

A-Engrossed
Senate Bill 948

Ordered by the Senate June 2
Including Senate Amendments dated June 2

Sponsored by COMMITTEE ON JUDICIARY (at the request of Diageo)

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 court to suspend driving privileges and right to apply for driving privileges for period not to exceed one year if person provides alcoholic liquor to person under age of 21 years in violation of law.]

Prohibits providing alcoholic beverages to person who is visibly intoxicated. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Prohibits providing alcoholic beverages to person under age of 21 years or to another person with knowledge that other person will provide alcoholic beverages to person under age of 21 years. Punishes first offense by maximum of 30 days' imprisonment, \$1,250 fine, or both. Requires court, upon first offense, to impose minimum fine of \$500 and completion of program that addresses personal and social impact of alcohol consumption. Punishes second offense by maximum of six months' imprisonment, \$2,500 fine, or both. Requires court, upon second offense, to impose minimum fine of \$1,500 and suspension of driving privileges. Punishes third or subsequent offense by maximum of one year's imprisonment, \$6,250 fine, or both. Requires court, upon third offense, to impose minimum sentence of 30 days' imprisonment, minimum fine of \$2,000 and suspension of driving privileges.

Prohibits person who exercises control over private real property from allowing any other person under age of 21 years who is not child or minor ward of person to remain on property if person under age of 21 years consumes alcoholic beverages on property. Punishes by minimum fine of \$350 for first offense and minimum fine of \$1,000 for second or subsequent offense.

A BILL FOR AN ACT

1
2 Relating to providing alcoholic liquor to a minor; creating new provisions; and amending ORS
3 471.410, 802.200, 807.240 and 813.520.

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

5 **SECTION 1.** ORS 471.410 is amended to read:

6 471.410. *[(1) No person shall sell, give or otherwise make available any alcoholic liquor to any*
7 *person who is visibly intoxicated.]*

8 *[(2) No one other than the person's parent or guardian shall sell, give or otherwise make available*
9 *any alcoholic liquor to a person under the age of 21 years. A person violates this subsection who sells,*
10 *gives or otherwise makes available alcoholic liquor to a person with the knowledge that the person to*
11 *whom the liquor is made available will violate this subsection.]*

12 *[(3) No person who exercises control over private real property may knowingly allow any other*
13 *person under the age of 21 years who is not a child or minor ward of the person to consume alcoholic*
14 *liquor on the property, or allow any other person under the age of 21 years who is not a child or minor*
15 *ward of the person to remain on the property if the person under the age of 21 years consumes alcoholic*
16 *liquor on the property. The prohibitions of this subsection apply only to a person who is present and*
17 *in control of the location at the time the consumption occurs. The prohibitions of this subsection do not*

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 apply to the owner of rental property, or the agent of an owner of rental property, unless the con-
2 sumption occurs in the individual unit in which the owner or agent resides.]

3 [(4) A person who violates subsection (1) or (2) of this section commits a Class A misdemeanor.
4 Upon violation of subsection (2) of this section, the court shall impose at least a mandatory minimum
5 sentence as follows:]

6 [(a) Upon a first conviction, a fine of \$350.]

7 [(b) Upon a second conviction, a fine of \$1,000.]

8 [(c) Upon a third or subsequent conviction, a fine of \$1,000 and not less than 30 days of
9 imprisonment.]

10 [(5) The court shall not waive or suspend imposition or execution of the mandatory minimum sen-
11 tence required by subsection (4) of this section. In addition to the mandatory sentence the court may
12 require the violator to make restitution for any damages to property where the alcoholic liquor was il-
13 legally consumed or may require participation in volunteer service to a community service agency.]

14 [(6) The mandatory minimum penalty provisions of subsection (4) of this section shall not apply to
15 persons licensed or appointed under the provisions of this chapter.]

16 [(7) A person who violates subsection (3) of this section commits a violation. Upon violation of
17 subsection (3) of this section, the court shall impose at least a mandatory minimum fine as follows:]

18 [(a) Upon a first conviction, a fine of \$350.]

19 [(b) Upon a second or subsequent conviction, a fine of \$1,000.]

