

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 343**

1 In line 2 of the printed bill, after “privileges” insert “; creating new pro-
2 visions; and amending ORS 809.409 and 809.411”.

3 Delete lines 4 through 8 and insert:

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 de-
6 scribed in this section, the Department of Transportation shall revoke the
7 driving privileges of the person convicted.

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

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

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

1 A person whose driving privileges are revoked under this subsection may
2 apply for reinstatement of driving privileges:

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

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

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

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

24 “(c) The department shall revoke driving privileges under this subsection
25 for a period of five years if the court indicates on the record of conviction
26 that a person was killed as a result of the accident. The person may apply
27 for reinstatement of privileges five years after the date the person was re-
28 leased from incarceration, if the sentence includes incarceration. If the sen-
29 tence does not include incarceration, the person may apply for reinstatement
30 five years from the date the revocation was imposed under this subsection.

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

4 “(5) As used in this section, ‘incarceration’ means confinement in
5 a Department of Corrections institution, as defined in ORS 421.005.

6 “**SECTION 2.** ORS 809.411 is amended to read:

7 “809.411. (1)(a) Upon receipt of a record of conviction for an offense de-
8 scribed in this section, the Department of Transportation shall suspend the
9 driving privileges of the person convicted.

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

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

19 “(2) The department shall take action under subsection (1) of this section
20 upon receipt of a record of conviction of any degree of recklessly endanger-
21 ing another person, menacing or criminal mischief resulting from the opera-
22 tion of a motor vehicle.

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

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

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

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

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

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

13 “(9)(a) The department shall take action under subsection (1) of this sec-
14 tion upon receipt of a record of conviction of assault in the second, third or
15 fourth degree resulting from the operation of a motor vehicle.

16 “(b) A person who is convicted of assault in the second degree and whose
17 driving privileges are suspended under this subsection may apply for rein-
18 statement of driving privileges eight years from the date the person is re-
19 leased from incarceration for the conviction, if the sentence includes
20 incarceration. If the sentence for the conviction does not include incarcer-
21 ation, the person may apply for reinstatement of driving privileges eight
22 years from the date the department suspended the privileges under this sub-
23 section.

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

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

8 **“(10) As used in this section, ‘incarceration’ means confinement in
9 a Department of Corrections institution, as defined in ORS 421.005.**

10 **“SECTION 3. The amendments to ORS 809.409 and 809.411 by
11 sections 1 and 2 of this 2023 Act apply to driving privileges suspended
12 or revoked on or after the effective date of this 2023 Act.”.**

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