

A-Engrossed
Senate Bill 343

Ordered by the Senate March 31
Including Senate Amendments dated March 31

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation)

SUMMARY

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

[Directs Department of Transportation to study issues related to driving privileges and to report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2024.]

[Sunsets January 2, 2025.]

Clarifies that "incarceration" means confinement in Department of Corrections institution for purposes of certain driving privilege revocations and suspensions.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and amending ORS 809.409 and 809.411.

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

4 **SECTION 1.** ORS 809.409 is amended to read:

5 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
6 Department of Transportation shall revoke the driving privileges of the person convicted.

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

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

13 (2) The department shall take action under subsection (1) of this section upon receipt of a record
14 of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked
15 or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation
16 of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle,
17 except that the provisions of this subsection do not apply to a person whose driving privileges are
18 ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this sub-
19 section may apply for reinstatement of driving privileges:

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

24 (b) If the sentence for the crime for which the person's driving privileges were revoked and any
25 other crimes arising from the same criminal episode does not include incarceration, no sooner than

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

1 10 years from the date the department revoked the privileges under this subsection.

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

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

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

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

19 **(5) As used in this section, "incarceration" means confinement in a Department of Cor-**
20 **rections institution, as defined in ORS 421.005.**

21 **SECTION 2.** ORS 809.411 is amended to read:

22 809.411. (1)(a) Upon receipt of a record of conviction for an offense described in this section, the
23 Department of Transportation shall suspend the driving privileges of the person convicted.

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

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

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

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

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

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

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

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

1 pension.

2 (8) The department shall take action under subsection (1) of this section upon receipt of a record
3 of conviction of an offense described in ORS 809.310. A suspension under this subsection shall con-
4 tinue for a period of one year from the date of the suspension.

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

8 (b) A person who is convicted of assault in the second degree and whose driving privileges are
9 suspended under this subsection may apply for reinstatement of driving privileges eight years from
10 the date the person is released from incarceration for the conviction, if the sentence includes
11 incarceration. If the sentence for the conviction does not include incarceration, the person may ap-
12 ply for reinstatement of driving privileges eight years from the date the department suspended the
13 privileges under this subsection.

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

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

26 **(10) As used in this section, "incarceration" means confinement in a Department of**
27 **Corrections institution, as defined in ORS 421.005.**

28 **SECTION 3. The amendments to ORS 809.409 and 809.411 by sections 1 and 2 of this 2023**
29 **Act apply to driving privileges suspended or revoked on or after the effective date of this 2023**
30 **Act.**

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