20 [(8) Nothing in this section prohibits any licensee under this chapter from allowing a person who
21 is visibly intoxicated from remaining on the licensed premises so long as the person is not sold or
22 served any alcoholic liquor.]

23 **(1) A person may not sell, give or otherwise make available alcoholic beverages to any
24 person who is visibly intoxicated.**

25 **(2) A court shall give written notice to the Oregon Liquor Control Commission of a con-
26 viction under this section if:**

27 **(a) The person is a licensee or an agent appointed under ORS 471.750, or is an employee
28 of a licensee or agent; and**

29 **(b) The offense is committed in the course of the person's occupation or employment.**

30 **(3) Nothing in this section prohibits any licensee under this chapter from allowing a
31 person who is visibly intoxicated from remaining on licensed premises so long as the person
32 is not sold or served any alcoholic beverages.**

33 **(4) A person who violates subsection (1) of this section commits a Class A misdemeanor.**

34 **SECTION 2. Sections 3 and 4 of this 2005 Act are added to and made a part of ORS
35 chapter 471.**

36 **SECTION 3. (1) A person may not sell, give or otherwise make available alcoholic
37 beverages to a person under the age of 21 years.**

38 **(2) A person may not sell, give or otherwise make available alcoholic beverages to an-
39 other person with the knowledge that the other person will sell, give or otherwise make
40 available the alcoholic beverages to a person under the age of 21 years.**

41 **(3) Subsection (1) of this section does not apply to a parent or guardian who gives or
42 otherwise makes available alcoholic beverages to a child or ward of the parent or guardian.**

43 **(4) This section does not apply to sacramental wine given or provided as part of a reli-
44 gious rite or service.**

45 **(5) A person who violates subsection (1) or (2) of this section commits a Class C**

1 misdemeanor and is subject to a fine of not less than \$500. A court shall order a person who
2 is convicted under this subsection to complete a program that addresses the personal and
3 social impact of alcohol consumption.

4 (6) A person who violates subsection (1) or (2) of this section a second time is guilty of
5 a Class B misdemeanor, and is subject to a mandatory minimum fine of \$1,500. The court
6 shall order that the driving privileges and the right to apply for driving privileges of a person
7 convicted under this subsection be suspended for a period not to exceed 90 days. Subject to
8 ORS 813.520, a hardship permit may be issued under ORS 807.240 to a person whose license
9 is suspended under this subsection.

10 (7) A person who violates subsection (1) or (2) of this section a third or subsequent time
11 is guilty of a Class A misdemeanor, and is subject to a mandatory minimum sentence of 30
12 days' imprisonment and a minimum fine of \$2,000. A court may not waive or suspend the
13 imposition or execution of the mandatory minimum period of incarceration prescribed by this
14 subsection. The court shall order that the driving privileges and the right to apply for driving
15 privileges of a person convicted under this subsection be suspended for a period not to exceed
16 one year. Subject to ORS 813.520, a hardship permit may be issued under ORS 807.240 to a
17 person whose license is suspended under this subsection.

18 (8) In addition to the mandatory minimum sentence under subsections (5), (6) and (7) of
19 this section, the court may require the violator to make restitution for any damages to
20 property where the alcoholic beverage was illegally consumed or may require participation
21 in volunteer service to a community service agency.

22 (9) The mandatory minimum penalty provisions and the driving privilege suspension
23 provisions of subsections (5), (6) and (7) of this section do not apply to a person licensed
24 under the provisions of this chapter, to an agent appointed under ORS 471.750 or to an em-
25 ployee of the licensee or agent, unless the person knowingly sells, gives or otherwise makes
26 available alcoholic beverages to a person under the age of 21 years.

27 (10) If a person is charged with violating subsection (1) or (2) of this section, and the
28 person has not previously been convicted of violating subsection (1) or (2) of this section, the
29 district attorney shall propose a diversion agreement to the defendant under ORS 135.891,
30 135.896 and 135.901. Diversion agreements under this section are not subject to ORS 135.905.
31 As a condition of entering into a diversion agreement under this subsection, the defendant
32 must pay a filing fee of \$350, which shall be distributed as follows:

33 (a) \$112 to the Department of Revenue for deposit in the Criminal Fine and Assessment
34 Account;

35 (b) \$100 to be distributed as provided for the disposition of costs under ORS 153.630; and

36 (c) \$138 to be paid into the Mental Health Alcoholism and Drug Services Account.

