as security for the offenses, in addition to other security per-  
17 mitted under this section, the sum fixed as the presumptive fine for the of-  
18 fense.

19 “(7) A weighmaster or motor carrier enforcement officer may arrest a  
20 person for the offense of failure to appear in a violation proceeding under  
21 ORS 153.992 if the violation is based upon a citation for any offense de-  
22 scribed in subsection (1) or (3) of this section except those described in sub-  
23 section (1)(p) of this section.

24 “(8) A weighmaster or motor carrier enforcement officer may exercise the  
25 same authority as a police officer under ORS 810.490 to enforce vehicle re-  
26 quirements and detain vehicles. A person who fails to comply with the au-  
27 thority of a weighmaster or motor carrier enforcement officer under this  
28 subsection is subject to penalty under ORS 818.400.

29 **“SECTION 97.** ORS 815.045 is amended to read:

30 “815.045. (1) The Oregon Transportation Commission shall adopt rules



1 necessary to carry out ORS 815.140 **and section 95 of this 2021 Act**. The  
2 rules adopted by the commission:

3 “(a) Shall establish the various types of conditions under which vehicle  
4 traction tires or chains must be used **or carried**.

5 “(b) Shall define types of vehicle traction tires or chains that may be used  
6 **or carried** under various road conditions. The commission rules under this  
7 paragraph shall comply with the following:

8 “(A) Traction tire shall be defined to include any tire that meets traction  
9 standards established by the Department of Transportation.

10 “(B) Retractable studded tires or tires with studs that are permitted under  
11 ORS 815.165 shall be allowed as traction tires under the rules.

12 “(C) The department may require that traction tires without studs bear  
13 identifying marks, defined by the department, that indicate that the tire was  
14 manufactured specifically for adverse weather conditions.

15 “(D) Chains shall be defined to include link chains, cable chains or any  
16 other device that attaches to the wheel, vehicle or outside of the tire and  
17 that augments the traction of a vehicle.

18 “(E) Retractable studded tires shall be defined to include tires with em-  
19 bedded studs that project beyond the tread surface only when a vehicle op-  
20 erator extends the studs to augment the traction of the vehicle.

21 “(c) Shall establish signs to be posted under conditions that require ve-  
22 hicle traction tires or chains **to be used or carried**.

23 “(d) May establish types or classes of vehicles that are exempt from re-  
24 quirements to use **or carry** vehicle traction tires or chains under certain  
25 conditions if the commission determines that the operation of the class or  
26 type of vehicle would be safe under those conditions.

27 “(2) A road authority shall:

28 “(a) Determine when conditions on a segment of highway require [*the use*  
29 *of*] **a person to use or carry** vehicle traction tires or chains as defined by  
30 the commission;

1 “(b) Determine which segments of a highway shall be posted as described  
2 under this section to require **a person to use or carry** vehicle traction tires  
3 or chains; and

4 “(c) Provide for the placement and removal of signs requiring [*the use*  
5 *of*] **a person to use or carry** vehicle traction tires or chains.

6 “**SECTION 98.** ORS 815.145 is amended to read:

7 “815.145. (1) This section establishes exemptions from ORS 815.140 **and**  
8 **section 95 of this 2021 Act.**

9 “(2) The following are completely or partially exempt as described:

10 “[1] (a) Police vehicles under any conditions.

11 “[2] (b) Fire vehicles when responding to a fire.

12 “[3] (c) An ambulance when responding to an emergency.

13 “[4] (3) A passenger vehicle or truck is not required to use chains if the  
14 vehicle or truck:

15 “(a) Has an unloaded weight of 6,500 pounds or less;

16 “(b) Is equipped and operated to provide power to both front and rear  
17 wheels;

18 “(c) Is carrying chains as defined in ORS 815.045;

19 “(d) Is equipped with tires, on all wheels, that are vehicle traction tires  
20 as defined in ORS 815.045;

21 “(e) Is not towing another vehicle other than as may be necessary to re-  
22 move disabled vehicles from the roadway; and

23 “(f) Is not being operated in a manner or under conditions where the ve-  
24 hicle loses traction while stopping, cornering or moving.

25 “[5] *Vehicles exempt by rule under ORS 815.045.*]

26 “**SECTION 99.** **Section 95 of this 2021 Act and the amendments to**  
27 **ORS 810.530, 815.045 and 815.145 by sections 96 to 98 of this 2021 Act**  
28 **apply to offenses occurring on or after the effective date of this 2021**  
29 **Act.**

30

1           **“INTEREST CHARGED ON REPORTED WEIGHT-MILE TAX**

2  
3           **“SECTION 100.** ORS 825.490 is amended to read:

4           “825.490. (1) On or before the last day of each month, except for the time  
5 of payment provided in ORS 825.480 and 825.492, all persons shall report and  
6 pay to the Department of Transportation the amount of taxes and fees due  
7 from them for the preceding calendar month. However, taxes and fees in-  
8 curred after the 15th day of any month may be reported and paid to the de-  
9 partment on or before the last day of the second calendar month following  
10 the month in which the taxes or fees were incurred. If no taxes or fees are  
11 due in any reporting period, the report shall so state. If payment is not made  
12 on or before the date it is due, there shall be added as a late payment charge  
13 a sum equal to 10 percent of the unpaid amount of the tax.

14           “(2) The department may permit a person to report and pay motor carrier  
15 taxes and fees on a periodic basis other than the calendar-month basis pre-  
16 scribed in subsection (1) of this section, provided that the number of report-  
17 ing periods in any 12-month period is not less than 12. If no taxes or fees  
18 are due in any reporting period, the report shall so state. If payment is not  
19 made on or before the date it is due, there shall be added as a late payment  
20 charge a sum equal to 10 percent of the unpaid amount of the tax.

21           “[(3) *Whenever practicable, and in no event later than three years after any*  
22 *report of taxes or fees is filed, the department shall audit the report if the*  
23 *department deems such audit practicable. If the department is not satisfied*  
24 *with the report filed or amount of taxes or fees, including fees for temporary*  
25 *passes required under ORS 825.470, paid to the state by any person, the de-*  
26 *partment may, not later than three years after the report was filed or the taxes*  
27 *or fees were paid, make a proposed assessment of additional taxes or fees due*  
28 *from such person based upon any information available to the department.*  
29 *There shall be added to each such assessment, as a late payment charge, a sum*  
30 *equal to 10 percent of the amount of additional taxes or fees due.]*

1       “(4) *Every such additional assessment shall bear interest at the rate of one*  
2 *percent per month, or fraction thereof, from the last day of the month following*  
3 *the close of the month for which the additional assessment is imposed until*  
4 *paid.*]

5       “(3) **Whenever practicable, and in no event later than three years**  
6 **after any report of taxes or fees is filed, the department shall audit the**  
7 **report. If the department is not satisfied with the report filed or the**  
8 **amount received, including fees for temporary passes required under**  
9 **ORS 825.470, the department may calculate the remaining amount due**  
10 **based on any information available to the department. The department**  
11 **shall add a late payment charge equal to 10 percent of the remaining**  
12 **amount due.**

13       “(4) **The department may require a person who fails to pay any tax**  
14 **or fee due to pay interest. Interest shall be computed at the rate of**  
15 **one percent per month, or fraction thereof, beginning on the last day**  
16 **of the month following the close of the month for which the remaining**  
17 **amount due was incurred, until paid.**

18       “(5) If the [*additional assessment imposed*] **remaining amount due** ex-  
19 ceeds by at least five percent but not more than 15 percent the amount of  
20 taxes or fees reported or paid, a penalty of five percent of the **remaining**  
21 **amount due** [*of the additional assessment*] shall be added thereto in addition  
22 to the 10 percent late payment charge provided in subsection (3) of this sec-  
23 tion.

24       “(6) If the [*additional assessment imposed*] **remaining amount due** ex-  
25 ceeds by more than 15 percent the amount of taxes or fees reported or paid,  
26 a penalty of 20 percent of the **remaining** amount **due** [*of the additional as-*  
27 *essment*] shall be added thereto in addition to the 10 percent late payment  
28 charge provided in subsection (3) of this section.

29       “(7) The department shall give to the person concerned written notice of  
30 [*such additional assessment*] **any amounts due.**

1 “(8) Except as provided in ORS 825.484 (3), the department shall refund  
2 to any person the amount of any overpayment caused by any incorrect re-  
3 port.

4 “(9) Whenever the department has made an assessment pursuant to this  
5 section that has become final the department may not reopen or reassess  
6 such taxes, interest or penalties unless the department is satisfied that the  
7 taxpayer fraudulently or with intent to evade taxation destroyed, concealed  
8 or withheld any books, accounts, papers, records or memoranda required to  
9 be maintained by the taxpayer pursuant to this chapter or the rules of the  
10 department.

11 **“SECTION 101.** ORS 825.496 is amended to read:

12 “825.496. (1) Any person against whom an assessment is made under ORS  
13 825.490 or 825.494, may petition the Department of Transportation for a re-  
14 assessment within 30 days after service upon the person of notice. If a peti-  
15 tion is not filed within the 30-day period, the assessment becomes final. If a  
16 petition for reassessment is filed within the 30-day period the department  
17 shall reconsider the assessment and, if the person has requested in the peti-  
18 tion, shall grant such person a hearing and give the person 10 days’ notice  
19 of the time and place of the hearing. The department has power to continue  
20 the hearing from time to time as may be necessary. The decision of the de-  
21 partment upon a petition for reassessment shall become final 30 days after  
22 service of notice upon the person concerned.

23 “(2) The department may waive or reduce the interest and penalties pro-  
24 vided in ORS 825.490 [(1) to (6)] or 825.494 (2) or (3) on those terms as the  
25 department considers proper if request for waiver or reduction is made  
26 within 30 days after service of notice of assessment upon the person con-  
27 cerned, or as part of the pleas made in the department’s reconsideration of  
28 the assessment.

29 “(3) Every assessment made by the department under ORS 825.490 to  
30 825.496 becomes due and payable at the time it becomes final and if not paid

1 to the department when due and payable there shall be added to the assess-  
2 ment a penalty of 10 percent of the amount of the tax.

3 “(4) If any person who has requested a hearing pursuant to this section  
4 fails to appear at the scheduled hearing and failed to withdraw the petition  
5 for reassessment at least five days before the date of the hearing, the de-  
6 partment may require such person to pay a charge of \$150 in addition to any  
7 other fees, taxes and charges which may be imposed under this chapter.

8

9

## “COMMERCIAL DRIVING PRIVILEGES

10

11 **“SECTION 102. Section 103 of this 2021 Act is added to and made a**  
12 **part of the Oregon Vehicle Code.**

13 **“SECTION 103. (1) The Department of Transportation shall estab-**  
14 **lish requirements for entry-level commercial motor vehicle driver**  
15 **training. Entry-level commercial motor vehicle drivers include, but**  
16 **are not limited to:**

17 **“(a) Individuals obtaining a Class A or Class B commercial driver**  
18 **license for the first time;**

19 **“(b) Individuals upgrading an existing Class B commercial driver**  
20 **license to a Class A commercial driver license; and**

21 **“(c) Individuals obtaining a school bus, a passenger or a hazardous**  
22 **materials endorsement for the first time.**

23 **“(2) The department may cancel or suspend an individual’s com-**  
24 **mercial driving privileges if the person has not completed the training**  
25 **required by rules adopted under this section. A person is entitled to**  
26 **administrative review under ORS 809.440 when the department does**  
27 **not issue a commercial driver license or cancels or suspends commer-**  
28 **cial driving privileges under this section.**

29 **“(3) The department shall adopt rules to carry out the provisions**  
30 **of this section.**

1       **“SECTION 104.** ORS 807.173, as amended by section 19, chapter 701,  
2 Oregon Laws 2019, is amended to read:

3       “807.173. (1) Notwithstanding ORS 807.170, the Department of Transpor-  
4 tation may not issue or renew a commercial driver license with a hazardous  
5 materials endorsement and may cancel a commercial driver license with a  
6 hazardous materials endorsement if a person:

7       “(a) Does not complete and pass a security threat assessment from the  
8 federal Transportation Security Administration, including receipt by the de-  
9 partment of a notice from the federal Transportation Security Administration  
10 showing that the person does not pose a security threat. The department  
11 shall establish by rule the process and frequency for obtaining a security  
12 threat assessment.

13       “(b) Is assessed as a security threat by the federal Transportation Secu-  
14 rity Administration. The assessment must be received by the department in  
15 the form of a notice from the federal Transportation Security Administration.

16       “[(c) *Is not a U.S. citizen or lawful permanent resident as defined by the*  
17 *department by rule.*]

18       “(2) A person is entitled to administrative review under ORS 809.440 when  
19 the department does not issue or renew a commercial driver license with a  
20 hazardous materials endorsement under this section or cancels a commercial  
21 driver license with a hazardous materials endorsement under this section.

22       “(3) To the extent possible, rules promulgated by the department under  
23 this section should be uniform with any applicable federal regulations re-  
24 lated to the holding of a commercial driver license with a hazardous mate-  
25 rials endorsement.

26       **“SECTION 105.** ORS 809.310 is amended to read:

27       “809.310. (1) The Department of Transportation may cancel any driving  
28 privileges upon determining that the person is not entitled to the driving  
29 privileges under the vehicle code. The department may reissue driving priv-  
30 ileges canceled under this subsection when the applicant has satisfied all

1 requirements for the driving privileges sought.

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

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

11 “(a) Failed to give the required or correct information in the application  
12 for the driving privileges or for an identification card, in violation of ORS  
13 807.430 or 807.530.

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

16 “(c) Used an invalid license or identification card in violation of ORS  
17 807.430 or 807.580.

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

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

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

24 “(4) **The department may determine by rule circumstances in which**  
25 **the department may cancel the commercial driving privileges, or the**  
26 **right to apply for commercial driving privileges, of an individual if the**  
27 **individual’s commercial driving privileges are suspended, cancelled or**  
28 **revoked for any reason in another jurisdiction.**

29 “[4] (5) Upon suspension or cancellation of driving privileges under this  
30 section, a person whose privileges are suspended or canceled shall surrender



1 to the department any license or driver permit issued for the driving privi-  
2 leges. Failure to comply with this subsection is subject to penalty as pro-  
3 vided under ORS 809.500.

4 “[5] (6) To obtain driving privileges after the period of suspension or  
5 cancellation under this section, a person must reapply for driving privileges  
6 in the manner established by law.