37 (11) A court shall give written notice to the Oregon Liquor Control Commission of a
38 conviction under subsection (1) or (2) of this section if:

39 (a) The person is a licensee or an agent appointed under ORS 471.750, or is an employee
40 of a licensee or agent; and

41 (b) The offense is committed in the course of the person's occupation or employment.

42 **SECTION 4.** (1) A person who exercises control over private real property may not
43 knowingly allow any other person under the age of 21 years who is not a child or minor ward
44 of the person to consume alcoholic beverages on the property, or allow any other person
45 under the age of 21 years who is not a child or ward of the person to remain on the property

1 **if the person under the age of 21 years consumes alcoholic beverages on the property. The**
2 **prohibitions of this subsection apply only to a person who is present and in control of the**
3 **location at the time the consumption occurs. The prohibitions of this subsection do not apply**
4 **to the owner of rental property, or the agent of an owner of rental property, unless the**
5 **consumption occurs in the individual unit in which the owner or agent resides.**

6 **(2) This section does not apply to sacramental wine given or provided as part of a reli-**
7 **gious rite or service.**

8 **(3) A person who violates this section commits a violation. Upon conviction for a vio-**
9 **lation of this section, the court shall impose a mandatory minimum fine as follows:**

10 **(a) Upon a first conviction, a fine of at least \$350.**

11 **(b) Upon a second or subsequent conviction, a fine of at least \$1,000.**

12 **SECTION 5.** ORS 813.520 is amended to read:

13 813.520. In addition to any provisions of ORS 807.240 and 813.510 or 807.250, this section estab-
14 lishes limitations on the authority of the Department of Transportation to issue driving privileges
15 under ORS 807.240. The department may not reinstate any driving privileges or issue any hardship
16 permit under ORS 807.240 as provided under any of the following:

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

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

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

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

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

1 (6) For a period of one year after the beginning of the suspension under ORS 813.400 for driving
2 while under the influence of intoxicants if the suspension period is determined by ORS 809.428 (2)(c).
3 This period of one year shall be reduced by the time the department refused to issue a hardship
4 permit under subsection (1), (2), (3) or (4) of this section if the person's driving privileges were sus-
5 pended based on the same occurrence.

6 (7) To any person who has a mental or physical condition rendering it unsafe for the person to
7 drive a motor vehicle.

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

11 (9) For a period of 30 days following imposition of suspension, if the person, within the previous
12 year, has been convicted of a traffic crime and the suspension is based upon a conviction for vio-
13 lation of ORS 813.010 or is imposed under ORS 813.410 based upon ORS 813.100.

14 **(10) For a period of 30 days after the beginning of the suspension if the suspension is for**
15 **conviction under section 3 (6) of this 2005 Act.**

16 **(11) For a period of 90 days after the beginning of the suspension if the suspension is for**
17 **conviction under section 3 (7) of this 2005 Act.**

18 **SECTION 6.** ORS 802.200, as amended by section 97, chapter 655, Oregon Laws 2003, is
19 amended to read:

20 802.200. In addition to any other records the Department of Transportation may establish, the
21 department is subject to the following provisions concerning records:

22 (1) The department shall maintain records concerning the titling of vehicles in this state. The
23 records under this subsection shall include the following:

24 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
25 the following:

26 (A) The name of the vehicle owner and any security interest holders in order of priority, except
27 that a security interest holder need not be identified if the debtor who granted the interest is in the
28 business of selling vehicles and the vehicles constitute inventory held for sale;

29 (B) The name of any lessor of the vehicle;

30 (C) The vehicle description; and

31 (D) Whether a certificate of title was issued for the vehicle.

32 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
33 vehicle is reconstructed.

34 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

35 (d) Any other information concerning the titling of vehicles that the department considers con-
36 venient or appropriate.