7 **“SECTION 106.** ORS 809.510 is amended to read:

8 “809.510. (1) Except as otherwise provided by ORS 809.510 to 809.545, the  
9 Department of Transportation shall suspend the commercial driving privi-  
10 leges of a person for a period of one year when the department receives:

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

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

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

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

21 “(e) A record of conviction of aggravated vehicular homicide or aggra-  
22 vated driving while suspended or revoked.

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

25 **“(g) A record of diversion under ORS 813.230.**

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

1       “(3) The department shall suspend the commercial driving privileges of a  
2 person for a period of one year if the department receives a report from a  
3 police officer pursuant to ORS 813.120 that the person was driving a com-  
4 mercial motor vehicle and submitted to a breath or blood test and the  
5 [*person’s blood, as shown by the test, had 0.04 percent or more by weight of*  
6 *alcohol*] **level of alcohol in the person’s blood was 0.04 percent or more**  
7 **by weight of alcohol in the blood of the person as shown by chemical**  
8 **analysis of the breath or blood.** The department shall suspend the com-  
9 mercial driving privileges of the person for a period of three years if the  
10 person was driving a commercial motor vehicle containing a hazardous ma-  
11 terial at the time of the offense.

12       “(4) **The department shall suspend the commercial driving privileges**  
13 **of a person for a period of one year if the department receives a report**  
14 **from a police officer pursuant to ORS 813.120 that the person was**  
15 **driving a motor vehicle and submitted to a breath or blood test and**  
16 **the level of alcohol in the person’s blood was 0.08 percent or more by**  
17 **weight of alcohol in the blood of the person as shown by chemical**  
18 **analysis of the breath or blood.**

19       “[(4)] (5) The department shall suspend the commercial driving privileges  
20 of a person for a period of three years if the department receives a report  
21 from a police officer pursuant to ORS 813.120 that the person was driving a  
22 motor vehicle and refused to submit to a test under ORS 813.100. The de-  
23 partment shall suspend the commercial driving privileges of the person for  
24 a period of five years if the person was driving a commercial motor vehicle  
25 containing a hazardous material at the time of the offense.

26       “[(5)] (6) The department shall suspend the commercial driving privileges  
27 of a person if the department receives a notice of a conviction in another  
28 jurisdiction of an offense that, if committed in this state, would be grounds  
29 for the suspension of the person’s commercial driving privileges. The period  
30 of suspension under this subsection shall be the same as would be imposed

1 on the person if the conviction were for an offense committed in this state.  
2 For the purposes of this subsection, ‘conviction’ means an unvacated adju-  
3 dication of guilt, a determination that a person has violated or failed to  
4 comply with the law in a court of original jurisdiction or in an authorized  
5 administrative tribunal, **entry into a diversion program**, an unvacated  
6 forfeiture of bail or collateral deposited to secure the person’s appearance  
7 in court, a plea of guilty or nolo contendere accepted by the court, the pay-  
8 ment of a fine or court cost or the violation of a condition of release without  
9 bail, regardless of whether or not the penalty is rebated, suspended or pro-  
10 bated.

11 “[6] (7) The department shall suspend the commercial driving privileges  
12 of a person in this state if the department receives a notice from another  
13 jurisdiction that the person has had commercial driving privileges suspended  
14 or revoked in another jurisdiction for reasons that would be grounds for  
15 suspension of the person’s commercial driving privileges in this state. The  
16 period of suspension under this subsection is the same as would be imposed  
17 on the person if the violation were committed in this state.

18 “[7] (8) If the department receives a record, report or notice under this  
19 section for a person who does not hold commercial driving privileges in this  
20 state, the department shall suspend the person’s right to apply for commer-  
21 cial driving privileges as provided in ORS 809.540 (1).

22 “[8] (9) A suspension imposed under this section is consecutive to any  
23 other suspension imposed under ORS 809.525, 809.530 or 809.535 if the sus-  
24 pensions do not arise out of the same incident.

25 **“SECTION 107.** ORS 809.520 is amended to read:

26 “809.520. (1) Notwithstanding ORS 809.510, the Department of Transpor-  
27 tation shall permanently suspend a person’s commercial driving privileges for  
28 the lifetime of the person if the department receives a record of conviction  
29 for a crime punishable as a felony in which a motor vehicle was used and  
30 that involved the manufacturing, distributing or dispensing of a controlled

1 substance, as defined in ORS 475.005. The department may not reinstate  
2 commercial driving privileges of a person whose commercial driving privi-  
3 leges are suspended under this subsection.

4 **“(2) Notwithstanding ORS 809.510, the department shall perma-  
5 nently suspend a person’s commercial driving privileges for the life-  
6 time of the person if the department receives a record of conviction  
7 for a crime in which a commercial motor vehicle was used and that  
8 involved an act or practice of severe forms of trafficking in persons  
9 as defined by the department by rule. The department may not rein-  
10 state commercial driving privileges of a person whose commercial  
11 driving privileges are suspended under this subsection.**

12 “[2] (3) Notwithstanding ORS 809.510, the department shall suspend a  
13 person’s commercial driving privileges for the lifetime of the person if the  
14 department receives a second or subsequent record, report or notice described  
15 in ORS 809.510 that does not arise out of the same incident and that would  
16 be grounds for suspension of the person’s commercial driving privileges un-  
17 der ORS 809.510.

18 “[3] (4) Except as provided in subsections (1), (2) and [(4)] (5) of this  
19 section, a person whose commercial driving privileges were suspended under  
20 subsection [(2)] (3) of this section may apply to the department for rein-  
21 statement of the person’s commercial driving privileges. An application for  
22 reinstatement may not be made under this subsection earlier than 10 years  
23 after the date that the person’s commercial driving privileges were suspended  
24 under subsection [(2)] (3) of this section. The department may reinstate the  
25 person’s commercial driving privileges if:

26 “(a) The person meets all other requirements for the granting of com-  
27 mercial driving privileges;

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

30 “(c) The department finds that the person has successfully completed re-

1 habilitation as approved by the department.

2 “[4] (5) The department shall permanently suspend a person’s commer-  
3 cial driving privileges for the lifetime of the person if the department re-  
4 ceives a record, report or notice described in subsection [(2)] (3) of this  
5 section that relates to conduct that occurred after the person’s commercial  
6 driving privileges were reinstated under subsection [(3)] (4) of this section.  
7 The department may not reinstate the commercial driving privileges for the  
8 lifetime of a person whose commercial driving privileges are suspended under  
9 this subsection.

10 **“SECTION 108.** ORS 809.520, as amended by section 107 of this 2021 Act,  
11 is amended to read:

12 “809.520. (1) Notwithstanding ORS 809.510, the Department of Transpor-  
13 tation shall permanently suspend a person’s commercial driving privileges for  
14 the lifetime of the person if the department receives a record of conviction  
15 for a crime punishable as a felony in which a motor vehicle was used and  
16 that involved the manufacturing, distributing or dispensing of a controlled  
17 substance, as defined in ORS 475.005. The department may not reinstate  
18 commercial driving privileges of a person whose commercial driving privi-  
19 leges are suspended under this subsection.

20 “(2) Notwithstanding ORS 809.510, the department shall permanently sus-  
21 pend a person’s commercial driving privileges for the lifetime of the person  
22 if the department receives a record of conviction for a crime in which a  
23 commercial motor vehicle was used and that involved an act or practice of  
24 severe forms of trafficking in persons as defined by the department by rule.  
25 The department may not reinstate commercial driving privileges of a person  
26 whose commercial driving privileges are suspended under this subsection.

27 “(3)(a) Notwithstanding ORS 809.510, the department shall suspend a  
28 person’s commercial driving privileges for the lifetime of the person if the  
29 department receives a second or subsequent record, report or notice described  
30 in ORS 809.510 that does not arise out of the same incident and that would

1 be grounds for suspension of the person's commercial driving privileges un-  
2 der ORS 809.510.

3 **“(b) The department may adopt rules providing for the rein-  
4 statement of commercial driving privileges suspended under this sub-  
5 section. The department may not reinstate commercial driving  
6 privilege suspensions under this subsection earlier than 10 years after  
7 the date that the person's commercial driving privileges are suspended  
8 under paragraph (a) of this subsection.**

9 **“(c) The department shall permanently suspend a person's com-  
10 mercial driving privileges for the lifetime of the person if the depart-  
11 ment receives a record, report or notice described in paragraph (a) of  
12 this subsection that relates to conduct that occurred after the person's  
13 commercial driving privileges were reinstated under paragraph (b) of  
14 this subsection. The department may not reinstate the commercial  
15 driving privileges of a person whose commercial driving privileges are  
16 suspended under this paragraph.**

17 **“(4) A suspension imposed under this section is consecutive to any  
18 other suspension imposed under ORS 809.510, 809.525, 809.530 or 809.535,  
19 if the suspensions do not arise out of the same incident.**

20 *“(4) Except as provided in subsections (1), (2) and (5) of this section, a  
21 person whose commercial driving privileges were suspended under subsection  
22 (3) of this section may apply to the department for reinstatement of the person's  
23 commercial driving privileges. An application for reinstatement may not be  
24 made under this subsection earlier than 10 years after the date that the  
25 person's commercial driving privileges were suspended under subsection (3) of  
26 this section. The department may reinstate the person's commercial driving  
27 privileges if:]*

28 *“(a) The person meets all other requirements for the granting of commer-  
29 cial driving privileges;]*

30 *“(b) The department, in its sole discretion, finds good cause exists for*

1 *reinstatement; and]*

2 *“[(c) The department finds that the person has successfully completed re-*  
3 *habilitation as approved by the department.]*

4 *“[(5) The department shall permanently suspend a person’s commercial*  
5 *driving privileges for the lifetime of the person if the department receives a*  
6 *record, report or notice described in subsection (3) of this section that relates*  
7 *to conduct that occurred after the person’s commercial driving privileges were*  
8 *reinstated under subsection (4) of this section. The department may not rein-*  
9 *state the commercial driving privileges for the lifetime of a person whose*  
10 *commercial driving privileges are suspended under this subsection.]*

11 **“SECTION 109. (1) The amendments to ORS 809.520 by section 107**  
12 **of this 2021 Act become operative on September 23, 2022.**

13 **“(2) The amendments to ORS 809.520 by section 108 of this 2021 Act**  
14 **become operative on January 1, 2023.**

15 **“SECTION 110.** ORS 809.545 is amended to read:

16 **“809.545. (1) Except as provided in subsections (2) and (3) of this section,**  
17 **a person is entitled to administrative review under ORS 809.440 for a sus-**  
18 **pension of commercial driving privileges under ORS 809.510 to 809.545, or a**  
19 **suspension of the right to apply for commercial driving privileges under ORS**  
20 **809.540.**

21 **“(2) A person is entitled to a hearing under ORS 813.410 for a suspension**  
22 **of commercial driving privileges under ORS 809.510 (3) or (4), or a suspension**  
23 **of the right to apply for commercial driving privileges under ORS 809.540**  
24 **based on ORS 809.510 (3) or (4).**

25 **“(3) A person is entitled to a hearing under ORS 813.410 for a suspension**  
26 **of commercial driving privileges under ORS 809.520 [(2) or (4)] (3) or (5)**  
27 **when the suspension is based on conduct described in ORS 809.510 (3) or (4),**  
28 **or a suspension of the right to apply for commercial driving privileges under**  
29 **ORS 809.540 when the suspension is based on conduct described in ORS**  
30 **809.510 (3) or (4).**

1       **“SECTION 111.** ORS 809.545, as amended by section 110 of this 2021 Act,  
2 is amended to read:

3       “809.545. (1) Except as provided in subsections (2) and (3) of this section,  
4 a person is entitled to administrative review under ORS 809.440 for a sus-  
5 pension of commercial driving privileges under ORS 809.510 to 809.545, or a  
6 suspension of the right to apply for commercial driving privileges under ORS  
7 809.540.

8       “(2) A person is entitled to a hearing under ORS 813.410 for a suspension  
9 of commercial driving privileges under ORS 809.510 [(3) or (4)] **(3), (4) or**  
10 **(5)**, or a suspension of the right to apply for commercial driving privileges  
11 under ORS 809.540 based on ORS 809.510 [(3) or (4)] **(3), (4) or (5)**.

12       “(3) A person is entitled to a hearing under ORS 813.410 for a suspension  
13 of commercial driving privileges under ORS 809.520 (3) [or (5)] when the  
14 suspension is based on conduct described in ORS 809.510 [(3) or (4)] **(3), (4)**  
15 **or (5)**, or a suspension of the right to apply for commercial driving privileges  
16 under ORS 809.540 when the suspension is based on conduct described in  
17 ORS 809.510 [(3) or (4)] **(3), (4) or (5)**.

18       **“SECTION 112.** (1) **The amendments to ORS 809.545 by section 110**  
19 **of this 2021 Act become operative on September 23, 2022.**

20       **“(2) The amendments to ORS 809.545 by section 111 of this 2021 Act**  
21 **become operative on January 1, 2023.**

22       **“SECTION 113.** ORS 811.182 is amended to read:

23       “811.182. (1) A person commits the offense of criminal driving while sus-  
24 pended or revoked if the person violates ORS 811.175 and the suspension or  
25 revocation is one described in this section, or if the hardship permit violated  
26 is based upon a suspension or revocation described in subsection (3) or (4)  
27 of this section.

28       “(2) Affirmative defenses to the offense described in this section are es-  
29 tablished under ORS 811.180.

30       “(3) The offense described in this section, criminal driving while sus-



1 pending or revoked, is a Class B felony if the suspension or revocation re-  
2 sulted from any degree of murder, manslaughter, criminally negligent  
3 homicide or assault resulting from the operation of a motor vehicle, if the  
4 suspension or revocation resulted from aggravated vehicular homicide or  
5 aggravated driving while suspended or revoked or if the revocation resulted  
6 from a conviction for felony driving while under the influence of intoxicants.

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

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

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

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

18 “(B) 0.04 percent or more by weight if the person was driving a commer-  
19 cial motor vehicle; or

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

21 “(c) A suspension of commercial driving privileges under ORS 809.510 re-  
22 sulting from failure to perform the duties of a driver under ORS 811.700.

23 “(d) A suspension of commercial driving privileges under ORS 809.510  
24 [(6)] (7) where the person’s commercial driving privileges have been sus-  
25 pended or revoked by the other jurisdiction for failure of or refusal to take  
26 a chemical test to determine the alcoholic content of the person’s blood un-  
27 der a statute that is substantially similar to ORS 813.100.