37 (e) All odometer readings for a vehicle that are reported to the department under provisions of
38 the vehicle code.

39 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
40 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
41 reason for the report was theft and the vehicle has been recovered.

42 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
43 in this state, the department shall retain a record of any odometer readings shown on the title or
44 registration documents submitted to the department at the time of registration or title.

45 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-

cerning the registration of vehicles required to be registered by the department. The records concerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

(a) For vehicles registered by the department, the records shall identify the vehicle and contain the following:

(A) The registration plate number assigned by the department to the vehicle;

(B) The name of the vehicle owner;

(C) The vehicle description and vehicle identification number; and

(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the vehicle has been recovered.

(b) Any other information concerning the registration of vehicles that the department considers convenient or appropriate.

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

(5) The department shall maintain a file on vehicles for which the title record is canceled under ORS 819.030. The records required under this subsection shall disclose the last registered owner of each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the canceled title record for each vehicle and the make and year model for each vehicle.

(6) The department shall maintain a record of each agreement or declaration under ORS 802.500 and 802.520.

(7) The department shall maintain separate and comprehensive records of all transactions affecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

(8) The department shall maintain suitable records of driver licenses and driver permits. The records required under this subsection shall include all of the following:

(a) An index by name and number.

(b) Supporting documentation of all licenses or driver permits issued.

(c) Every application for a driver license or driver permit.

(d) All licenses or driver permits that have been suspended or revoked.

(e) For each commercial driver license, the Social Security number of the person to whom the license is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

(9) The department shall maintain a two-part driving record consisting of an employment driving record and a nonemployment driving record for each person as required under this subsection. All of the following apply to the records required under this subsection:

(a) The department shall maintain driving records on:

(A) Every person who is granted driving privileges under a driver license, driver permit or a statutory grant of driving privileges under ORS 807.020;

(B) Every person whose driving privileges have been suspended, revoked or canceled under this vehicle code **and section 3 of this 2005 Act**;

(C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

1 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
2 806.220, 806.230 or 806.240.

3 (b) In addition to other information required by this paragraph, the employment driving record
4 shall include all reports of drug test results that are made to the department under ORS 825.410.
5 Notwithstanding any other provision of law, release of the portion of the employment driving record
6 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
7 802.202. The employment driving record shall also include all motor vehicle accidents in which the
8 person is involved, all suspensions of driving privileges required to be placed on the record under
9 ORS 809.280, all suspensions of the person's commercial driver license that result from operation
10 or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle
11 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-
12 leges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include only such accidents, sus-
13 pensions and convictions that occur while the person is driving a motor vehicle:

14 (A) In the course of the person's employment when the person is employed by another for the
15 principal purpose of driving a motor vehicle;

16 (B) Carrying persons or property for compensation;

17 (C) In the course of the person's employment in the collection, transportation or delivery of mail
18 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
19 in accordance with government rules;

20 (D) That is an authorized emergency vehicle;

21 (E) That is a commercial motor vehicle; or

22 (F) In the course of the person's employment with a federal, state or local government in a
23 public works project involving repair or maintenance of water, sewer or road systems.

24 (c) The nonemployment driving record shall include the person's:

25 (A) Motor vehicle accidents;

26 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

27 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
28 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
29 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
30 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

31 (D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

32 (d) The department may record other entries to indicate correspondence, interviews, partic-
33 ipation in driver improvement programs or other matters concerning the status of the driving privi-
34 leges of the person.

35 (e) When a person from another jurisdiction applies for a driver license or permit issued by this
36 state, the department shall request a copy of the person's driving record from the other jurisdiction.
37 At the time the person is issued a license in Oregon, the record from the other jurisdiction shall
38 become part of the driver's record in this state with the same force and effect as though entered
39 on the driver's record in this state in the original instance. The department by rule may specify
40 methods for converting entries from out-of-state records for use in Oregon.

41 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
42 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
43 ment shall note on the record that the suspension was for failure to appear in court and shall also
44 note the offense charged against the person on which the person failed to appear.