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

29 “(f) A revocation resulting from habitual offender status under ORS  
30 809.640.

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

4 “(h) A suspension for failure to perform the duties of a driver under ORS  
5 811.705.

6 “(i) A suspension for reckless driving under ORS 811.140.

7 “(j) A suspension for fleeing or attempting to elude a police officer under  
8 ORS 811.540.

9 “(k) A suspension or revocation resulting from misdemeanor driving while  
10 under the influence of intoxicants under ORS 813.010.

11 “(L) A suspension for use of a motor vehicle in the commission of a crime  
12 punishable as a felony.

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

19 “(6)(a) The Oregon Criminal Justice Commission shall classify a violation  
20 of this section that is a felony as crime category 4 of the rules of the com-  
21 mission.

22 “(b) Notwithstanding paragraph (a) of this subsection, the commission  
23 shall classify a violation of this section that is a felony as crime category  
24 6 of the rules of the commission, if the suspension or revocation resulted  
25 from:

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

29 “(B) Aggravated vehicular homicide or aggravated driving while sus-  
30 pended or revoked.

1       **“SECTION 114. Section 115 of this 2021 Act is added to and made a**  
2 **part of the Oregon Vehicle Code.**

3       **“SECTION 115. The provisions of ORS 809.510 to 809.545 apply:**

4       **“(1) When an individual’s conduct involves driving a commercial**  
5 **motor vehicle, without regard to whether an individual held commer-**  
6 **cial driving privileges on the date the conduct occurred.**

7       **“(2) When an individual’s conduct involves driving a motor vehicle,**  
8 **if the individual held commercial driving privileges in any jurisdiction**  
9 **on the date the conduct occurred.**

10       **“SECTION 116. ORS 813.055 is amended to read:**

11       “813.055. (1) The Department of Transportation shall impose a civil pen-  
12 alty on the operator of a commercial motor vehicle if:

13       “(a) The operator has violated an out-of-service order issued under ORS  
14 813.050 or any other out-of-service order or notice issued by the department  
15 or an authorized representative of the department; or

16       “(b) The department receives notification that a person has violated any  
17 out-of-service order or notice issued by a state or federal agency.

18       “(2) For the purposes of this section, ‘notification’ may include, but is not  
19 limited to, a record of conviction or a record of a determination by a state  
20 or federal agency with jurisdiction to determine that the operator has vio-  
21 lated an out-of-service order or notice.

22       **“(3) The department may adopt rules establishing a schedule of civil**  
23 **penalties that may be imposed under this section. The civil penalties**  
24 **imposed may not be reduced.**

25       “[(3)] (4) Civil penalties under this section shall be imposed in the manner  
26 provided in ORS 183.745. [*and may not be reduced. The civil penalties are:*]

27       “[(a) \$2,500 for the first violation of an out-of-service order or notice.]

28       “[(b) \$5,000 for a second or subsequent violation of an out-of-service order  
29 or notice.]

30       **“SECTION 117. ORS 813.130 is amended to read:**

1       “813.130. [*This section establishes the requirements for information about*  
2 *rights and consequences for purposes of ORS 813.100 and 813.410. The follow-*  
3 *ing apply to the information about rights and consequences:]*

4       “(1) **For the purposes of ORS 813.100 and 813.410**, the information about  
5 rights and consequences shall be substantially in the form prepared by the  
6 Department of Transportation. The department may establish any form it  
7 determines appropriate and convenient.

8       “(2) Except as provided in subsection (3) of this section, the information  
9 about rights and consequences shall be substantially as follows:

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

14       “(b) The person will fail a test under ORS 813.100 for purposes of criminal  
15 penalties if the test discloses a blood alcohol content of 0.08 percent or more  
16 by weight of alcohol in the blood of the person as shown by chemical anal-  
17 ysis of the breath or blood. The person will fail a test for purposes of the  
18 Motorist Implied Consent Law if the test discloses a blood alcohol content  
19 of:

20       “(A) 0.08 percent or more by weight of alcohol in the blood of the person  
21 as shown by chemical analysis of the breath or blood if the person was not  
22 driving a commercial motor vehicle;

23       “(B) 0.04 percent or more by weight of alcohol in the blood of the person  
24 as shown by chemical analysis of the breath or blood if the person was  
25 driving a commercial motor vehicle; or

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

27       “(c) If the person fails a test under ORS 813.100, the person’s driving  
28 privileges will be suspended. The outcome of a criminal charge for driving  
29 under the influence of intoxicants will not affect the suspension.

30       “(d) If the person fails a breath test under ORS 813.100 and has an Oregon

1 driver license or permit, the license or permit will be taken immediately and,  
2 unless the person does not currently have full valid driving privileges, a  
3 temporary driving permit will be issued to the person.

4 “(e) After taking a test under ORS 813.100, the person will have a rea-  
5 sonable opportunity, upon request, for an additional chemical test for blood  
6 alcohol content to be performed at the person’s own expense by a qualified  
7 individual of the person’s choosing.

8 “(f) The person has a right to a hearing to challenge the validity of the  
9 suspension before the suspension becomes effective. The person must make  
10 a written request to the department for such a hearing. If the person wins  
11 at the hearing, the person’s driving privileges will not be suspended. If the  
12 person loses at the hearing, the suspension will remain in effect during any  
13 court review of the hearing.

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

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

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

22 “(j) The person may possibly qualify for a hardship permit in 30 days if  
23 the person fails a test, depending on the person’s driving record.

24 “(k) If the person is driving a commercial motor vehicle, and takes a  
25 breath or blood test under ORS 813.100 after being informed of the rights and  
26 consequences under paragraphs (a) to (j) of this subsection, the following  
27 additional information shall be provided:

28 “(A) If the level of alcohol in the person’s blood is 0.04 percent or more  
29 by weight of alcohol in the blood of the person as shown by chemical anal-  
30 ysis of the breath or blood, the person’s commercial driving privileges or

1 right to apply for commercial driving privileges will be suspended and no  
2 hardship permit authorizing the person to drive a commercial motor vehicle  
3 will be issued.

4 “(B) The suspension of the person’s commercial driving privileges or right  
5 to apply for commercial driving privileges will be for the person’s lifetime  
6 if the person takes a breath or blood test and the level of alcohol in the  
7 person’s blood is 0.04 percent or more by weight of alcohol in the blood of  
8 the person as shown by chemical analysis of the breath or blood and:

9 “(i) The person previously has been convicted of failure to perform the  
10 duties of a driver **while holding commercial driving privileges or while**  
11 **driving a commercial motor vehicle;**

12 “(ii) The person previously has been convicted of a crime punishable as  
13 a felony and the person was driving a motor vehicle **while holding com-**  
14 **mercial driving privileges** at the time the offense was committed;

15 “(iii) **The person previously has been convicted of a crime**  
16 **punishable as a felony and the person was driving a commercial motor**  
17 **vehicle;**

18 “[*iii*] (iv) The person previously has been convicted of driving a com-  
19 mercial motor vehicle while the person’s commercial driving privileges or  
20 right to apply for commercial driving privileges was suspended or revoked  
21 for offenses committed while operating a commercial motor vehicle;

22 “[*iv*] (v) The person previously has been convicted of any degree of  
23 murder, manslaughter or criminally negligent homicide resulting from the  
24 operation of a commercial motor vehicle or assault in the first degree re-  
25 sulting from the operation of a commercial motor vehicle;

26 “(vi) **The person previously has been convicted of aggravated ve-**  
27 **hicular homicide while holding commercial driving privileges or while**  
28 **driving a commercial motor vehicle;**

29 “(vii) **The person previously has been convicted of aggravated driv-**  
30 **ing while suspended or revoked while holding commercial driving**

1 **privileges or while driving a commercial motor vehicle;**

2 “[*v*] (viii) The person previously has been convicted of driving while  
3 under the influence of intoxicants **while holding commercial driving**  
4 **privileges or while driving a commercial motor vehicle;**

5 “(ix) **The person’s commercial driving privileges previously have**  
6 **been suspended under ORS 809.510 for a diversion agreement entered**  
7 **into under ORS 813.230 with respect to conduct that occurred while the**  
8 **person held commercial driving privileges;**

9 “[*vi*] (x) The person’s commercial driving privileges previously have  
10 been suspended or revoked for refusal to submit to, or failure of, a breath  
11 or blood test under ORS 813.100 **for conduct that occurred while the**  
12 **person held commercial driving privileges or was operating a com-**  
13 **mercial motor vehicle; or**

14 “[*vii*] (xi) The person’s right to apply for commercial driving privileges  
15 previously has been suspended or revoked for refusal to submit to, or failure  
16 of, a breath or blood test under ORS 813.100 resulting from the operation of  
17 a commercial motor vehicle **or resulting from the operation of a motor**  
18 **vehicle while holding commercial driving privileges.**

19 “(3) A person who refuses to submit to a chemical test after being in-  
20 formed of the rights and consequences in subsection (2) of this section shall  
21 be provided additional information, substantially as follows:

22 “(a) If the person refuses to provide consent to a breath or blood test, and  
23 is thereafter requested to provide only physical cooperation to submit to a  
24 breath or blood test, and the person refuses to physically submit to a test,  
25 evidence of that refusal may be offered against the person.

26 “(b) If the person refuses to submit to a test under ORS 813.100, the  
27 person’s driving privileges will be suspended. The outcome of a criminal  
28 charge for driving under the influence of intoxicants will not affect the  
29 suspension. The suspension will be substantially longer if a person refuses  
30 a test.

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

5       “(d) If the person refuses to submit to a test under ORS 813.100, the per-  
6 son is not eligible for a hardship permit for at least 90 days, and possibly for  
7 three years, depending on the following factors set forth in ORS 813.430:

8       “(A) Whether the person is presently participating in a driving while  
9 under the influence of intoxicants diversion program in this state or in any  
10 similar alcohol or drug rehabilitation program in this or another jurisdic-  
11 tion; or

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

14       “(i) A suspension of the person’s driving privileges under ORS 813.410 or  
15 482.540 (1981 Replacement Part) became effective;

16       “(ii) The person was convicted of driving while under the influence of  
17 intoxicants in violation of ORS 813.010 or the statutory counterpart to ORS  
18 813.010 in another jurisdiction, as described in ORS 813.430;

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

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

26       “(e) If the person refuses to submit to a breath test under ORS 813.100,  
27 or refuses to provide a urine sample under ORS 813.131 and 813.132, the  
28 person is subject to a fine of at least \$500 and not more than \$1,000.

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



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

5 “(g) If the person is issued a temporary driving permit under ORS 813.100,  
6 the number of hours before the driving permit will be effective and the  
7 number of days the permit will be effective.

8 “(h) The number of days within which a person must request a hearing  
9 under ORS 813.410.

10 “(i) The number of days within which a hearing under ORS 813.410 will  
11 be held.

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

14 “(k) If the person is driving a commercial motor vehicle, further infor-  
15 mation as follows:

16 “(A) If the person refuses to submit to a test under ORS 813.100, the  
17 person's commercial driving privileges or right to apply for commercial  
18 driving privileges will be suspended and no hardship permit authorizing the  
19 person to drive a commercial motor vehicle will be issued. The suspension  
20 will be substantially longer if the person refuses the test.

21 “(B) The suspension of the person's commercial driving privileges or right  
22 to apply for commercial driving privileges will be for the person's lifetime  
23 if the person refuses to submit to a test under ORS 813.100 and:

24 “(i) The person previously has been convicted of failure to perform the  
25 duties of a driver **while holding commercial driving privileges or while**  
26 **driving a commercial motor vehicle;**

27 “(ii) The person previously has been convicted of a crime punishable as  
28 a felony and the person was driving a motor vehicle **while holding com-**  
29 **mercial driving privileges** at the time the offense was committed;

30 “(iii) **The person previously has been convicted of a crime**

1 **punishable as a felony and the person was driving a commercial motor**  
2 **vehicle;**

3 “[*iii*] (iv) The person previously has been convicted of driving a com-  
4 mercial motor vehicle while the person’s commercial driving privileges or  
5 right to apply for commercial driving privileges was suspended or revoked  
6 for offenses committed while operating a commercial motor vehicle;

7 “[*iv*] (v) The person previously has been convicted of any degree of  
8 murder, manslaughter or criminally negligent homicide resulting from the  
9 operation of a commercial motor vehicle or assault in the first degree re-  
10 sulting from the operation of a commercial motor vehicle;

11 **“(vi) The person previously has been convicted of aggravated ve-**  
12 **hicular homicide while holding commercial driving privileges or while**  
13 **driving a commercial motor vehicle;**

14 **“(vii) The person previously has been convicted of aggravated driv-**  
15 **ing while suspended or revoked while holding commercial driving**  
16 **privileges or while driving a commercial motor vehicle;**

17 “[*v*] (viii) The person previously has been convicted of driving while  
18 under the influence of intoxicants **while holding commercial driving**  
19 **privileges or while driving a commercial motor vehicle;**

20 **“(ix) The person’s commercial driving privileges previously have**  
21 **been suspended under ORS 809.510 for a diversion agreement entered**  
22 **into under ORS 813.230 with respect to conduct that occurred while the**  
23 **person held commercial driving privileges;**

24 “[*vi*] (x) The person’s commercial driving privileges previously have  
25 been suspended or revoked for refusal to submit to, or failure of, a breath  
26 or blood test under ORS 813.100 **for conduct that occurred while the**  
27 **person held commercial driving privileges or was operating a com-**  
28 **mercial motor vehicle; or**

29 “[*vii*] (xi) The person’s right to apply for commercial driving privileges  
30 previously has been suspended or revoked for refusal to submit to, or failure

1 of, a breath or blood test under ORS 813.100 resulting from the operation of  
2 a commercial motor vehicle **or resulting from the operation of a motor**  
3 **vehicle while holding commercial driving privileges.**

4 “(4) Nothing in this section prohibits the department from providing ad-  
5 ditional information concerning rights and consequences that the department  
6 considers convenient or appropriate.

7 **“SECTION 118.** ORS 813.410 is amended to read:

8 “813.410. (1) If the Department of Transportation receives from a police  
9 officer a report that is in substantial compliance with ORS 813.120, the de-  
10 partment shall suspend the driving privileges of the person in this state on  
11 the 30th day after the date of arrest or, if the report indicates that the per-  
12 son failed a blood test, on the 60th day after receipt of the report, unless,  
13 at a hearing described under this section, the department determines that the  
14 suspension would not be valid as described in this section. A suspension of  
15 driving privileges imposed under this subsection shall be for a period of time  
16 established under ORS 813.420.