45 (g) The department, in consultation with the Department of State Police, shall devise and im-

1 plement a method of noting suspensions and revocations of driving privileges on the record in such
2 a way that police agencies can determine directly from the record what class of offense, as provided
3 by law, is committed by a person who drives in violation of the suspension or revocation. If the
4 department and the Department of State Police devise a mutually agreeable alternative method of
5 informing police agencies of the nature of a suspension or revocation and the consequences of its
6 violation, the implementation of that method shall satisfy the duty of the department under this
7 paragraph.

8 (10) The Department of Transportation shall maintain records of judgments or convictions sent
9 to the department under ORS 810.375.

10 (11) The department shall maintain accident reports filed with the department under ORS
11 810.460 and 811.725 to 811.735.

12 (12) The department shall maintain records of bank checks or money orders returned under ORS
13 802.110.

14 (13) The department shall maintain records of trip permits issued by the department under ORS
15 803.600, as provided under this subsection. The records required by this subsection shall include the
16 following:

17 (a) A description of the vehicle sufficient to identify the vehicle.

18 (b) The person to whom the permit was issued.

19 (c) When the permit was issued.

20 (d) The type of permit issued.

21 (e) For registration weight trip permits, the maximum allowable registration weight permitted
22 for operation under the permit.

23 (f) Any other information the department determines appropriate or convenient.

24 **SECTION 7.** ORS 807.240 is amended to read:

25 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
26 in a manner consistent with this section. A hardship driver permit grants the driving privileges
27 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
28 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
29 a license. The following apply to a hardship driver permit:

30 (1) The department may only issue a permit to a person whose driving privileges under the ve-
31 hicle code **or under section 3 of this 2005 Act** have been suspended.

32 (2) Except as provided in ORS 813.520, the department may reinstate the privilege to operate a
33 motor vehicle of any person whose license to operate a motor vehicle has been suspended by issuing
34 the person a hardship permit described under this section if such person qualifies under this section,
35 ORS 807.250, 807.252 and 813.500. However, the department may not issue a hardship permit au-
36 thORIZING a person to drive a commercial motor vehicle.

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

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

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

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

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

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

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

6 (E) That the person's driving privileges are suspended for driving uninsured in violation of ORS
7 806.010 or for violation of ORS 165.805 or 471.430 and are not suspended for any other reason and
8 that the person must operate a motor vehicle in order to provide necessary services to the person
9 or to a member of the person's family. The department shall determine by rule what constitutes
10 necessary services for purposes of this subparagraph. The rule shall include as necessary services,
11 but need not be limited to, grocery shopping, driving the person or the person's children to school,
12 driving to medical appointments and caring for elderly family members.

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

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

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

22 (f) The person must submit any other information the department may require for purposes of
23 determining whether the person qualifies under this section, ORS 807.250, 807.252, 813.500 and
24 813.520.

25 (4) If the department finds that the person meets the requirements of this section and any ap-
26 plicable requirements under ORS 807.250, 807.252, 813.500 and 813.520, the department may issue the
27 person a hardship permit, valid for the duration of the suspension or for a shorter period of time
28 established by the department unless sooner suspended or revoked under this section. If the de-
29 partment issues the permit for a period shorter than the suspension period, renewal of the permit
30 shall be on such terms and conditions as the department may require. The permit:

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

32 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a
33 motor vehicle that the department deems proper or necessary. The limitations may include any
34 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS
35 811.175 or 811.182.

36 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of
37 a permit issued under this section or limitations placed on a hardship permit under ORS 807.252 or
38 813.510, may suspend or revoke the hardship permit.

39 (6) The fee charged for application or issuance of a hardship driver permit is the hardship driver
40 permit application fee under ORS 807.370. The department may not refund the fee if the application
41 is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit
42 is the same fee as that charged for renewal of a license. The application fee charged under this
43 subsection is in addition to any fee charged for reinstatement of driving privileges under ORS
44 807.370.

45 (7) The department may issue a permit granting the same driving privileges as those suspended

1 or may issue a permit granting fewer driving privileges, as the department determines necessary to
2 assure safe operation of motor vehicles by the permit holder.
3 _____