17 “(2) If the department receives from a police officer a report under ORS  
18 813.120 and the person holds commercial driving privileges and the person  
19 was driving a motor vehicle or commercial motor vehicle and refused to  
20 submit to a test under ORS 813.100 or the person was driving a commercial  
21 motor vehicle and submitted to a breath or blood test and the person’s blood,  
22 as shown by the test, had 0.04 percent or more by weight of alcohol, the de-  
23 partment shall suspend the person’s commercial driving privileges on the  
24 30th day after the date of arrest or, if the report indicates that the person  
25 failed a blood test, on the 60th day after receipt of the report, unless, at a  
26 hearing described under this section, the department determines that the  
27 suspension would not be valid as described in this section. A commercial  
28 driving privileges suspension imposed under this subsection shall be for a  
29 period of time established under ORS 809.510 or 809.520.

30 **“(3) If the department receives from a police officer a report under**

1 **ORS 813.120 and the person holds commercial driving privileges and**  
2 **the person was driving a motor vehicle that is not a commercial motor**  
3 **vehicle and submitted to a breath or blood test and the person’s blood,**  
4 **as shown by the test, had 0.08 percent or more by weight of alcohol,**  
5 **the department shall suspend the person’s commercial driving privi-**  
6 **leges on the 30th day after the date of arrest or, if the report indicates**  
7 **that the person failed a blood test, on the 60th day after receipt of the**  
8 **report, unless, at a hearing described under this section, the depart-**  
9 **ment determines that the suspension would not be valid as described**  
10 **in this section. A commercial driving privileges suspension imposed**  
11 **under this subsection shall be for a period of time established under**  
12 **ORS 809.510 or 809.520.**

13 “[3] (4) If within 10 days from the date of arrest, or, if the person fails  
14 a blood test, within 10 days from the date the department sends notice of  
15 suspension, the department receives a request for a hearing from a person  
16 whose driving privileges or commercial driving privileges the department  
17 proposes to suspend under this section, the department shall provide a  
18 hearing in accordance with this section. The person shall request a hearing  
19 in the form and manner prescribed by the department by rule. Except as  
20 otherwise provided under this section, a hearing held by the department un-  
21 der this section is subject to the provisions for contested cases, other than  
22 appeal provisions, under ORS chapter 183. The applicable appeal provisions  
23 are as provided under ORS 813.450 and section 24, chapter 672, Oregon Laws  
24 1985. Notwithstanding ORS 809.430, the department is not required to give  
25 any notice of intent to suspend or suspension in addition to that provided  
26 under ORS 813.100.

27 “[4] (5) Except as provided in subsection [(5)] (6) of this section, a  
28 hearing required by this section is subject to all of the following:

29 “(a) The hearing shall be conducted by an administrative law judge as-  
30 signed from the Office of Administrative Hearings established under ORS

1 183.605.

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

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

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

10 “(e) Except as provided in ORS 813.440 or upon remand under ORS  
11 813.450, the department shall hold the hearing and issue a final order within  
12 30 days of the date of the arrest or, if the person fails a blood test, within  
13 60 days from the date the department received the report of the failure.

14 “(f) In connection with the hearing, the department or its authorized  
15 representative may administer oaths and shall issue subpoenas for the ap-  
16 pearance of witnesses by telephone or other two-way electronic communi-  
17 cation device at the hearing requested by the person or the department and  
18 the production of relevant documents.

19 “(g) The hearing shall be recorded by whatever means may be determined  
20 by the department and shall include testimony and exhibits, if any. The re-  
21 cord of the proceedings may not be transcribed unless requested by a party  
22 to the proceeding.

23 “[~~(5)(a)~~] **(6)(a)** A person or a police officer may request that a hearing  
24 required by this section be conducted in person.

25 “(b) The department, by rule, shall establish the manner and time limita-  
26 tion requirements by which a person or a police officer may request that a  
27 hearing be conducted in person.

28 “(c) Unless there is an agreement between the person and the department  
29 that the hearing be conducted elsewhere, a hearing requested under this  
30 subsection shall be held either in the county where the alleged offense oc-

1 curred or at any place within 100 miles of the place where the offense is  
2 alleged to have occurred, as established by the department by rule.

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

7 “[6] (7) This subsection shall be narrowly construed so as to effect the  
8 legislative purpose of limiting the scope of hearings under this section. The  
9 scope of a hearing under this section shall be limited to whether the sus-  
10 pension is valid as described in this subsection. A suspension under this  
11 section is valid if all of the following requirements have been met:

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

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

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

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

23 “(B) 0.04 percent or more by weight if the person was driving a commer-  
24 cial motor vehicle; or

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

26 “(d) If the report under ORS 813.120 indicates that the person was driving  
27 a commercial motor vehicle, the vehicle was in fact a commercial motor ve-  
28 hicle as defined in ORS 801.208.

29 “(e) The person had been informed under ORS 813.100 of rights and con-  
30 sequences as described under ORS 813.130.

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

2 “(g) If the person arrested submitted to a test under ORS 813.100, the  
3 person administering the test was qualified to administer the test under ORS  
4 813.160.

5 “(h) If the person arrested submitted to a test under ORS 813.100, the  
6 methods, procedures and equipment used in the test complied with require-  
7 ments under ORS 813.160.

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

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

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

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

23 **“SECTION 119.** ORS 813.460 is amended to read:

24 “813.460. If the Department of Transportation verifies to its satisfaction  
25 that it has suspended the driving privileges of the wrong person under ORS  
26 813.410 because a person arrested for driving under the influence of  
27 intoxicants gave false identification at the time of the arrest, all the fol-  
28 lowing apply:

29 “(1) The department shall immediately rescind the suspension order under  
30 the false name and shall issue a suspension order for the period set forth in

1 ORS 813.420 to the person arrested.

2 “(2) The department shall issue the order in the manner set forth in ORS  
3 809.430.

4 “(3) No further notice of suspension need be given.

5 “(4) The time limitations in ORS 813.410 [(1), (2), (3) and (4)(e)] (1), (2),  
6 (3), (4) and (5)(e) do not apply to a suspension order issued under this sec-  
7 tion.

8 **“SECTION 120.** ORS 825.410 is amended to read:

9 “825.410. (1) Every motor carrier must:

10 “(a) Have an in-house drug and alcohol testing program that meets the  
11 federal requirements of 49 C.F.R. part 382; or

12 “(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that  
13 provides testing that meets the federal requirements.

14 “(2) At the time of registration or renewal of registration of a commercial  
15 vehicle or a commercial motor vehicle under any provision of ORS chapter  
16 803 or 826, a motor carrier must certify to the Department of Transportation  
17 that the carrier is in compliance with subsection (1) of this section and, if  
18 the carrier belongs to a consortium, must provide the department with the  
19 names of persons who operate the consortium.

20 “[*(3) When a medical review officer of a motor carrier’s testing program or*  
21 *of the consortium the carrier belongs to determines that a positive test result*  
22 *is valid, the officer must report the finding to the department.*]

23 **“SECTION 121.** ORS 825.415 is amended to read:

24 “825.415. (1) As used in this section [*and ORS 825.418*], ‘school transpor-  
25 tation provider’ means a school district or a school district contractor that  
26 uses school buses or school activity vehicles for:

27 “(a) The transportation of students or school personnel to or from school  
28 or school-related activities; or

29 “(b) Public transportation purposes as provided in ORS 332.427.

30 “(2) Every school transportation provider shall:



1       “(a) Have an in-house drug and alcohol testing program that meets the  
2 federal requirements of 49 C.F.R. part 382; or

3       “(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that  
4 provides testing that meets the federal requirements.

5       “(3) Each calendar year, a school transportation provider shall certify to  
6 the Department of Education that the provider is in compliance with sub-  
7 section (2) of this section and, if the provider belongs to a consortium, shall  
8 provide the department with the names of persons who operate the consor-  
9 tium.

10       “(4) When a medical review officer of a school transportation provider’s  
11 testing program or of the consortium the provider belongs to determines that  
12 a positive test result is valid, the officer shall report the finding to the  
13 [*Department of Transportation and to the*] department [*of Education*].

14       “**SECTION 122.** ORS 825.960 is amended to read:

15       “825.960. (1) When the Department of Transportation receives notification  
16 that a person has violated an out-of-service order or notice, the department  
17 shall impose a civil penalty [*of not less than \$2,750 or more than \$25,000*] on  
18 the employer of an operator of a commercial motor vehicle if the department  
19 finds that the employer knowingly allowed, permitted, authorized or required  
20 the operator to violate the order or notice.

21       “(2) For purposes of this section, ‘notification’ includes, but is not neces-  
22 sarily limited to, a record of conviction and a record of a determination by  
23 a state or federal agency with jurisdiction to make such determinations that  
24 the person has violated an out-of-service order or notice.

25       “(3) Civil penalties under this section shall be imposed in the manner  
26 provided by ORS 183.745.

27       “(4) If the amount of the penalty is not paid to the department, the At-  
28 torney General, at the request of the department, shall bring an action in the  
29 name of the State of Oregon in the Circuit Court of Marion County to re-  
30 cover such penalty. The action shall not be commenced until after the time

1 has expired for an appeal from the findings, conclusions and order of the  
2 department. In all such actions the procedure and rules of evidence shall be  
3 the same as an ordinary civil action except as otherwise provided in this  
4 chapter.

5 **“(5) The department may adopt by rule a schedule establishing the**  
6 **amount of the civil penalty that may be imposed under this section.**

7 **“SECTION 123. ORS 825.412 and 825.418 are repealed.**

8 **“SECTION 124. (1) Section 115 of this 2021 Act and the amendments**  
9 **to statutes by sections 104 to 108, 113, 116 to 119 and 122 of this 2021**  
10 **Act apply to conduct giving rise to a driving privilege restriction,**  
11 **cancelation, suspension or revocation imposed on or after the appli-**  
12 **cable operative date specified in section 128 of this 2021 Act. Driving**  
13 **privilege restrictions, cancelations, suspensions or revocations im-**  
14 **posed before the applicable operative date specified in section 128 of**  
15 **this 2021 Act shall continue to be governed by the law applicable to**  
16 **driving privilege restrictions, cancelations, suspensions and revoca-**  
17 **tions in effect immediately before the applicable operative date speci-**  
18 **fied in section 128 of this 2021 Act.**

19 **“(2) Section 103 of this 2021 Act does not apply to a person who**  
20 **holds a commercial driver license, school bus endorsement, passenger**  
21 **endorsement or hazardous materials endorsement before February 7,**  
22 **2022.**

23 **“(3) Section 103 of this 2021 Act applies to conduct giving rise to a**  
24 **driving privilege cancelation or suspension imposed on or after Feb-**  
25 **ruary 7, 2022.**

26

27 **“CONFORMING AMENDMENTS GENERALLY**

28

29 **“SECTION 125. ORS 824.990 is amended to read:**

30 **“824.990. (1) In addition to all other penalties provided by law:**

1       “(a) Every person who violates or who procures, aids or abets in the vi-  
2 olation of ORS 824.060 (1), 824.084, 824.088, 824.304 (1) or 824.306 (1) or any  
3 order, rule or decision of the Department of Transportation shall incur a  
4 civil penalty of not more than \$1,000 for every such violation.

5       “(b) Every person who violates or who procures, aids or abets in the vi-  
6 olation of any order, rule or decision of the department promulgated pursu-  
7 ant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082 (1) or 824.208 shall incur  
8 a civil penalty of not more than \$1,000 for every such violation.

9       “(2) Each such violation shall be a separate offense and in case of a  
10 continuing violation every day’s continuance is a separate violation. Every  
11 act of commission or omission that procures, aids or abets in the violation  
12 is a violation under subsection (1) of this section and subject to the penalty  
13 provided in subsection (1) of this section.

14       “(3) Civil penalties imposed under subsection (1) of this section shall be  
15 imposed in the manner provided in ORS 183.745.

16       “(4) The department may reduce any penalty provided for in subsection  
17 (1) of this section on such terms as the department considers proper if:

18       “(a) The defendant admits the violations alleged in the notice and makes  
19 timely request for reduction of the penalty; or

20       “(b) The defendant submits to the department a written request for re-  
21 duction of the penalty within 15 days from the date the penalty order is  
22 served.

23

24

**“GENERAL REPEALS**

25

26       **“SECTION 126. ORS 184.631 and 824.104 and sections 2 and 3, chapter**  
27 **24, Oregon Laws 2018, are repealed.**

28

29

**“CAPTIONS**

30

1 **SECTION 127. The unit and section captions used in this 2021 Act**  
2 **are provided only for the convenience of the reader and do not become**  
3 **part of the statutory law of this state or express any legislative intent**  
4 **in the enactment of this 2021 Act.**

5  
6 **“OPERATIVE DATES**

7  
8 **SECTION 128. (1) The amendments to ORS 810.180, 825.400 and**  
9 **825.402 by sections 18, 19 and 81 of this 2021 Act and the repeal of ORS**  
10 **825.404 by section 20 of this 2011 Act become operative on January 1,**  
11 **2022.**

12 **“(2) Section 103 of this 2021 Act becomes operative on February 7,**  
13 **2022.**

14 **“(3) Section 115 of this 2021 Act and the amendments to statutes by**  
15 **sections 104 to 106, 113, 116 to 119 and 122 of this 2021 Act become op-**  
16 **erative on January 1, 2023.**

17 **“(4) The Department of Transportation may take any action before**  
18 **the operative dates specified in subsections (1) to (3) of this section**  
19 **that is necessary to enable the department to exercise, on and after**  
20 **the operative dates specified in subsections (1) to (3) of this section,**  
21 **all of the duties, functions and powers conferred on the department**  
22 **by sections 103 and 115 of this 2021 Act, the amendments to statutes**  
23 **by sections 18, 19, 81, 104 to 106, 113, 116 to 119 and 122 of this 2021 Act**  
24 **and the repeal of ORS 825.404 by section 20 of this 2021 Act.**

25  
26 **“EFFECTIVE DATE**

27  
28 **SECTION 129. This 2021 Act takes effect on the 91st day after the**  
29 **date on which the 2021 regular session of the Eighty-first Legislative**  
30 **Assembly adjourns sine die.”.**

